

"What measures do you take in the event of a claiming possession from Builder ?"

Very Important Note

What Care Should Be Taken Before Filing a Complaint Against the Builder/Developer/Owner for Refund of Amount?

Precautions and Measures Before Filing a Complaint Against the Builder

1. **Jurisdiction Check:**
 - Ensure the jurisdiction falls under the Consumer Protection Act, 2019.
 - If the dispute relates to possession, choose the jurisdiction based on the property's location or the complainant's place of residence or work.
2. **Proper Parties in the Complaint:**
 - List all responsible parties (builder, developer, landowner, or co-developers) involved in the agreement.
 - Verify the details in the sale agreement or related documents to avoid missing any key party.
 - If any corporate entity is involved, include its authorized signatories and registered address.
3. **Documentation:**
 - **Payment Details:** Collect all payment proofs, such as bank transfer receipts, check details, and acknowledgment slips from the builder.
 - **Loan Statements:** Obtain a detailed loan disbursement history if the property was purchased through a loan.
 - **Agreement Copy:** Include the sale agreement, construction agreements, or any addendum.
 - **Correspondence:** Compile email exchanges, WhatsApp conversations, notices, or letters sent to the builder regarding delays or possession disputes.
 - **Builder's Commitments:** Include brochures, advertisements, or promises made by the builder regarding possession or features of the property.
4. **Delay Calculation:**
 - Calculate the delay from the promised possession date as per the agreement. Include grace periods if allowed.
5. **Legal Notices:**
 - Before filing the complaint, issue a well-drafted legal notice to the builder demanding possession or refund. Provide a reasonable timeframe for resolution.
6. **Pecuniary Jurisdiction:**
 - Verify the total cost of the property to determine jurisdiction:
 - **District Commission:** For disputes up to ₹ 50 lacs(amended)
 - **State Commission:** For disputes above ₹50 lacs and up to ₹2 crore.
 - **National Commission:** For disputes above ₹2 crore.
7. **Formatting the Complaint:**
 - Follow strict formatting rules. Use plain language to state facts and ensure legal terms are supported by evidence.
 - The complaint should include:



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- Synopsis of the case.
 - Statement of facts.
 - Grounds for filing the complaint.
 - Relief sought.
8. **Arranging and Uploading Documents:**
 - Arrange all documents in order of importance and paginate them properly.
 - Upload the documents online via the Consumer Commission portal:
<https://edaakhil.nic.in/>.
 - Ensure clarity in scanned documents to avoid delays.
 9. **Relief Claimed:**
 - Clearly specify the relief sought in the complaint, such as:
 - Refund of amounts paid along with interest.
 - Compensation for mental agony and harassment.
 - Possession with penalty for delay.
 - Litigation costs.
 10. **Judgments and Precedents:**
 - Cite relevant judgments from the National Consumer Disputes Redressal Commission (NCDRC) or the Supreme Court that strengthen your case.
 11. **Compliance with Online Filing Norms:**
 - If filing online, adhere to the guidelines provided on the e-Daakhil portal.
 - Ensure all documents and the complaint are in PDF format with proper indexing.
 12. **Professional Assistance:**
 - Seek legal assistance for drafting the complaint and formatting documents correctly.
 - Engage a lawyer with expertise in consumer matters for better representation.
 13. **Check Builder's Financial Status:**
 - Investigate the builder's financial stability and pending insolvency proceedings, if any, to determine the feasibility of obtaining relief.
 14. **Government Regulations and RERA:**
 - Verify if the project is registered under RERA. If registered, file a parallel complaint with the Real Estate Regulatory Authority for quicker redressal.
 15. **Counterclaims:**
 - Be prepared for any counterclaims by the builder. Keep records of communication and payments to defend against such claims effectively.

1. Formatting the Complaint Document:

When drafting the complaint:

- **After the index page, the complaint document should start on a half-page, leaving the second half blank.**

2. Document Arrangement:

Prepare and organize the file in the order of documents listed. This ensures clarity and accessibility for the adjudicating authority.



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We need to arrange all the documents as per the index provided below and upload them online on the designated website:
<https://edaakhil.nic.in/>.

NOTE : Additionally, we are available to assist you with uploading the complaint online if required. However, to proceed, you must send the complaint along with the supporting documents as per the index, with proper paging starting from the Synopsis.

Please note: We will be unable to upload the complaint unless you provide a scanned copy of all documents arranged as per the index, with correct paging.

IMP

We will help you draft the consumer complaint and provide relevant judgments from the NCDRC and the Supreme Court to support your case. Simply send the policy document and all relevant documents mentioned above to the email address or WhatsApp number provided below.

We had also provided the draft copy of compliant if you required in this application /website



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