

FIRST INFORMATION REPORT  
(Under Section 154 Cr. P.C.)

943

1. Dist SPC P.S. Bhaktinagar Year 2021 FIR No. 1184/21 Date 10/09/2021  
2. i) Act — Sections — ii) Act IPC Sections 406/420/34  
(iii) Act — Sections — (iv) Others Acts & Sections —

3. (a) Occurrence of Offence : Day — Date From Since 2018 Date To —  
Time Period — Time From — Time To 2021  
(b) Information received at P.S. Date 10/09/2021 Time 17.15 hr  
(c) General Diary Reference : Entry No(s) 571 Time 17.15 hr.

4. Type of Information —  Written / Oral  
5. Place of Occurrence : (a) Direction and Distance from P.S. 1 km east Beat No. —  
(b) Address Tripati Bhawan, 3rd floor, K.C. Day Road, PS Siliguri  
Dist. Darjeeling. / ~~SBM~~ SBM Heights, Javelin Road, PS Bhaktinagar, JPH.  
(c) In case outside limit of this Police Station, then the  
Name of the P.S. — District —

6. Complainant / Informant :  
(a) Name Sri Sumit Kumar Agarwal  
(b) Father's / Husband's Name — S/O Sri Pawan Kumar Agarwal  
(c) Date / Year of Birth — (d) Nationality Indian  
(e) Passport No. — Date of Issue — Place of Issue —  
(f) Occupation —  
(g) Address Tripati Bhawan, 3rd floor, K.C. Day Road, PS Siliguri, Darjeeling.

7. Details of known / suspected / unknown accused with full particulars  
(Attach separate sheet, if necessary) :  
M/S Ramchandra Developers LLP having it Odlabari  
PS mal, Jalpaiguri and its partner namely Nitesh Agarwal  
S/O Pawan Kumar Agarwal of SBM Heights, Javelin Road,  
PS Bhaktinagar, Jalpaiguri.

8. Reasons for delay in reporting by the Complainant / Informant  
—

9. Particulars of properties stolen / involved (Attach separate sheet, if necessary) :  
Rs 20,30,000/-

10. Total value of properties stolen / involved —

11. Inquest Report / U.D. Case No., if any —  
12. FIR Contents (Attach separate sheets, if required) : The original written complaint which is  
treated as FIR is enclosed herewith /  
reproduced over leaf

13. Action taken : Since the above report reveals commission of offence(s) as mentioned at item No. 2., registered the case and took  
up the investigation / directed SI RAMANATH KARJEE to take up  
investigation / refused investigation / transferred to P.S. — on point of  
jurisdiction. FIR read over to the Complainant / Informant, admitted to be correctly recorded and a copy given to the Complainant /  
Informant free of cost.

14. Signature / Thumb Impression Noted in original complaint  
of the Complainant / Informant  
Signature of the Officer-in-Charge, Police Station DAWA TSHERING SHEEPA  
Name : SI OF POLICE  
Rank : No. BKN PS ISPC

15. Date & Time of despatch to the court : —



Inspector  
Bhaktinagar  
Siliguri  
10/09/21  
Charge  
Station  
Police  
Name  
Rank

To.  
The Inspector - In - Charge,  
Siliguri Police Station,  
Siliguri, District - Darjeeling

Subject - F. I. R.

Sir,

I, Sumit Kumar Agarwal, S/o Sri Pawan Kumar Agarwal, resident of Tirupati Bhawan, 3<sup>rd</sup> Floor, K. C. Dey Road, P.O & P.S - Siliguri, District - Darjeeling, would like to inform you that I am the constituted Attorney of my brother Sri Amit Agarwal, S/o Sri Pawan Kumar Agarwal and I do hereby lodge this F.I.R on behalf of my principal as his attorney.

This is to submit that on 1 - 1 - 2018 my principal has entered into an agreement for sale with M/s Ramchandra Developers LLP, having its Registered Office at Oodlabari, P.O - Manabari, P.S - Mal. District - Jalpaiguri 735222 represented by its designated partner Mr. Nitesh Agarwal, S/o Sri Pawan Kumar Agarwal resident of SBM HEIGHTS, Sevoke Road, Opposite Uttar Banga Marwadi Bhawan, P.O & P.S - Bhaktinagar, District - Jalpaiguri to purchase one flat measuring about 1095 Sq. Ft, situated on the 3<sup>rd</sup> floor. Block -B of G + 4 Storied building, having Flat No - J inclusive of 2 covered parking, of Nayan Residency constructed on the land measuring about 26 Kathas, appertaining to R.S Plot no - 128 corresponding to L.R Plot No - 413 & 414, recorded in R.S Khatian No - 282/1 corresponding to L.R Khatian No - 501 & 505, situated within Mouza - Dabgram, J.L No - 2, Paragana- Baikunthpur, R.S Sheet No - 5 corresponding to L.R Sheet No - 4, P.S - Bhaktinagar, District - Jalpaiguri against the fixed consideration price of Rs. 28,89,000/- (Rs. Twenty Eight Lacs Eighty Nine Thousand) Only and on the day of execution of the said deed of agreement, my principal has paid a sum of Rs. 1,00,000/- as advance.

