

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/COM000170 & COM 000219(erstwhile WBHIRA)

Romit Banerjee ..... Complainant

Vs.

Evanie Infrastructure Private Limited..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
01 14.08.2023	<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 hearing notice through speed post and also by email.</p> <p>Let the track record of service of the hearing notice of the Respondent be taken on record.</p> <p>Heard the Complainant in detail.</p> <p>The Complainant had filed a Complaint before the erstwhile WBHIRA Authority bearing Complaint No. COM000219, the matter was admitted and heard by the erstwhile HIRA Authority.</p> <p>Subsequently, the WBHIRA Authority was struck down by Hon'ble Supreme Court by Order dated 4<sup>th</sup> May, 2021.</p> <p>It should be mentioned here that by the Order of the Hon'ble Supreme Court dated 12.05.2023 in the Case No. Special Leave to Appeal (C) No(s). 16908/2022 in the matter of Saptaparna Ray Vs. District Magistrate North 24 Parganas &amp; Ors., the Apex Court has been pleased to direct-</p> <p><i>"This Court observed that the "striking down of WB-HIRA will not affect the registrations, sanctions and permissions previously granted under the legislation prior to the date of this judgment". This principle shall also apply to orders which were passed whether in</i></p>	

*original or in the course of execution prior to the date of the judgment. All such orders shall be executed in accordance with law, as if they were issued under the RERA.*

*Moreover, we clarify that all complaints which were filed before the erstwhile authority constituted under WB-HIRA shall stand transferred to and be disposed of in accordance with law by the authority which is constituted under the Central Act. Any person aggrieved by an order passed under WB-HIRA will be at liberty to pursue the corresponding remedy which is available under the RERA.”*

Therefore, as per the above direction of the Hon’ble Supreme Court and after hearing both the parties, this Authority is hereby pleased to take up the Complaint Petition bearing no. **COM000219** for further hearing and order. This Authority shall continue the hearing, from the stage up to which the erstwhile WBHIRA has conducted the hearing till 04.03.2021.

The Authority now shall proceed with hearing of **COM000219**.

The Complaint case bearing No. COM000170 before this Authority is hereby closed and this Authority shall proceed with bearing No. COM000219 filed before the erstwhile HIRA Authority as the Complaint Case stand transferred before this Authority by the order of the Hon’ble Supreme Court dated 12<sup>th</sup> May, 2023 as mentioned above.

The Complainant stated at the time of hearing that he has paid total Rs.6,19,000/- (Rupees six lakhs nineteen thousand only) for the purchase of the flat in the project named ‘**Evanie Econest**’ of the Respondent Company. The flat was scheduled to be delivered to the Complainant within the year 2021. But the Respondent failed to deliver the possession as per the schedule timeline also no substantial progress has been taken place in the said project.

The Complainant therefore prays before the Authority for immediate refund of the Principal amount paid by him as mentioned above.

The Complainant is hereby directed to send the self-attested

supporting documents to this Authority within 7 days from today, both in hard and soft copies, serving a copy of the same to the Respondent.

The Respondent is hereby directed to positively appear on the next date of hearing, failing which, the Authority shall have no other option but to proceed with ex-parte hearing of this matter for the speedy redressal of the dispute.

Fix **07.09.2023** 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