

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

Complaint No.COM 000219 (erstwhile WBHIRA)

Romit BanerjeeComplainant

Vs.

Evanie Infrastructure Private Limited..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 (Execution) ----- 22.07.2024	<p style="text-align: center;">Today is the 1st day of Execution hearing of this matter, final order has been passed by this Authority on 07.09.2023.</p> <p style="text-align: center;">The Complainant has submitted an Execution Application before the Authority, which has been received by this Authority through email on 28.05.2024.</p> <p style="text-align: center;">Let the said Execution Application submitted by the Complainant be taken on record.</p> <p style="text-align: center;">Complainant is present in the online hearing filing hazira through email.</p> <p style="text-align: center;">Advocate Trithanka Basu is present in the online hearing on behalf of the Respondent Company, being its Authorized Representative , filing hazira and vakalatnama through email.</p> <p style="text-align: center;">Heard both the parties in detail.</p> <p style="text-align: center;">The Complainant submitted today at the time of hearing that no amount has been refunded by the Respondent till today as per the final order dated 07.09.2023 and he prayed for immediate Execution of the said order, as per the provisions of Real Estate (Regulation and Development) Act, 2016 and rules made thereunder.</p> <p style="text-align: center;">The Authority took serious exception to the fact that the Respondent completely ignored and neglected to comply the order of this Authority dated 07.09.2023 and did not refund any amount till</p>	


date to the Complainant.

Therefore, the Authority is of the considered opinion that Directors of the Respondent Company Mr. Supriya Patra and others are required to be present **in person** before the Authority on the next date of hearing and submit on Notarized Affidavit that why a penalty of Rs.5,00,000/-shall not be imposed upon the Respondent for non-compliance of the order dated 07.09.2023, as per the provisions contained in section 38 read with section 61 of the Real Estate (Regulation and Development) Act, 2016.


After hearing both the parties and after going through the documents placed on record, the Authority is hereby pleased to give the following directions:-

- a) That all the Directors of the Respondent Company, Mr. Supriya Patra and others shall be present on the next date of physical hearing **in person** before the Authority and submit a Notarized Affidavit, before the next date of hearing, showing causes / reasons for non-imposition of penalty of **Rs.5,00,000/-** by the Authority upon the Respondent, for complete non-compliance of the order of the Authority dated 07.09.2023; and
- b) Respondent shall also provide a **Refund Schedule**, in the same Affidavit as directed at (a) above, specifically mentioning the date and amount of instalments by which they will make the payments in compliance with the order of this Authority dated 07.09.2023 and the Respondent shall start payment as per the Refund Schedule before the next date of hearing.

Fix **25.10.2024** for further hearing and order.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority