

Re: Delayed Possession of LIG Flat no. E/388/0402/Spandan in New Town



sarvadeva majumder <sarvadeva.majumder@rpsg.in>

Aug 25, 2020, 3:18 PM
(10 days ago)

to Kolkata, sprealestate@shapoorji.com, CHATTERJEE.SABYASACHI, SRISHTI

Attention : Mr. Sabyasachi Chatterjee (Sr. Manager -Customer care) / Mr Chaturvedi , Dy. General Manager (Sales & Customer Care)

Dear Sirs,

Would again have to write to you for the same unfortunate reason of your inaccessibility to a suffering customer. On 11th August, 2020, as indicated in the trail mail received, I contacted your office over telephone with a request to connect me to Mr. Chaturvedi, but my request was declined by your receptionist, Ms S Chowdhury on the pretext that it was not possible to connect me with Mr. Chaturvedi to whom my mail has been already forwarded and she would follow up subsequently, so that the same be replied to very shortly.

With the hope that your good sense would prevail, I have waited for another fortnight for the action/reply from your side, but the same has not come forward.

You will however appreciate that there is a limit to tolerance by a customer, against your indifference, arrogance and your playing hide-and-seek to avoid the legitimate demands from a bonafide customer. You will further appreciate that even the Hon'ble Supreme Court Of India, in a recent judgement has upheld the cause of homebuyers against the Developer's failure to hand-over the flat within the stipulated time, and delayed handing over of possession has been construed as a 'deficiency' on the part of the Developer, notwithstanding the one-sided nature of the extant agreement that the Developer may have drafted to protect his own interest. The apex Court has upheld that the homebuyers are entitled to just and reasonable compensation.

Please further note that in terms of its observations, the Hon'ble Court has further stated in its solemn order that "Flat purchasers suffer agony and harassment, as a result of the default of the developer. Flat

purchasers make legitimate assessments in regard to the future course of their lives based on the flat which has been purchased being available for use and occupation. These legitimate expectations are belied when the developer as in the present case is guilty of a delay of years in the fulfilment of a contractual obligation " .

In fine, you please appreciate that there will be no escape for you to avoid paying us the legitimate compensation, as demanded. Your approach of getting confined within a shell, making yourselves inaccessible within your secured office premises will also not be able to help you in the long run.

As a common woman with little earnings, I have purchased the flat but you have not been handing over possession of the same for years without any proper time commitment. I have wanted to settle the issue amicably through a discussion with a proper commitment from your side as to when can the flat be handed over and also wanted you to start paying the compensation legitimately due to me. Please treat this communication with due urgency and importance it deserves, failing which I shall be taking up the matter appropriately, as deemed necessary under the circumstances.

Shall again hope that good sense will prevail in you befitting your name and standing as an organisation.

Regards,

S Paul majumder

for and on behalf of

Srishti Paul majumder

On Mon, Aug 10, 2020 at 5:04 PM Kolkata Masshousing <Kolkata.Masshousing@shapoorji.com> wrote:

Dear Sir,

Received your mail and informed to Mr. R. K. Chaturvedi, he will be available tomorrow in office.

Stay Safe Stay Healthy

Regards,

From: sarvadeva majumder <sarvadeva.majumder@rpsg.in>

Sent: 10 August 2020 16:52

To: sprealestate@shapoorji.com; Kolkata Masshousing <Kolkata.Masshousing@shapoorji.com>;

CHATTERJEE.SABYASACHI <CHATTERJEE.SABYASACHI@shapoorji.com>

Cc: SRISHTI PAULMAJUMDER <paulmajumder.srishti@yahoo.com>

Subject: Re: Delayed Possesion of LIG Flat no. E/388/0402/Spandan in New Town

Dear Sirs,

Attention : Mr. Sabyasachi Chatterjee (Sr. Manager -Customer care) / Mr Chaturvedi (Dy. General Manager (Marketing))

Having received no positive response from your organisation against my earlier communications, I contacted Mr Sabyasachi Chatterjee over telephone on 3rd August, 2020 to discuss the way forward, when he expressed that it is not possible for him to take the decision regarding the compensation to be payable to the suffering customers. Mr Chatterjee has advised me to contact Mr. Chaturvedi, the DGM who is supposedly authorised to take the call. I tried on several occasions to talk to Mr. Chaturvedi through your receptionist, Ms S Chowdhury, but on each occasion she replied that Mr Chaturvedi is not giving any appointment, neither she is authorised to provide me Mr Chaturvedi's Mobile no.

In the circumstances, I go on record to note that you have been wilfully and by design not only delaying the handing over of the flats but are also deliberately hiding from the suffering customers neither trying to resolve their problems nor compensating them for the ongoing losses they are suffering from. I am therefore constrained to make a demand for compensation against the financial Loss of monthly rental of Rs. 9000 (Rupees nine thousand only) per month since June 1988 (Twenty four months after your allotment of the flat in terms of your letter no. P6/403445/IFD dated 09.06.2016), alongwith a rate of interest of 12% per annum (compounded monthly), the total of which comes to a sum of Rs.2,65,730.70 (Rupees two lakhs sixty five thousand seven hundred thirty and paise seventy only) {according to the formulae : $9000*(1.01^{26-1})/0.01$ }. Besides the same, I would further demand a compensation of a sum of Rs. 5,00,000/= (Rupees five lakhs only) for the loss of mental peace and the sufferings caused to the buyer because of your unabated harassment, defficiency of service, wilful and deceptive actions.

