

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

Complaint No.WBRERA/COM000506

Dwijendralal Pradhan..... Complainant

Vs

Evanie Infrastructure Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 09.08.2024	<p>Complainant Mr. Dwijendralal Pradhan (Mob. No. 8348900165 &amp; email Id: pradhandl2510@gmail.com) is present in the physical hearing and signed the Attendance Sheet.</p> <p>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 record of due service of hearing notice to the Respondent be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>As per the Complaint Petition:-</p> <p>a) The Complainant was allotted three (3) 3BHK flats in the project 'Evanie Econest' of the Respondent Promoter Company having 906 sq.ft. total area for each flat, on (1<sup>st</sup> floor, 3<sup>rd</sup> floor and 3<sup>rd</sup> floor) in Nov'2017.</p> <p>b) Agreements for Sale were signed for all on 08.07.2024.</p> <p>c) The Complainant has paid total Rs.80,67,940/- for the three flats in installments as demanded according to construction plan during the period from 26.11.2017 to 29.06.2019.</p> <p>d) Agreements mentioned of handover of the completed apartments in 40 months, that is by March, 2022.</p> <p>e) The Complainant visited the site in the beginning of 2022 and discovered that there was no construction of the apartment and yet he was asked for payments in installments aligned to the construction plan.</p> <p>f) He met the officials in their office and requested for immediate handover of the apartments, as he was a senior citizen and he was</p>	

not keeping good health.

g) Till date he has not received any flat nor his money back.

**The Complainant prays before the Authority for the relief of Refund of Rs.80,67,940/-plus interest as per RERA Act, 2016.**

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:-

The **Complainant** is directed to submit his 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 **Complainant** is also directed to submit in a **Tabular form** of all the payments made by him chronologically in his Affidavit mentioning the date, amount and money receipt number, if any, and also the total amount paid by him.

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 also directed to submit a **Refund Schedule** in their Affidavit specifically stating the number of installments, date and amount of installments by which they will refund the Principal Amount of Rs.80,67,940/- alongwith interest @SBI +PLR 2% per annum, for the period, starting from the respective dates of payments made by the Complainant till the date of realization.

The Respondent is further directed to start payment as per their Refund Schedule.

Fix **19.11.2024** for further physical hearing and order. On the next date hearing shall be held physically in the office of WBRERA.

  
(BHOLANATH DAS)  
Member

West Bengal Real Estate Regulatory Authority

  
(TAPAS MUKHOPADHYAY)  
Member

West Bengal Real Estate Regulatory Authority