

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

Complaint No.WBRERA/COM 001115

Tapas Sarkar..... Complainant

Vs

M/S. Evanie Infrastructure Pvt. Ltd..... Respondent 1

M/S Usashi Real Estates Pvt. Ltd..... Respondent 2

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
02 26.05.2025	Complainant is absent despite due service of hearing notice through email. Advocate Gourav Banerji is present in the hearing through online mode. Complainant submitted Notarized Affidavit dated 19.02.2025, which has been received by this Authority on 03.03.2025. Let the said Affidavit of the Complainant be taken on record. Respondent submitted Notarized Affidavit dated 23.05.2025, to the Complaint Petition and Affidavits of the Complainant, which has been received by this Authority through email on 23.05.2025. Let the said Affidavit of the Respondent be taken on record. The Respondent stated that they will refund the Complainant the Principal Amount paid by him in 3 (three) installments, on 15.07.2025 and 15.08.2025 respectively. The Respondent did not mention anything regarding payment of the interest amount. After going through the Affidavits submitted by both the parties and hearing the Respondent the Authority is of the considered opinion that the Respondent has failed miserably to give the possession of the flat to the Complainant within stipulated date as per provision of the Agreement and other terms and condition. Hence, the Respondent is liable to give refund of the Principal amount paid by the Complainant alongwith interest as per provision of section 18 of Real Estate (Regulation and Development) Act, 2016.	

Hence it is hereby,

ORDERED

That the Respondent shall refund the Principal Amount of **Rs.6,97,366/-** (Rupees six lakhs ninety seven thousand three hundred sixty six only) alongwith interest at the rate of SBI PLR+2% per annum, for the period starting from the respective dates of payments made by the Complainant till the date of realization and all the payments 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 through email.

Complainant shall send his bank account details to the Respondent through email, with copy to this Authority, within **3 days** from the date of receipt of this order of the Authority through email.

If the Respondent fails to make payment as per the direction given above within the stipulated timeline, the Complainant is at liberty to submit an Execution Application as per the Execution Regulation which is uploaded in the WBRERA website under the heading Act / Rules / Regulations.

With the above directions the matter is hereby disposed of.

Let copy of this order be served to both the parties immediately.


(BHOLANATH DAS)
Member
West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member
West Bengal Real Estate Regulatory Authority