

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

Complaint No.WBRERA/COM(PHYSICAL)000008

Suman Patra and Tumpa Patra

..... Complainant

Vs

M/s. Evanie Infrastructure Pvt. Ltd.

..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
3 ----- 28.04.2023	<p>Complainants are present in the online hearing. Respondent is absent in the online hearing despite due service of notice.</p> <p>The Respondent Company has submitted a Notarized Affidavit containing their total Written Response, but he has sent the Affidavit after expiry of the stipulated time period.</p> <p>The Complainant has sent the documents to the Advocate of the Respondent by email on 23.03.2023, as per the direction in the last order of the Authority dated 17.03.2023. He has sent a signed copy of the Complaint Petition, copy of the Notarized Affidavit containing his total submission along with all Annexure to the Advocate of the Respondent.</p> <p>The Respondent was directed to submit his Written Response, within 7 days from the date of receipt of the documents from the Complainant. Therefore, the Respondent was supposed to submit the Affidavit within 30.03.2023.</p>	

The Respondent is also absent today. As the Authority already directed in the last order that, if the Respondent fails to appear on the next date of hearing or fails to submit the Written Response within the stipulated time period, the Authority shall proceed for ex-parte hearing and final order of this matter.

The case of the Complainant is that, he booked a 3BHK flat in the year 2017 from the Respondent Company i.e. M/s. Evanie Infrastructure Pvt. Ltd., in the Housing Project named as 'Evanie Econest'. The Agreement for Sale was executed between the parties on 25.08.2018. As per the Agreement for Sale, in clause No. 6.1 at page-11, the expected delivery of possession of the flat booked by the Complainant was 40 months from the date of signing of the Agreement. The Respondent Company has not yet started the construction of the project and they do not have any answer to the query that when the handover of Possession will be done.

In the above circumstances and on examination of the Affidavit submitted by both the parties, the Authority is of the considered view that, the Respondent Company as defaulted in his obligation to deliver the possession of the flat which was booked by the Complainant as per the stipulated time period as agreed between the parties in the Agreement for Sale. Therefore, the Respondent is bound to give refund of the Principal Amount which was paid by the Complainant along with interest @ State Bank of India Prime Lending Rate + 2% p.a as per the provisions of section 18 of the Real Estate (Regulation and Development) Act, 2016 read with rule 17 of the West Bengal Real Estate (Regulation and Development) Rules, 2021.

Hence, it is hereby

ORDERED

that the Respondent Company shall refund the Principal Amount of Rs. 7,78,150 (Rupees Seven Lakhs Seventy Eight Thousand One Hundred Fifty Only) paid by the Complainant along with interest @ **SBI Prime Lending Rate + 2% p.a.**, for the period from the respective date of payment by the

Complainant to the date of realisation. The Refund shall be made by bank transfer to the account of the Complainant, within 45 days from the date of receipt of this order of the Authority by email.

The Complainant shall provide his bank account details to the Respondent by email, in which he wants to take the refund amount, to the Respondent within 3 days from date of receipt of this order of the Authority by email.

Copy of this order be served to both the parties by Speed Post and also by email immediately.

With the above directions the matter is hereby disposed of.



(SANDIPAN MUKHERJEE)

Chairperson

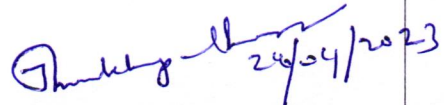
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority