

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

Complaint No. WBRERA/COM000215

Riya Bhattacharya and Parijat Bhattacharya..... Complainants

Vs.

Evania Infrastructure Private Limited Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 21.11.2023	<p>Advocate Somnath Chattopadhyay (Mob. No. 9239402696 & Mail Id - riyamukherjee.23@gmail.com) is present in the online hearing on behalf of the Complainant, filing hazira and vakalatnama through email.</p> <p>Respondent is absent in the online hearing despite due service of hearing notice through speed post and also by email.</p> <p>Let the track record of the hearing notice to the Respondent be taken on record.</p> <p>Advocate of the Complainant stated that Shri Parijat Bhattacharya is the husband of the Complainant as well as joint allottee in the present matter and he requested to include his name as Joint Complainant in the present matter.</p> <p>Considered and granted the prayer of the Advocate of the Complainant.</p> <p>Heard the Complainant in detail.</p> <p>As per the Complainant, they have booked a 3 BHK apartment having an area of 906.25 sq.ft. of being an Application No. EEN 1447 at 3rd Floor (South East) of Tower EEN in the project named as 'EVANIE ECONEST' of the Respondent Company named as Evania Infrastructure Private Limited. They have paid total amount of Rs.3,77,580/-to the Respondent Company. Till date the Agreement for Sale was not done between the two parties. The Respondent Company has promised to deliver the flat within a period of 40 months as specified in the terms and conditions. They have stated that till date, the Respondent Company have neither contacted nor handed over the flat. The Complainant also stated that the project is not registered with the WBRERA Authority.</p>	

The Complainant prays for the following reliefs before the Authority:-

1. The Complainant prays for refund of the entire principal amount of Rs.3,77,580/- alongwith interest as per RERA Act and Rules made thereunder.
2. The Complainant prays for revocation of any registration, if applied for by the Respondent.
3. The Complainant prays for costs and expenses of instituting the Complaint case against the Respondent.
4. Any other relief or relief(s) as the Authority may deem fit and proper.

After hearing the Complainant, the Authority is pleased to admit this matter for further hearing and order as per the provisions contained in Section 31 of the Real Estate (Regulation and Development) Act, 2016 read with Rule 36 of the West Bengal Real Estate (Regulation and Development) Rules, 2021 and give the following directions:-

Let Shri **Parijat Bhattacharya** be included as Joint Complainant because he is the Joint Allottee alongwith the Complainant Smt. Riya Bhattacharya in the present matter and henceforth in all the records of this matter his name shall be included as a Joint Complainant.

The Complainant is directed to submit his total submission regarding his Complaint Petition on a Notarized Affidavit annexing therewith notary attested / self attested copy of supporting documents and a signed copy of the Complaint Petition and send the original Affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within **10 (ten) days** from the date of receipt of this order of the Authority through email.

The Respondent is hereby directed to submit his Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested / self attested supporting documents, if any, and send the original affidavit to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within **10 (ten) days** from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix **11.01.2024** for further hearing and order.



(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority