

**COMPLAINT TO AUTHORITY**  
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 1/31/2020

Date of receipt by post : \_\_\_\_\_

Complaint No. : COM000277

Signature : \_\_\_\_\_

Authorized Officer : \_\_\_\_\_

**IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE**

Calcutta Greens Commercial Complex (1st Floor), 1050/2, Survey Park, Kolkata-700075

Between

Moumita Biswas Complainant(s)

And

Evanie Infrastructure Private Limited Respondent(s)

**Details of claim :**

1. Particulars of the complainant(s) :  
(i) Name of the complainant : Moumita Biswas  
(ii) Address of the existing office / residence of the complainant : Para Kaliganj Bilaspur Nachhererpara,  
Murshidabad, Jalangi, Jalangi, 742305  
(iii) Address of the service of all notice : Local Address  
M6, Fr1, B3,  
Eastern Grove  
Newtown, Action Area 1  
Near Newtown Bus Stand.  
Kolkata - 700156

2. Particulars of the respondents:  
(i) Name(s) of the respondent : Evanie Infrastructure Private Limited  
(ii) Office address of the respondent : Mouza: Hudarit P.O. - Rajarhat, North 24-Parganas, Rajarhat  
Rajarhat, West Bengal, 700135  
(iii) Address for service of all notices : Marketing Address:  
C/O Mr. Supriya Patra s/o Sri Asis Kumar Patra  
86, Golaghata, VIP road  
Jamuna Apartment (1st Floor) behind Venkatesh Banquet  
Kolkata-700048

Corporate Address:  
C/O Mr. Supriya Patra s/o Sri Asis Kumar Patra  
81, Golaghata, VIP road  
Flat 1B Radhakunj Apartment near Bika Banquet  
Kolkata-700048

Permanent Address:  
C/O Mr. Supriya Patra s/o Sri Asis Kumar Patra  
VIII- Radhapur, PO- Madhabpur  
PS- Bhupatinagar  
Pin- 721626  
Dist: Purba Medinipur

3. Jurisdiction of the Authority North 24-Parganas

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4. The complainant declares that the subject matter of the claim falls within the jurisdiction of the Authority. Facts of the case:

I booked a 3BHK flat having a total covered area of 1079 Sq. Ft. (covered area of the flat 863 Sq. Ft. + Added common covered area of 216 Sq. Ft.) on the 2nd Floor S-E of the said proposed building in Phase-1 with an open parking space of 134.5 Sq. Ft. on the ground floor of the housing complex to be known as Evanie Econest via Application form No. EEN003530 dated 22.10.2017. I already did an AGREEMENT for Sale on 3rd March 2018 between Usashi Realstates Pvt. Ltd. (Pan No. AAFCD0790C) and Evanie Infrastructure Pvt. Ltd. (Pan No. AAECE5886B) represented by its director Mr. Supriya Patra (Pan No. BCSPP3301E) s/o Sri Asis Kumar Patra part of the First and Second part and Smt. Moumita Biswas, Sri Amitabh Chakraborty and Smt. Krishna Ddas Biswas Party of the Thirt Part. Till date we made a total Payment of Rs. 10,18,063 (Principal Rs. 9,08,985 and S.Tax Rs. 1,09,078) only as an Earnest / Advance money including proportionate Service Tax under this agreement for sale vide Cheque Nos. 000027 dated 22.10.2017 (Amt. Rs. 5,50,711), 134484 dated 31.12.2017 (Amt. Rs. 70,000) and 134483 dated 15.01.2018 (Amt. Rs. 3,97,352). As per the Sale Agreement Point No. 6.1, Pg-13 it is mentioned that the expected possession time of the said flat is withing 40 months from the effective date but till date the physical progress of the project shows that the project construction has not yet started on full phase as assured and there is no possibility considering the physical status of the project to deliver the possession within the timeline as promised in the agreement. Under these circumstances we requested for cancellation of the booked flat and asked for full refund vide a letter dated 14.08.2019 along with 3 nos. of photocopies of payment receipt but till date no response has been received from their end.

(give a concise statement of facts and grounds for complaint)

5. Relief(s)

In view of the facts mentioned in paragraph 4 above, the complainant prays for the following relief(s) :

As the above mentioned project is miserably delayed and we are suffering. We pray before the authority for full refund of our money from respondent company which we had paid for purchase of the above mentioned flat.

(Specify below the relief(s) claimed explaining the grounds of relief(s) and the legal provisions (if any) relied upon)

6. Interim order, if prayed for:

Pending final decision on the complaint the complainant seeks issue of the following interim order:

(Give here the nature of the interim order prayed for with reasons)

7. Complainant not pending with any other court, etc:

The complainant further declares that the matter regarding which this complaint has been made is not pending before any court of law or any other authority or any other tribunal(s).

8. Particulars of bank draft in respect of the fee in terms of sub-rule (1) of rule 36:

- (i) Amount : 1000
- (ii) Name of the bank on which drawn : BillDesk Online Payment

9. List of enclosures :

(Specify the details of enclosures with the complaint)

Agreement

Cancellation Letter

Payment Receipt

FORM 'J'  
See rule 36(1)

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**Verification**

I Moumita Biswas son / daughter of Late Kalika Prasad Biswas the applicant do hereby verify that the contents of paragraphs (1 to 7) are true to my personal knowledge and belief and that I have not suppressed any material fact(s).

Place : *Kolkata*

Date : *31/1/2020*

*Moumita Biswas*

Signature of the applicant(s)