

**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/COM-000055

Manikuntal Das ..... Complainant

Vs.

Evanie Infrastructure Private Limited..... Respondent

| Sl. Number and date of order | Order and signature of Officer   | Note of action taken on order |
|------------------------------|--|-------------------------------|
| 03<br>23.06.2023             | <p>Complainant is present in the online hearing filing hazira through email.</p> <p>Respondent is absent in the online hearing despite due service of notice through speed post and also through email.</p> <p>Let the track record of the due service of notice to the Respondent by speed post and by email be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>The Respondent did not submit any Written Response till date. As per last order of the Authority dated 26.05.2023, he was given the last chance of filing Written Response. Therefore no more chance/time can be given to the Respondent to file the Written Response.</p> <p>The Respondent was absent on the last date of hearing on 26.05.2023 and he is also absent today. Therefore the Authority shall now to proceed with ex-parte hearing and disposal of this matter, as was specifically mentioned in the last para of the last order of the Authority for the sake of speedy disposal of justice.</p> <p>The case of the Complainant is that he booked a flat in the project '<b>Evanie Econest</b>' and paid total amount of Rs.5,13,504/- (Rupees five lakhs thirteen thousand five hundred</p> |                               |

four only) in this respect to the Respondent. The project was not completed within the stipulated time period and Respondent failed to deliver the possession of the flat booked by the Complainant within the stipulated time-frame as agreed between the parties. So, the Complainant prayed before the Authority for the relief of refund of the entire principal amount paid by him alongwith interest as per RERA Act and Rules made there under.

After examination of the Notarized Affidavit of the Complainant and Notary Attested documents placed on record and after hearing the parties through online hearing, the Authority is of the considered view that the Respondent has failed miserably in his obligation to hand over possession of the flat to the Complainant within the scheduled time line and therefore, he is liable to refund the principal amount paid by the Complainant along with interest at the rate of **SBI PLR +2%** for the period starting from the date of respective dates of payments made by the Complainant till the date of realisation, as per the provisions contained in section 18 of the Real Estate (Regulation and Development) Act, 2016 read with rule 17 and 18 of the West Bengal Real Estate (Regulation and Development) Rules, 2021.

Hence it is hereby,

ORDERED

that the Respondent shall refund the Principle amount of Rs.5,13,504/- (Rupees five lakhs thirteen thousand five hundred four only) along with interest @ **SBI Prime Lending Rate + 2%**, for the period, starting from the respective dates of payments made by the Complainant till the date of realisation.

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

Complaint is at liberty to file an Execution Application on any plain paper annexing a copy of this Order, to this Authority, if the Respondent defaults to comply this order either in full or in part within the specified time period as mentioned in this order.

Let copy of this order be sent to both the parties through 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