It is further to be submitted here that at the time of execution of the agreement, the project of the said complex M/s Ramchandra Developers LLP was ongoing and it has been agreed that after completion of the project Mr. Nitesh Agarwal will inform my principal and will execute the title deed of the said flat in favour of my principal.

It is to be submitted here that my principal has obtained loan from the Axis Bank Ltd against mortgaging the said deed of agreement which was executed on 1 - 1 - 2018 and the said Mr. Nitesh Agarwal has already withdrawn the sum of Rs. 20,30,000/- from the concerned bank towards the part consideration price of the flat. Though the said M/s Ramchandra Developers LLP was duly authorized by my principal to withdraw the entire consideration price of the flat from the bank but he intentionally has not withdrawn the sum of Rs. 5,70,000/- which is still lying in the loan account of my principal.

On 9 - 8 - 2021 my principal has received a notice from Mr Nitesh Agarwal's advocate dated 4 - 8 - 2021 and asked him to collect a sum of Rs. 10,37,284.68 /- and has wrongfully terminated the agreement. It is to be mentioned here that about 74 % of the total consideration price of the flat has already been paid by my client and after enjoying the said

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Inspector in Charge  
Bhaktinagar Police Station  
Siliguri Metropolitan Police  
10/09/21

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money now the said Mr. Nitesh Agarwal instead of giving registry of the flat to my principal has asked him to collect the sum of Rs. 10,37,284.68/- . However the said M/s Ramchandra Developers LLP and its partner Mr. Nitesh Agarwal has already received a sum of Rs. 21,30,000/- against this property till date.

It is to be submitted here that when the said Mr Nitesh Agarwal has started its project, he has induced my principal to purchase one flat and has assured that he has good relation with banks and he will manage the bank to disburse loan against the said flat and after completion of the flat he will inform my principal to take registration of the flat. Still the said Mr Nitesh Agarwal has not given any intimation to my principal that the flat is being fully furnished / completed rather has issued one notice with malafide intention to cheat Sri Amit Agarwal i.e. my principal.

It is further to be submitted here that my principal also came to know that the said Mr Nitesh Agarwal is contemplating to sell out the said flat which is already mortgaged which Axis Bank Ltd, Siliguri Branch. He has done the same in a very ulterior motive in spite of the fact that the loan has already been disbursed in the name of my principal Sri Amit Agarwal against the said flat which is mortgaged with Axis Bank. Also a Triparties Agreement dated 10 - 1 - 2018 was also executed between the said M/s Ramchandra Developers LLP, Sri Amit Agarwal and Axis Bank Ltd in respect of sanction of loan and mortgage of property.

After receiving the legal notice of said M/s Ramchandra Developers LLP, the said Amit Agarwal has duly made reply of the same and has asked and requested him to execute title deed of the said flat after collecting the balance consideration price of the flat. But the said M/s Ramchandra Developers LLP represented by its partner Sri Nitesh Agarwal has not made any reply of the said notice for its illegal gain and wrongful loss to my principal.

Sir, I am afraid that the said Mr. Nitesh Agarwal may sell out the said flat to some other person, though my principal is paying the loan EMI amount to the Axis Bank Ltd as monthly instalment.

Sir, my principal i.e. Sri Amit Agarwal is being cheated by the said M/s Ramchandra Developers LLP and its partner Sri Nitesh Agarwal for their illegal gain and wrongful loss to my principal.

So, requesting you to kindly investigate the matter and take necessary legal action against the above noted persons for the interest of justice.

Received on 10/09/24 at 17.15h Thanking you  
vide no 571 dt 10/09/24 and send  
Block Ctr No 1184/24 dt 10/09/24  
u/s 406/420/34 Jm on endorsed  
the same to SI Ramanath Karjee for  
his investigation

Inspector-in-Charge  
Bhaktinagar Police Station  
Siliguri Metropolitan Police

Yours Faithfully,  
Sumit Kr. Agarwal  
Sumit Kumar Agarwal.  
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