

**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-000033

Gautam Datta

..... Complainant

Vs

Evanie Infrastructure Private Limited

..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
3 ----- 29.05.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Advocate Shourya Basu representing the Respondent is present in the online hearing filing hazira and Authorization through email.</p> <p>Heard both the parties in detail.</p> <p>The case of the Complainant is that, he booked a 3BHK flat of an area of 1079 Sq.ft. approximately in the project '<b>Evanie Econest</b>' of the Respondent vide Application No. EEN03607 situated at Rajarhat, Kolkata – 700 135 by paying Rs.4,86,437/- (Rupees four lakhs eighty six thousand four hundred thirty seven only) on 29.10.2017. After waiting for a period of more than 5 (five) years, with complete frustration, the Complainant observed that no construction has started in the project site. On 23.11.2019, the Complainant issued a notice to the Respondent for refund of the booking amount along with interest but no reply has been received till date from the Respondent Company.</p>	

The Complainant prayed before the Authority, in his Complaint Petition and also at the time of hearing, to issue necessary order for refund of the booking amount of Rs.4,86,437/-(Rupees four lakhs eighty six thousand four hundred thirty-seven only) along with 12% compound interest from the date of payment to the date of refund. He also prayed for a relief of Rs.2,00,000/-(Rupees two lakhs) only as compensation for mental agony and harassment.

After examination of the Notarized Affidavits of both the parties and Notary Attested documents placed on record and after hearing both the parties in the online hearing, the Authority is of the considered view that the Respondent has failed in his obligation to handover possession of the Flat to the Complainant within the scheduled time line and therefore he is liable to refund the Principal Amount paid by the Complainant along with interest at the rate of SBI PLR +2% starting from the date of respective payments made by the Complainant till the date of realisation, as per the provisions contained in sub-section (1) of section 18 of the Real Estate (Regulation and Development) Act, 2016 read with rule 17 and 18 of the West Bengal Real Estate (Regulation and Development) Rules, 2021.

Hence it is hereby,

Ordered,

that the Respondent shall refund the principal amount of Rs.4,86,437/-(Rupees four lakhs eighty six thousand four hundred thirty-seven only) along with interest @SBI Prime Lending Rate + 2% starting from the respective dates of payments made by the Complainant till the date of realisation. The refund 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 by email.

The Complainant shall send his bank account details, in which he wants to take the refund amount, to the Respondent by email, within 3 days from the date of receipt of this order of the Authority by email.

Complaint is at liberty to file an Execution Application on any plain paper annexing a copy of this Order, to this Authority, if the

Respondent defaults to comply this order either in full or in part within the specified time period as mentioned in this order. In that case Respondent shall be liable to a penalty for every day during which such default continues, which may cumulatively extend up to five percent of the estimated cost of the project named '**Evanie Econest**' of the Respondent, as determined by this Authority, as per the provisions contained in section 63 of the Real Estate (Regulation and Development) Act, 2016.

Let copy of this order be sent to both the parties through speed post and also by email immediately.

With the above directions the matter is hereby disposed of.



(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