

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

Complaint No. WBRERA/COM000451

Anasuya De Complainant

Vs

Evanie Infrastructure Private Limited..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 05.06.2024	<p>Complainant (Mob. No. 8777702743 & email Id: anasuyade1970@gmail.com) is present in the online hearing filling hazira through email.</p> <p>Respondent is absent in the online hearing despite due service of hearing notice to the Respondent through speed post and also by email.</p> <p>Let the track record of due service of hearing notice to the Respondent be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>As per the Complainant, she had booked a 2 BHK flat approx 490 sq.ft. in Tower No. EEN26/2 in the 2nd floor of 'Evanie Econest' project of the Respondent Company situated at mouza Hudarait, P.O. Akondokeshori, P.S. Rajarhat, Kolkata-700135, District- North 24 Pgs, vide application form no. EEN002251 dt. 20.09.2017 alongwith a cheque of SBI amounting to Rs.2,12,516/- (ch. No. 513166 dt. 20.09.2017). On 18.03.2018 she made another payment of Rs.1,97,677/- vide cheque no. 386924 dt. 18.03.2018 of SBI totaling the amount paid by her amounting to Rs.4,10,193/- out of Rs.14,64,974/-. In 2020, she decided to cancel the said booking and accordingly submitted an application dated 04.12.2020 to the Director of the Evanie Infrastructure Pvt. Ltd., for cancellation of the booking of the said flat and refund of the amount already paid by her. M/s. Evanie Infrastructure Pvt. Ltd. that is the Respondent Promoter Company gave her a payment schedule on 11.11.2022 for payment of refund amount of Rs.3,07,645/- after deducting the cancellation charge of Rs.58,598/- (4% of total flat value of Rs.14,64,974/-). The Respondent wanted to pay the GST amount of Rs.43,950/- afterwards. But till date she has not got any payment from the Respondent Company, though five years had passed since her last payment on 18.03.2018.</p> <p>The Complainant prays before the Authority for the relief of refund of the entire Principal Amount of Rs.4,10,193/- which she has paid to the Respondent Company alongwith interest as per RERA Act and Rules.</p>	

After hearing both the parties, the Authority is pleased to admit this matter for further hearing and order as per the provisions contained in Section 31 of the Real Estate (Regulation and Development) Act, 2016 read with Rule 36 of the West Bengal Real Estate (Regulation and Development) Rules, 2021 and give the following directions:-

The Complainants are directed to submit her total submission regarding their Complaint Petition on a Notarized Affidavit annexing therewith notary attested /self-attested supporting documents and a signed copy of the Complaint Petition and send the Affidavit (in original) to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within **21 (twenty-one)** days from the date of receipt of this order of the Authority by email.

The Respondent is hereby directed to submit his Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested/self-attested supporting documents, if any, and send the Affidavit (in original) to the Authority serving a copy of the same to the Complainant, both in hard and soft copies, within **21 (twenty-one)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

The Respondent is also directed to appear positively on the next date of hearing, failing which, this Authority shall have no other option but to proceed with ex-parte hearing and disposal of this matter on the next date of hearing, for the ends of speedy disposal of justice as per the provision of section 29(4) of the Real Estate (Regulation and Development) Act, 2016.

Respondent is further directed to submit the Written Response on Notarized Affidavit within the stipulated timeline, as directed above, failing which, no more chance or time shall be given to the Respondent for submission of Written Response, for the ends of speedy disposal of justice as per section 29(4) of the RERA Act.

Fix **07.08.2024** for further physical hearing and order. On the the next date hearing shall be held physically in the office of WBRERA.



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority