**BEFORE THE HON’BLE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION, THANE**

**IN RE: COMPLAINT No. ....... of 20.....**

### **IN THE MATTER OF:**

**Mr. Bijay Nitay Pal**(45, Male, Resident of Sarkar Darshan, B/4th floor, Room no.40, Kisan Nagar, Wagle Estate, Thane (West), Email: [Email], Mobile: [Mobile Number])

**............COMPLAINANT**

**Vs.**

**Mr. Rakesh Shripat Singh (Authorized Partner), R.K. Builders and Developers**,  
(Address: 24/25, Ground floor, Building no.5, Near Sarvoday Nagar, Bhanusagar Theatre, Kalyan (West), Email: [Email], Mobile: [Mobile Number])

**............OPPOSITE PARTY**

**COMPLAINT UNDER SECTION 35 of CONSUMER PROTECTION ACT**

**RESPECTFULLY SHOWETH:**

### **INTRODUCTION:**

1. The complainant, Mr Bijay Nitay Pal, is a resident of Sarkar Darshan, B/4th floor, Room no.40, Kisan Nagar, Wagle Estate, Thane (West). He engages in [occupation] and is a law-abiding citizen looking for redressal of grievances against the opposite party.
2. The opposite party, Mr. Rakesh Shripat Singh, represents R.K. Builders and Developers, situated at 24/25, Ground floor, Building no.5, Near Sarvoday Nagar, Bhanusagar Theatre, Kalyan (West). They are engaged in the construction and selling of residential properties.

### **TRANSACTION:**

1. The complainant entered into a notarised Memorandum of Understanding (MOU) on 27/03/2020 for a room in the project Bhavya Gharkul Yojana at Dhokali, promising the delivery of property upon completion of payment amounting to Rs. 5,50,000/-. The complainant abided by the terms, making the full payment as stipulated within the agreement. Despite the completion of the payment, the possession of the said property has not been delivered, and further, the sale agreement remains incomplete. The opposite party has not adhered to the promises made during the transaction. Attached herewith as Annexure A is the MOU, Annexure B is the receipt of payment, and Annexure C comprises the letters sent to the opposite party demanding rectification.

### **NATURE OF COMPLAINT:**

1. The complainant states that the opposite party has engaged in unfair trade practice, deficiency in service, and non-adherence to the promises made at the time of sale. Despite several attempts by the complainant to amicably resolve the issue, including a demand for a refund through letters, there has been no response or action from the opposite party's side, causing mental agony and financial loss to the complainant.

### **RECTIFICATION:**

1. The complainant has made several attempts to resolve this grievance through personal visits, negotiations, and communication in writing, but to no avail. No response was received from the opposite party when the irregularities were brought to their notice.

### **CAUSE OF ACTION:**

1. Arose on 27/03/2020, when the MOU was signed has been continuing due to the opposite party's inaction and negligence.

### **EVIDENCES:**

1. **Annexure A**: Copy of the MOU.
2. **Annexure B**: Payment receipts.
3. **Annexure C**: Copies of letters sent to the opposite party.

### **TERRITORIAL JURISDICTION:**

7. The complaint is being filed in the Hon’ble District Consumer Disputes Redressal Commission at Thane, owing to the location of the property and the residence of the complainant.

### **LIMITATION:**

8. The present complaint is filed within the period prescribed under section 69 of the Consumer Protection Act, 2019.

### **COURT FEE:**

9. Attached herewith.

### **PRAYER:**

10. The complainant prays for:

1. A refund of the amount paid (Rs. 5,50,000/-).
2. Compensation for mental agony caused amounting to Rs. 2,00,000/-.
3. Litigation costs amounting to Rs. 20,000/-.
4. Any other relief that the Hon’ble Commission may deem fit and proper in the circumstances of the case.

**PLACE: Thane**

**DATED:** [Date]

**[Signature]**

**NAME OF THE COMPLAINANT: Mr. Bijay Nitay Pal**

### **VERIFICATION:**

I, Mr Bijay Nitay Pal, hereby declare that the facts mentioned herein are true and correct to the best of my knowledge and belief.

**Name & Signature of the Complainant**