

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-000062

Tapan Mukherjee ..... Complainant

Vs.

Evania Infrastructure Private Limited..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
01 26.04.2023	<p>Complainant is present in the online hearing. Respondent is absent in the online hearing. Respondent has sent a prayer to the Authority through email stating that, due to recent renovations and repairing work being done in the office of the Respondent, certain documents pertaining to the matter temporarily not found, therefore, in this circumstances the Respondent is unable to be present today before the Authority. He also prayed for a short extension and another opportunity be given physical/online hearing in this matter. Let the prayer of the Respondent send through an email communication and received by the Authority today be taken on record. Considered the prayer of the Respondent and granted one month time. Heard the Complainant in detail. The case of the Complainant is that, Complainant and his wife namely Smt. Somapti Mukherje had jointly booked a 2BHK flat approximately 535.36 Sqft of super built-up area with covered car parking of 134.5 Sqft., in the project named 'Evania Econest' of the Respondent Company and Agreement for Sale was executed between the parties on 11.06.2018. They have made full payment of the said flat along with covered car parking area and he has made payment of</p>	

Rs.21,60,000/- (Rupees twenty-one lakhs sixty thousand) only to the Respondent in this regard. The possession of the flat was committed to be delivered by the Respondent within 40 months from the date of Agreement, which has already been elapsed in the year 2021.

At the time of the hearing, the Complainant submitted that no substantial construction has taken place in the project land and also time for giving possession has already been elapsed in the year 2021. Therefore, he prayed before the Authority for full refund of the amount paid by him as mentioned above along with interest as per the RERA Act and Rules.

After hearing the Complainant, the Authority is satisfied to admit this matter for further hearing and order.

The Complainant is directed to submit his total submission regarding his Complaint Petition on a Notarized Affidavit annexing therewith Notary attested supporting documents, if any, and a signed copy of the Complaint Petition and send the original Affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within 15 (fifteen) days from the date of receipt of this order through email.

The Complainant is further directed to include Smt. Somapti Mukherjee, who is Joint Alottee in the purchaser of this subject matter flat. He should make a prayer in this respect on a Notarized Affidavit to be submitted by them as mentioned.

The Respondent is directed to submit his Written Response regarding the Complaint Petition on a Notarized Affidavit annexing therewith notary attested supporting documents, if any, and send the original to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within 15 (fifteen) days from the date of receipt of the Affidavit of the Complainant.

Fix 05.06.2023 for further hearing and order.



(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