

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

Complaint No.WBRERA/COM (PHYSICAL)000025

Sukanya Mukhopadhyay Complainant

Vs
 Evanie Infrastructure Pvt. Ltd.
 Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
2 ----- 23.02.2023	<p>Advocate Vinit Sharma representing the Complainant is present in the online hearing filing hazira through email.</p> <p>The Respondent is absent despite due service of the notice which he received on 20.02.2023 as evident from the track record.</p> <p>Be it mentioned here that the Respondent did not appear or send his Authorized Representative on the first day of hearing on 02.02.2023 also and it was specifically mentioned in the order dated 02.02.2023 of the Authority that if the Respondent does not appear on the next date of hearing, Authority might proceed for ex-parte hearing in this matter.</p> <p>Therefore, the Authority is of the considered view that today the matter will be heard and disposed of ex-parte for the interest of justice.</p> <p>The Complainant submitted his Notarized Affidavit as per the Authority order dated 02.02.2023.</p> <p>Let the Affidavit of the Complainant be taken on record.</p> <p>Heard the Complainant in detail and also considered the Affidavit and other documents submitted by the Complainant.</p> <p>The case of the Complainant is that he booked a flat in the project named</p>	

'Evanie Econest' of the Respondent Company. He booked of 3 BHK flat with total area of 1075 Square feet super built-up area approx in the 4th Floor along with a Car parking. He paid total Rs.8,61,415/- (Rupees eight lakhs sixty-one thousand four hundred fifteen only) till date to the Respondent as part of the Consideration Money. Payment made by the Complainant has been dully acknowledged by the Respondent by issuing Money Receipt Vouchers.

The Complainant paid Rs.3,12,500/- (Rupees three lakhs twelve thousand five hundred only) on 12.07.2018 vide voucher no. 2998, Rs. 3,67,335/- (Rupees three lakhs sixty seven thousand three hundred thirty five only) vide voucher no. 8058, Rs.44,643/- (Rupees forty-four thousand six hundred forty-three only) vide voucher no. 1111 and Rs.44,643/- (Rupees forty-four thousand six hundred forty-three only) vide voucher no. 1112.

The Complainant filed payment receipt duly notarized with his written submission.

The Respondent failed to fulfil their obligation to complete the project and offer possession to the Complainant within the scheduled date as per the Agreement for Sale for reasons best known to the Respondent.

The Respondent till date refunded Rs.20,000/- (Rupees twenty thousand only) to the Complainant.

The Complainant prayed for refund of the balance amount of Rs.8,41,415/- (Rupees eight lakhs forty-one thousand four hundred fifteen only) from the Respondent.

After carefully examination of the Affidavit and fact of the case, it is hereby

ORDERED

that the Respondent shall refund entire amount of Rs. Rs.8,41,415/- (Rupees eight lakhs forty-one thousand four hundred fifteen only) along with interest at the rate of SBI Prime Lending Rate + 2% from the date of payment by the Complainant to the date of refund by the Respondent within 45 (forty-five) days from the date of receipt of this order by email and the refund shall be made by bank transfer to the bank account of the Complainant.

Complainant is directed to send his bank account details in which he want to receive the refund from the Respondent, within 3 (three) days from the date of receipt of this order by email.

If the Respondent does not comply with the Order within the stipulated period, as mentioned above, the Complainant is at liberty to Pray for execution of this Order before this Authority.

The Complaint Petition is thus disposed of.


Communicate the copy of this Order to both the parties.



(SANDIPAN MUKHERJEE)
Chairperson
West Bengal Real Estate Regulatory Authority


(BHOLANATH DAS)
23/2/2023
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
23/2/2023
Member

West Bengal Real Estate Regulatory Authority