

**ORDER SHEET**

**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

Complaint No. COM-000038 of 2019

SANJIB SARKAR.....Complainant

AND

ARNAB ROY.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
1 ----- 14-05-2019	<p>An online complaint was received as per Section 31 of the West Bengal Housing Industry Regulation Act, 2017 vide complaint No. <b>COM-000038</b> dated <b>12/02/2019</b> at the WB Housing Industry Regulatory Authority from Complainant <b>Sanjib Sarkar of Baramitra Para(Ghosh Para), Kalna, Burdwan – 713409</b> against <b>Arnab Roy of 86, Golaghata, VIP Road, 1<sup>st</sup> Floor, Ganga Apartment, Kolkata-700048</b> and as per Rule 36 of the West Bengal Housing Industry Regulation Rules, 2018, NOTICE was issued for the alleged contravention and the Respondent as well as the Complainant were directed appear for hearing at the Office of the WB Housing Industry Regulatory Authority, Calcutta Greens Commercial Complex (1st Floor), 1050/2, Survey Park, Kolkata-700 075 along with relevant documents on 7/3/19.</p> <p><b>On 7/3/19</b>, The Applicant appeared but the Respondent did not appear in spite of notice being properly served.</p> <p>The Complainant stated in his complaint that the Complainant had booked a flat on 30/08/2017 and pay an amount of Rs.4,12,160/- including GST in the project name "ECONEST" and was told by the Respondent that the project is pre-approved by Axis Bank and will also get necessary approval from other Nationalised Bank within one month. . The Complainant has also stated that the Complainant made continuous follow ups with the Respondent for proper documents regarding bank approval but the Respondent failed to show such documents. Accordingly, the Complainant has decided to cancel the booking and made several phone calls, e-mail and finally made written application on 01/12/2018.</p> <p>The Complainant in his complaint has sought relief by way of refund of the money paid by the Complainant with interest from the date of payment along with compensation if possible.</p>	

  
Dictated  
& Corrected  
by me

Since the Respondent has not appeared during the hearing, the next date of hearing was fixed on 19/03/2019.

**On 19/3/19**, the Complainant appeared but the Respondent failed to appear as it appears from the delivery report of the India Post that the Notice has yet not been delivered. Accordingly, the next date of hearing was fixed on 9/4/19.

**On 9/4/19**, the Complainant appeared but the Respondent once again did not appear. Hence, last opportunity was provided to the Respondent to appear and the next date of hearing was fixed on 02/05/2019.

**On 02/05/19**, none of the Complainant or the Respondent appeared for hearing. Hence, another date of hearing was fixed on 14/05/2019.


**On 14/05/19**, the Complainant appeared for hearing but the Respondent was absent.


During the hearing the Complainant stated that the booking amount of the flat has been received by Evanie Infrastructure Pvt. Ltd for the project Evanie Econest.

It is observed from the complaint dated 12/02/2019 filed by the Complainant that Arnab Roy has been made Respondent. However, the booking amount of the flat has been received by Evanie Infrastructure Pvt. Ltd for the project Evanie Econest. It is fact that complaint has made against Arnab Roy and as such the documents submitted by the Complainant are not related to the Respondent, Arnab Roy, but the amount has been received by Evanie Infrastructure Pvt. Ltd.

Hence it is hereby ordered that since the Complainant has made Arnab Roy as Respondent, however, the documents submitted by the Complainant with the complaint reveal that the amount has been received by EVANIE INFRASTRUCTURE PVT.LTD. and the Complainant has not made against EVANIE INFRASTRUCTURE PVT.LTD as Respondent, the present complaint is not maintainable and is disposed of accordingly.

Let the copy of this order be communicated to both the parties.

  
Dictated  
& corrected  
by me

  
Designated Authority,  
Housing Industry Regulatory Authority