

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

Complaint No.WBRERA/COM000047

Shamsul Haque Chaudhary Complainant

Vs.

Evanie Infrastructure Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
03 23.06.2023	<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 notice through speed post and also by email.</p> <p>Let the track record of due service of notice to the Respondent by speed post and email be kept on record.</p> <p>Respondent did not submit his Written Response as per the last two orders of the Authority dated 17.03.2023 and 23.05.2023. In the last order of the Authority it was specifically mentioned that last chance had been given to the Respondent to file the Written Response. But the Respondent failed to do so therefore no more time/chance can be given to the Respondent.</p> <p>The Respondent was absent on the last date of hearing on 23.05.2023 and he is also absent today. Therefore the Authority shall now proceed with ex-parte hearing and disposal of this matter as was specifically mentioned in the last para of the last order of the Authority.</p> <p>The case of Complainant is that, he booked a 2BHK flat in the project 'Prince Town' situated at Hatisal Rajarhat from the Company/Promoter named as Usashi Real Estate Pvt. Ltd. On 18.11.2018, as no progress was made in the construction of the</p>	

project 'Prince Town', on request of Usashi Real Estate Pvt. Ltd., and with the consent of the Complainant, the Complainant's allotment was transferred to the '**Evania Econest**' project of Evania Infrastructure Pvt. Ltd (Respondent Company) which is a sister organization of Usashi Real Estate Pvt. Ltd. But in this project also, no progress in the construction has been observed by the Complainant.

The Complainant has paid total Rs.4,76,941/- (Rupees four lakhs seventy-six thousand nine hundred forty-one only) for the purchase of the said flat.

After examination of the Notarized Affidavit of the Complainant and Notary Attested documents placed on record and after hearing the parties through online hearing, the Authority is of the considered view that the Respondent has failed miserably in his obligation to hand over possession of the flat to the Complainant within the scheduled time line and therefore, he is liable to refund the principle 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 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 Principle amount of Rs. 4,76,941/- (Rupees four lakhs seventy-six thousand nine hundred forty-one) along with interest @**SBI Prime Lending Rate + 2%** for the period 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.

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