

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

Complaint No. WBRERA/COM000570

Barni Saha Chowdhury and Subhas Saha..... Complainant

Evanie Infrastructure Pvt. Ltd..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 26.12.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Advocate Mr. Shourya Basu (Email Id- shourya.cnlu@gmail.com) is present in the online hearing on behalf of the Respondent filing hazira through email. He is directed to send his authorization / vakalatnama before the next date of hearing.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant, she booked a 2 BHK flat on 9th february, 2018 with booking amount of Rs.4,42,939/- . Now it is observed that the project has been deregistered. The Respondent- Promoter has not yet refunded their hard earned money although requested several times by them.</p> <p>In this Complaint Petition the, Complainant prays for refund of the entire booking money alongwith interest as per norms.</p> <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:-</p> <p>Let Mr. Subhas Saha be included as Joint Complainant in the present matter because he is the Joint Allottee alongwith Smt. Barni Saha Chowdhury in the present matter and henceforth in all the records of this matter her name shall be included as a Joint Complainant.</p> <p>Let 'Evanie Infrastructure Pvt. Ltd.' be recorded as Respondent in the Present Complaint petition because the Complainant inadvertently typed her name at the place of the name of the Respondent, at the time filing online Complaint. Henceforth in all the records of this matter the name of the Respondent will be Evanie Infrastructure Pvt. Ltd.</p>	

Both the parties are directed to try to arrive at a mutual settlement by amicable discussion with each other, regarding refund of the Principal Amount paid by the Complainant alongwith interest as per RERA Act and Rules made thereunder, within a period of **15 (fifteen)** days from today and if they arrive at a mutual settlement, both of them shall submit a Joint Affidavit, signed by both, containing the terms of the mutual settlement and send the same to the Authority within a period of further **7(seven)** days and Respondent shall start payment of the refund amount accordingly from the month of January, 2024.


If they fail to arrive at a mutual settlement within the period of 15 days as directed above then in that case, -


The Complainants is directed to submit his total submission regarding his Complaint Petition on a Notarized Affidavit annexing therewith notary attested / self attested copy of 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 **7 (seven) days** from the date of receipt of this order through email.

The Complainant is further directed to send a scan copy of the Affidavit to the email of the advocate of the Respondent as mentioned above.

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 **7 (seven) days** from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

Fix **15.02.2024** for further hearing and order.


(BHOLANATHDAS)
Member
West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member
West Bengal Real Estate Regulatory Authority