

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

Complaint No.WBRERA/COM000244

Tanmaya Das..... Complainant

Vs

Evania Infrastructure Private Limited..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
03 13.08.2024	<p>Complainant is present in the online hearing filing hazing through email.</p> <p>Advocate Mr. Tirthankar Basu (Mob. No. 7278543329 & email Id: tbasu4559@gmail.com) is present in the online hearing on behalf of the Respondent Promoter Company filling hazira and Authorization through email.</p> <p>Heard both the parties in detail.</p> <p>The Advocate of the Respondent prayed for some more time to file the Written Response on Affidavit and he stated that he has newly appointed in this matter.</p> <p>After hearing both the parties and taking into consideration the Affidavit of the Complainant, the Authority is of the considered view that reasonable opportunities and time has been given to the Respondent to file their Written Response and submit their defence. Already on two dates of hearings, they have been directed to submit their Written Response on Notarized Affidavit that is on 22.02.2024 by order No. 1 and 15.04.2024 by Order No. 2. Therefore, on the ground of speedy disposal of justice, as per Section 29(4) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the 'RERA Act, 2016'), the Authority is under the obligation of expeditious hearing of the matters before it.</p> <p>Therefore, the Authority is of the considered view that no more chance or time shall be given to the Respondent as reasonable opportunity of hearings have already been provided to him.</p> <p>This Authority is also of the considered view that the Respondent is under the obligation to refund the Principal Amount paid by the</p>	

Complainant alongwith interest @SBI PLR+2% per annum, calculated for the period starting from the respective dates of payments made by the Complainant till the date of realization, as per the provisions contained in Section 18 of the RERA Act, 2016 read with Rule 17 of the West Bengal Real Estate (Regulation and Development) Rules, 2021.

Hence, it is hereby

ORDERED,

- a) that the Respondent shall Refund the Principal amount of **Rs.17,11,000/- (Rupees seventeen lakhs eleven thousand only)** alongwith interest @SBI PLR+2% per annum, calculated for the period, starting from the respective dates of payments made by the Complainant till the date of realization, within **45 (forty-five) days** from the date of receipt of this order of the Authority through email and the payment shall be made by the bank transfer to the bank account of the Complainant; and
- b) The Complainant shall send his bank account details to the Respondent through email in which he wants to take the Refund amount alongwith interest, within **3 (three) days** from the date of receipt of this order of the Authority by email; and
- c) The Complainant is at liberty to file an Execution Application before the Authority on a plain A4 paper annexing a copy of this order, praying for execution of this order of the Authority, if the Respondent fails to make the payment as per the direction at (a) above, serving a copy of the said Execution Application to the Respondent.

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

Let a copy of this order be served to both the parties through speed post and also by email immediately.

Let a copy of this order be also available in the website of WBRERA (www.rera.wb.gov.in) under the heading 'Authority Order'.

Sd/-
(TAPAS MUKHOPADHYAY)
Member
West Bengal Real Estate Regulatory Authority

Certified to be true copy:

Shre 13.08, 2024

Special Law Officer
West Bengal Real Estate Regulatory Authority