

West Bengal Real Estate Regulatory Authority
Calcutta Greens Commercial Complex (1st 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
04 29.04.2025	Complainant Mr. Dwijendralal Pradhan (Mob. No. 8348900165 & email Id: pradhanl2510@gmail.com) is present in the physical hearing and signed the Attendance Sheet. Advocate Gourav Banerji is present in the hearing through online mode on behalf of the Respondent filing hazira through email. Heard both the parties in detail. On the last date Respondent Advocate of the Respondent had prayed for a short time to file Affidavit, his request was granted and time has been given to him to file Affidavit but inspite of getting time and opportunity to file Affidavit, Respondent failed / ignored to file the same, as per the last three orders of the Authority dated 09.08.2024, 19.11.2024 and 24.03.2025. The Authority is of the opinion that sufficient time and reasonable opportunity has already been given to the Respondent to submit Written Response on Affidavit but the Respondent failed / ignored to file the same and therefore this Authority has no other option but to proceed with ex-parte hearing and disposal of this matter on the ground of speedy disposal of justice as per section 29(4) of the Real Estate (Regulation and Development) Act, 2016 and as per the preamble of the said Act where speedy dispute redressal is one of the main objective behind the establishment of this Authority. The Advocate of the Respondent stated at the time of hearing that as the Respondent is going through financial crunch so they will refund the amount in 12 (twelve) installments or they will provide a 4 katha land to the Complainant. Complainant rejected the proposal of the Complainant at the time of hearing. The Authority is of the considered view that the Respondent failed miserably to deliver possession of the flat, completed and in habitable condition, to the Complainant, within the scheduled timeline as per the Agreement for Sale, therefore, as per section 18 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the 'said Act') read with Rule 17 and 18 of the West Bengal Real Estate (Regulation and Development) Rules, 2021, the	

Respondent Promoter is under the obligation to refund the Principal Amount paid by the Complainant alongwith interest at the rate of SBI PLR+2% per annum for the period starting from the respective dates of payments made by the Complainant till the date of realization.

Hence it is hereby,

ORDERED

that the Respondent shall refund the Principal Amount of **Rs.80,67,940/-** (Rupees Eighty Lakhs Sixty Seven Thousand Nine Hundred Forty Only) alongwith interest at the rate of SBI Prime Lending Rate +2% per annum, for the period, starting from the respective dates of payments made by the Complainant till the date of realization, and all the payments shall be made by **bank transfer** to the bank account of the Complainant, within **45 days** from the date of receipt of this order of the Authority through email.

Complainant shall send his bank account details to the Respondent through email, within **3 days** from the date of receipt of this order of the Authority through email.

If the Respondent fails to make payment as per the direction given above within the stipulated timeline, then the Complainant is at liberty to submit an **Execution Application** as per the Execution Regulation which is available in the WBRERA website under the heading 'Act / Rules / Regulations'.

With the above directions the matter is hereby disposed of.

Let copy of this order be served to both the parties immediately.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority