

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

Complaint No. WBRERA/COM 001542

Soumen Jana Complainant

Vs

M/S Evanie Infrastructure Private Limited Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 01.04.2026	<p>Complainant is absent in today's hearing, without any prior intimation, despite due service of hearing notice through email.</p> <p>Advocate Souvik Adhikary is present in today's hearing on behalf of the Respondent through online mode. He is directed to send his hazira and vakalatnama immediately after today's hearing.</p> <p>The Complainant submitted his complaint through Form-M, stating that he is serving in Indian Army since last 25 years and presently posted at fur flung area (Leh-Ladakh) in extreme cold weather. He booked a 2BHK Flat in a project named "Kings Town" launched by "Ushashi Realstates Private Limited" in the name of his wife, Mrs. Mamata Jana on 16.06.2017 paying Rs. 1,77,809/- i.e. 15% of the Flat value as a token amount at the time of booking. He also paid another Rs. 1,26,046/- (10% of flat value) on 18.12.2017 for Agreement For Sale. Accordingly he was provided original Agreement for sale on 23.12.2017. But after 16 months the said company informed that there is some land dispute on the project booked by the Complainant and as such, they offered Flat in another project, i.e. "Evanie Econest" under "Evanie Infrastructure Private Limited" which was under construction and assured the Complainant for early handover of the Flat as per schedule. The complainant accepted the offer and all terms and conditions of the new project of "Evanie Econest" and as per norms of new project he again he also paid the extra amount of Rs. 54,464/- on 20.08.2019 and 30.08.2019 by cash for new Agreement. Accordingly the Respondent "Evanie Infrastructure Private Limited" provided the new Agreement for Sale on 11.09.2019 and cancelled by depositing the original Agreement. After 11.09.2019 the Complainant paid a further amount of Rs. 1,35,221/- as on 14.09.2020 the Complainant has paid a total amount of Rs. 4,86,884/- to the Respondent which is 35% of the Flat value as per Agreement for Sale. As per terms and conditions of new Agreement dated 11.09.2019 the stipulated date of handover of the flat was in the month of January,2023. But till date there is no improvement of construction of building. Due to failure of the Respondent to handover the flat, the Complainant processed an application for cancellation of his booking with refund of his hard earned money invested for the flat along with interest as applicable, on 29.12.2022. But in spite of several persuasion by the Complainant the Respondent has not taken any initiative</p>	

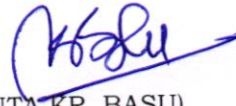
for refund of his hard earned money.

The Complainant prayed for relief of refund of his invested money amounting to Rs. 4,86,884/ along with interest as per provision of the Act.

After hearing, the Authority is pleased to admit this matter for further hearing and order as per the provisions contained in Section 31 of the Real Estate (Regulation and Development) Act, 2016 read with Rule 36 of the West Bengal Real Estate (Regulation and Development) Rules, 2021 and give the following directions:-

- A. Let "Evanie Infrastructure Private Limited" be included as Respondent No.1, Mr. Supriya Patra, Director of the Company as Respondent No.2, Mr. Purnendu Chaudhury as Respondent No. 3, Mr. Indrajit Banerjee as Respondent No.4 and Mr. Subrata Banerjee as Respondent No. 5 in this instant complaint petition henceforth.
- B. The Respondents shall submit their Written Response on notarized affidavit regarding the Complaint Petition of the Complainant, annexing therewith notary attested/self-attested supporting documents, if any, and send the same (in original) to the Authority serving a copy to the Complainant, both in hard and soft copies, within **15 (fifteen)** days from the date of receiving the order of the Authority through email.
- C. Complainant is at liberty to file reply/rejoinder through notarized affidavit, if any, in response to the Affidavit of the Respondent and send the same (in original) to the Authority serving a copy to the Respondent, both in hard and soft copies, within **15 (fifteen)** days from the date of receiving the Affidavit of the Respondent through email or speed post, whichever is earlier.

Fix after **6(six) weeks** for further hearing and order.



(JAYANTA KR. BASU)

Chairperson

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority