

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

Complaint No.WBRERA/COM-000083

Acchia Khatun 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 <u>03.05.2023</u>	<p>Complainant is present in the online hearing. She is directed to submit hazira as per the format given with the hearing notice and send a photo/scanned copy of the hazira to the Authority by email to the Authority immediately after receiving this order through email.</p> <p>Respondent is absent despite due service of notice.</p> <p>The Respondent has sent a petition by email stating that due to renovation and repairing works being done in the office of the Respondent herein, certain documents pertinent to this matter as mentioned in the Cause Tile temporarily not found and same is being retrieved by the Respondent at the earliest. Therefore, he prayed for a short adjournment for filing the Written Response.</p> <p>Let the petition of the Respondent as mentioned above be taken on record.</p> <p>Considered and granted one month time to the Respondent to file Written Response.</p> <p>The Complainant at the time of hearing prayed for inclusion of one email ID in the records of the case and requested for sending the future communications in this email –</p> <p style="text-align: center;">niclosmaruf@gmail.com</p> <p>Mob nos. 9830123106, 9240893829</p> <p>Let the above email Id and phone numbers be taken on record of</p>	

this complaint matter and henceforth all communications to the Complainant be also sent to this email id.

Heard the Complainant in detail.

The Complainant booked a flat in the project 'Kingstown' of the promoter company Usashi Realstates Pvt. Ltd. The project was abandoned by the said Promoter Company. Thereafter, at the instance of the promoter company the allotment of the Complainant was transferred to the project named as 'Evanie Econest' of Evanie Infrastructure Pvt. Ltd (the present Respondent) which is a sister concern of Usashi Realstates Pvt. Ltd. Till date the Complainant has paid total Rs.8,87,000/- (Rupees Eight Lakhs Eighty Seven Thousand only) in this regard to the Respondent. Agreement for Sale in this respect was executed between the parties on 02.12.2019. As per the Agreement for Sale, the delivery of possession of the flat was scheduled to be given on either at the end of year 2020 or at the beginning of the year 2021. Respondent failed to deliver the possession of the flat as per the scheduled time stated in the Agreement for Sale.

The Complainant prayed before the Authority for relief of refund of the entire Principal Amount which was paid by him along with interest as per 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 21 days from the date of receipt of this order through email.

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 days from the date of receipt of the Affidavit of the Complainant.

Fix 21.06.2023 for further hearing and order.



(SANDIPAN MUKHERJEE)

Chairperson

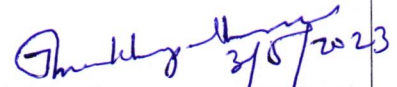
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority