

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

Complaint No. WBRERA/COM000236

Dr. Sanghamitra Dasgupta and Mr. Rajarshi Dasgupta..... Complainants

Vs

Evanie Infrastructure Private Limited..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 22.02.2024	<p>Husband of the Complainant and Joint Allottee Mr. Rajarshi Dasgupta is present in the online hearing filing hazira through email.</p> <p>Respondent is absent in the online hearing despite due service of hearing notice to the Respondent through speed post and also by email.</p> <p>Let the track record of due service of hearing notice to the Respondent be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>Complainant at the time of hearing pointed out that there is a mistake in the name, address and contact number of the Respondent in the hearing notice dated 16.02.2024 and requested for correction of the same.</p> <p>As per the Complainants, the Respondent Company published that they are going to construct a multi-storied building and residential apartment in a housing complex known as “Evanie Econest” in Rajarhat, New Town area. They had shown interest as a potential buyer of a residential flat in the proposed building and contacted them in their office 81, Golaghata, VIP Road, Kolkata – 700 048. Thereafter they have totally paid on 14.09.2017 to 03.03.2018 a total sum of Rs.6,62,644/-which they have received and an agreement for sale dated 6th July, 2018 was entered into by and between them on the one hand and the said company on the other hand whereby and whereunder they have agreed to purchase all that</p>	

piece and parcel of one self-contained residential 3BHK flat having a total covered area of 906.25 sq.ft (covered area of the flat being 725 sq.ft. plus added common covered area 181.25 sq.ft.) in Tower-D more or less which included proportionate share of the Ground Floor and pathway (entry to the Tower) and total floor lobby (entire stair lobby, lift area, meter room, stair, lift covered at the roof, overhead hand) consisting of 3 (three) bed rooms, 1 (one) living-cum-dining space with kitchen, 2 (two) toilets and 1 (one) balcony on the 3rd floor south-west side of the proposed building in the Housing Complex know as “**Evanie Econest**” together with undivided impartible proportionate share of land underneath the building and right to them and access common service areas, amenities and facilities to be appended thereto in accordance with the Building Plan to be sanctioned from the competent authority. As the construction work was delayed for a considerable period of time and there is no sign of any completion of the proposed building, they cancelled the booking on 11th September, 2019 as was intimated to the company by a letter dated 31.08.2019 but no refund has been made by the Respondent till date.

In this Complaint Petition the Complainants pray before the Authority for the following relief(s):

After waiting for a considerable period of time and understanding their dishonest intent to defraud them with the total sum of Rs.6,62,644/- as paid by them. They would like to get back the entire amount with interest from the date of cancellation (11.09.2019) of the booking (Application No. EEN001906).

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:-

Let Mr. Rajarshi Dasgupta be included as a Joint Complainant in the present Complaint Petition as he is the Joint Allottee in the subject matter transaction as well as husband of the Complainant Dr. Sanghamitra Dasgupta and henceforth in all the records of this matter this correction /


inclusion shall be reflected.

Let the name, address and contact number of the Respondent in the hearing notice dated 16.02.2024 be read as “**Evanie Infrastructure Private Limited, 81, Golaghata VIP Road, 1st Floor, Flat no. – 1B, Radhakunj Apartment, Near BIKA Banquet, Kolkata – 700048**” in place of “Kay Pee Realcon Private Limited, Punit Papat, Director, Elgin Chambers, Room no.- 704, 1a, Ashutosh Mukherjee Road, Kolkata – 700020, Phone – 9830184577.”.

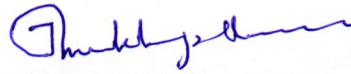
The Complainants are directed to submit their total submission regarding their Complaint Petition on a Notarized Affidavit annexing therewith notary attested /self-attested supporting documents and a signed copy of the Complaint Petition and send the Affidavit (in original) to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within **15 (fifteen)** days from the date of receipt of this order through email.

The Respondent is hereby directed to submit his Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainants, annexing therewith notary attested/self-attested supporting documents, if any, and send the Affidavit (in original) to the Authority serving a copy of the same to the Complainants, both in hard and soft copies, within **15 (fifteen)** days from the date of receipt of the Affidavit of the Complainants either by post or by email whichever is earlier.

Fix **15.04.2024** for further hearing and order.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority