

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

Complaint No. WBRERA/COM000249

Abhijit Sen and Rita Sen..... Complainants

Vs

Evania Infrastructure Private Limited..... Respondent

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
01 28.02.2024	<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 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 Complainants, they have booked a 2BHK flat at a Housing Project named as “Evania Econest” from the Respondent Company on 11.08.2017 by an application amount of Rs.20,000/-through a SBI Cheque. As per the payment schedule mentioned in the application form, They have made a payment of Rs.2,01,368/ through another SBI Cheque on 26.08.2017. Another payment was made by them on 17.10.2017 amounting to Rs.1,37,035/- through NEFT. Hence a total amount of Rs.3,58,403/- was made to the Respondent Company till date (including GST), which is 24% of the total cost of the property value (includes the amenities charges). The Agreement for Sale was executed between the two parties on 13th June, 2018. As per the Agreement for Sale, in clause no. 6.1 at page 10, the expected delivery of possession of the flat booked by them was 40 months from the date signing of the Agreement i.e. within 13.10.2021. As per last site visit, they saw zero progress as compared to what was there on 2019 and they do not have any solid reason behind the stoppage of the construction progress and the exact handover date of the flat.</p> <p>Complainant prays for the relief of refund of the Principal Amount of Rs.3,58,403/-paid by them alongwith interest as per the provisions of section 18</p>	

of the RERA Act, 2016 read with rule 17 of the RERA Rules, 2021.

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:-

Let **Smt. Rita Sen** be included as a joint Complainant in the present Complaint Petition as she is the wife of Mr. Abhijit Sen and also a Joint Allottee in the present transaction. Both the Complainants shall sign the affidavit.

The Complainants are directed to submit their 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 **15 (fifteen)** days from the date of receipt of this order through email.

The Respondent is hereby directed to submit his Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainants, 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 Complainants, both in hard and soft copies, within **15 (fifteen)** days from the date of receipt of the Affidavit of the Complainants either by post or by email whichever is earlier.

Fix **17.04.2024** for further hearing and order.

(SANDIPAN MUKHERJEE)
Chairperson
West Bengal Real Estate Regulatory Authority

(TAPAS MUKHOPADHYAY)
Member
West Bengal Real Estate Regulatory Authority