Yours faithfully,

Sarvadeva paul majumder

For and on behalf of

Srishti Paul Majumder

Allottee of Flat no.E/388/0402 (Spandan) at Shukhobrishti, Phase 6

On Tue, Jul 7, 2020 at 5:30 PM sarvadeva majumder <sarvadeva.majumder@rpsg.in> wrote:

Dear Sirs,

I have still not got your response to the issues raised in my trail mail, neither have I received any confirmation whether work has resumed at site, so that I can personally inspect the progress of work.

You have also been remaining silent about the compensation, since I have been suffering a huge loss on account of your delay.

Hope you will be a decent corporate befitting your stature to deal with the matter, unlike a way side promoter cheating its customers.

Regards,

Srishti Paul majumder

On Mon, Mar 16, 2020 at 5:01 PM SRISHTI PAULMAJUMDER <paulmajumder.srishti@yahoo.com> wrote:

Dear Sir,

In response to your reply, I would request you to confirm whether work has started again at site, as assured by you, so that I can personally visit the site to see the progress.

Secondly, you have not replied to my question as to why you are not providing me with an alternative flat of same size in some of your other projects, either in Kolkata or in other metropolitan cities, where you are into many similar projects. Is it fair to deprive a small customer like me making her suffer from financial losses for almost two years since your scheduled time of delivery ? No matter what you contend about it, the bottomline remains that your attitude/action is not befitting of your Corporate stature.

Thirdly, you have purposefully avoided my contention about the compensation payable by you for the delay in handing over the flat. You must appreciate that in terms of the relevant statutory provisions,viz. RERA/HIRA as applicable, you are bound to pay compensation to me, irrespective of what unilateral and

one-sided provision you have made in our bipartite agreement. I would therefore expect a clear commitment from your side in this regard.

Shall expect your reply within seven days from the receipt of this letter, failing which I may appropriately take up the matter as will be advised.

Thanking you,

Yours faithfully,

Srishti Paul majumder

On Thursday, February 20, 2020, 10:23:18 AM GMT+5:30, CHATTERJEE. SABYASACHI <chatterjee.sabyasachi@shapoorji.com> wrote:

Madam,

As confirmed to your representative while meeting him, we have already put forward our reply on 14th instant at 14.02 hrs to paulmajumder.srishti@yahoo.com. Kindly check.

Rgds,

Sabyasachi Chatterjee | Senior Manager – Customer Care

T:+91 33 6609 4200

chatterjee.sabyasachi@shapoorji.com

PS Srijan Corporate Park, Unit # 0903, 9th Floor, Tower – I, Plot No.G2, Block – GP, Sector – V, Salt Lake, Kolkata 700 091, West Bengal, India

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From: sarvadeva majumder [mailto:sarvadeva.majumder@rpsg.in]
Sent: 19 February 2020 22:28
To: CHATTERJEE.SABYASACHI <CHATTERJEE.SABYASACHI@shapoorji.com>
Cc: Kolkata Masshousing <Kolkata.Masshousing@shapoorji.com>; sprealestate@shapoorji.com; SRISHTI PAULMAJUMDER <paulmajumder.srishti@yahoo.com>
Subject: Fwd: Delayed Possesion of LIG Flat no. E/388/0402/Spandan in New Town

Dear Sir,

You would recall that my representative had met you on 14th instant when you assured him of a reply to my letter (in the trail mail) by giving details of the current situation and the possible date of handing over of the possession. The same is still awaited although you had promised him of giving a response within a day or two.

You will further appreciate that your approach of delaying the hand over has been too unbearable for me to accept, in view of the financial loss that I have been incurring. You are hereby requested to compensate me appropriately for your failure to hand over the flat away beyond the scheduled time. I have also requested you to offer me a suitable alternative flat in your earlier completed project, to which you have also so far remained indifferent to.

This attitude from any organisation of your stature is not only unfortunate but also indicates no difference with an ordinary local promoter lacking any reputation or standing in the society.

Please therefore try to live up to your expected standard in the business.

Regards,

S Paul Majumder

----- Forwarded message -----

From: SRISHTI PAULMAJUMDER <paulmajumder.srishti@yahoo.com>
Date: Tue, 31 Dec 2019, 11:47
Subject: Delayed Possesion of LIG Flat no. E/388/0402/Spandan in New Town
To: kolkata.masshousing@shapoorji.com <kolkata.masshousing@shapoorji.com>
Cc: sprealestate@shapoorji.com <sprealestate@shapoorji.com>, Sarvadeva Majumder <sarvadeva.majumder@rpsg.in>

Dear Sirs,

Please find attached my letter on the subject for your immediate necessary action and a confirmation to me.

Regards,

Srishti Paul Majumder

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