

West Bengal Real Estate Regulatory Authority
Calcutta Greens Commercial Complex (1st Floor)
1050/2, Survey Park, Kolkata – 700 075.

Complaint No.WBRERA/COM (PHYSICAL)000029

Debdeep Mukherjee and Others
..... Complainant

Vs
M/s. Evanie Infrastructure Pvt. Ltd.
..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
2 <u>09.03.2023</u>	<p>Advocate Supratik Sinha Ray is present on behalf of the Complainant in the online hearing filing hazira and authorization through email.</p> <p>Respondent is absent despite due service of notice. Respondent has not submitted any Written Response as per the last Order of the Authority dated 06.02.2023.</p> <p>In the last order, Respondent was directed to positively appear on the next date of hearing before the Authority or submit his Written Response within the next date of hearing, failing which, the Authority may proceed for ex-parte hearing of this matter. Therefore, the Authority now proceeding for ex-parte hearing of this matter today in the interest of justice.</p> <p>Heard the Complainant in detail.</p> <p>The case of the Complainant is that, he booked a flat in the project named 'Evanie Econest' of the Respondent on 28.10.2017 and paid Rs.4,78,147/-(Rupees four lakhs seventy eight thousand one hundred forty seven) only. The Respondent failed to deliver the possession of the flat within the date as specified in the Agreement for Sale.</p> <p>The Complainant submitted notary attested copy of the money receipts, Agreement for Sale and other relevant documents along with his</p>	

Notarized Affidavit as per the last Order of the Authority dated 06.02.2023.

Let the Notarized affidavit of the Complainant be taken on record.

After taking into consideration, the Complaint Petition, the Affidavit of the Complainant and other related documents, the Authority is of the considered view that the Respondent failed in his obligation to deliver the possession of the flat booked by the Complainant within stipulated time period and therefore the Respondent is bound to refund the Principle amount paid by the Complainant along with interest as mentioned in RERA Act and Rules. It is therefore

ORDERED

that the Respondent shall refund the amount of Rs.4,78,147/- (Rupees four lakhs seventy-eight thousand one hundred forty-seven) only along with interest @SBI Prime Lending Rate + 2% from the date of final payment by the Complainant till the date of final refund by the Respondent. The refund shall be made by bank transfer to the bank account of the Complainant within 45 (forty-five) days from the date of receipt of this order by email.

Complainant shall send his bank account details in which he wants to receive the refund amount, to the Respondent within 5 (five) days from the date of receipt of this order by email.

The Complainant is at liberty to file execution application before the Authority, if the Respondent fails to comply this order of the Authority.


With the above directions, this matter is hereby disposed of.



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)
Member 9/3/2023

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY) 09/03/2023

Member

West Bengal Real Estate Regulatory Authority