

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

Complaint No. WBRERA/COM000263

Souvik Saha and Sucharita Ghosh Saha Complainants

Vs

Evania Infrastructure Private Limited..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
02 26.06.2024	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>The Respondent is absent in the physical hearing despite due service of hearing notice to the Respondent through speed post and also by email.</p> <p>Let the track records of due service of hearing notice to the Respondent be kept on record.</p> <p>Heard the Complainants in detail.</p> <p>The Complainant stated at the time of hearing that he alongwith his wife Sucharita Ghosh Saha has booked a flat in the project 'Evania Econest' of the Respondent Company. He prayed for inclusion of his wife's name in this matter as a Joint Complainant.</p> <p>As per the Complaint Petition the Complainants had booked a flat in New Town area which was being built by the Respondent Company namely Evania Infrastructure Pvt. Ltd., however due to personal issues they had planned to cancel the booking and accordingly applied for cancellation of flat Booking (Application No. EEN004651) on 19th March, 2021 and requesting to refund the amount of Rs.8,15,062/-. As per the contract, the amount was supposed to be refunded within 4 months of date of receipt of cancellation request. However, it is almost 7 months, expired and they did not get any refund as of now. They had dropped several mails for the same, but Respondent mentioned that they are unable to refund the amount citing Covid as their excuse. They need the amount for some personal issues which they had to settle.</p> <p>The Complainant prays before the Authority for the relief of getting the refund of the full amount of Rs.8,15,062/- alongwith statutory interest.</p> <p>After hearing both the parties, 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:-</p>	

Let Smt. **Sucharita Ghosh Saha** be included as a Joint Complainant in the present Complaint Petition as she is a Joint Allottee alongwith the Complainant Mr. Souvik Saha and she is a necessary party in the present matter.

The Complainants are directed to submit their total submission regarding their 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 Affidavit (in original) to the Authority serving a copy of the same to the Respondent, both in hard and scan copies, within **15 (fifteen)** days from the date of receipt of this order of the Authority by 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 copy of supporting documents, if any, and send the Affidavit (in original) to the Authority serving a copy of the same to the Complainant, both in hard and scan copies, within **15 (fifteen)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

The Respondent is further directed to submit his affidavit within a stipulated timeline as directed above, failing which, no more time shall be given to the Respondent to submit his Written Response on the ground of speedy disposal of justice by this Authority as per Section 29(iv) of the RERA Act, 2016.

If the Respondent remain even absent on the next date of hearing but to proceed with ex-parte hearing and disposal of this matter on the ground of speedy disposal of justice by this Authority.

Fix **10.09.2024** for further hearing and order.



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority