

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

Complaint No.WBRERA/COM-000014

Rudra Prasad Sinha Roy Complainant

Vs.

Evania Infrastructure Private Limited.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
03 23.05.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Advocate Shourya Basu representing the Respondent is present in the online hearing filing hazira and Authorization through email.</p> <p>Heard both the parties in detail.</p> <p>The case of the Complainant is that, he booked a flat with a car parking space in the project 'Evania Econest' of the Respondent in the year of 2017. Agreement for Sale for this purpose was executed in the year 2018. Till date he has paid total Rs. 10,00,000/- (Rupees ten lakh) only for the purchase of the said flat. No substantial progress has been made in the construction site of the project and no communication has been received by the Complainant about tentative delivery time line of the flat booked by him.</p> <p>The Complainant prays before the Authority for necessary order for refund of the Principal Amount paid by him along with interest.</p> <p>Both the parties have submitted Notarized Affidavit</p>	

containing their submissions which are already taken on record.

At the time of hearing, the Advocate of the Respondent stated the provision contained in Section 32 (d) and Section 72 of the Real Estate (Regulation & Development) Act, 2016. He stated that the Authority has also the responsibility to encourage investment in the Real Estate sector and factors to be taken into account by the Authority at the time of giving orders/s as laid down in Section 72 of the RERA Act, 2016.

The Authority is of the opinion that it is the responsibility of the Authority to consider the benefit of both the Allottee and the Promoter but not at the cost of the Allottee.

After examination of the documents which has been submitted on Notarized Affidavit and hearing both the parties through online hearing, the Authority is of the opinion that the Respondent has failed in his obligation to deliver the possession of the flat booked by the Complainant as per the time schedule as given in the Agreement for Sale and as agreed between the parties. Therefore, as per the provisions contained in Section 18 of the Real Estate (Regulation & Development) Act, 2016 read with Rule 17 & 18 of the West Bengal Real Estate (Regulation & Development) Rules, 2021, the Respondent is liable to refund back the principal amount paid by the Complainant along with interest @ SBI PLR +2%.

Hence, it is hereby

ORDERED

that the Respondent shall refund the Principal Amount paid by the Complainant i.e. Rs.10,00,000/- (Rupees ten lakhs) only to the Complainant along with interest @**SBI Prime**

Lending Interest Rate +2% for the period starting from the date of respective payments by the Complainant to the date of realization. The refund 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 by email.


The Complainant shall provide his bank account details, 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 parities 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