

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

For use of Authority(s) office :

Date of filing : 7/6/2020

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

Complaint No. : COM000408

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

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

**IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE**

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

Between

Debdeep Mukherjee Complainant(s)

And

SRI SUPRIYA KUMAR PATRA Respondent(s)

**Details of claim :**

1. Particulars of the complainant(s) :

(i) Name of the complainant : Debdeep Mukherjee

(ii) Address of the existing office / residence of the complainant : Saswata Housing Cooperative, Premises 180502, Action Area II, New Town, Kolkata, North 24-Parganas, Newtown Kolkata Development Authority, New Town, 700157

(iii) Address of the service of all notice :

2. Particulars of the respondents:

(i) Name(s) of the respondent : SRI SUPRIYA KUMAR PATRA

(ii) Office address of the respondent : "Premises No. 594/1, Dakshindari Road, "Bima Abasan", Flat No E2/1, 1st Floor, PO - Sreebhumi, PS - Lake Town, Kolkata 700048, Dist 24 PGS (N)"

(iii) Address for service of all notices :

3. Jurisdiction of the Authority :

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

We had booked a 2BHK Flat, having Total Area 535.63 Sq Ft. (covered area: 428.5 Sq. Ft. with added common covered area of 107.13 Sq. Ft.) for a consideration sum of sale of INR 15,81,925/- in Evanie EcoNest vide Application# EEN003598 on 28th October 2017. We had made payment of INR 478147/- in 2 instalments (INR 345500/- & INR 132647/-) during FY'17-'18 till date, against the same. Agreement was signed on 14th November 2018.

The project is visibly in limbo since its inception but whenever asked for the reason it was supported with series of claims and promises. Hardly any of these promises proved to be worthwhile and the project has not progressed since launch.

Moreover, we are currently in dire need of money due to personal emergency and I have already request for a refund to its entirety as per the official cancellation process as guided by Evanie Econest team during February 2020.

Please find the chronology of events summary below:

1. Booking done - Oct 2017
2. 1st Payment - 28th October 2017 - INR 3,45,500/-
3. 2nd Payment - 24th March 2018 - INR 1,38,174/-

**FORM 'J'**  
See rule 36(1)

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4. Cancellation & Refund Request Initiation - 17th February 2020
5. Instruction for official cancellation procedure received - confirmed to be 90-100 days after official application - 20th February 2020
6. Official Cancellation & Refund Request as per instruction - 26th February 2020 - through Physical Office visit and stamped acknowledgement (attached)
7. Follow Up on Refund Status - over 100 days now
8. No acknowledgement received since official cancellation request submission.

(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 per cancellation instruction (Point#5) we are supposed to receive the full refund by 90-100 days which are over but we are not getting any email communication since my last physical visit for an official cancellation request on 26th February 2020.

Request your kind order for recovery of the payment made.

(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:  
NIL

Pending final decision on the complaint the complainant seeks issue of the following interim order:  
Does not arise

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

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

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)

1st Payment

2nd Payment

Email thread with Evanie

Official Refund Request Submission

Project Status on February 2020 - Physical Visit

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**Verification**

I **Debdeep Mukherjee** son / daughter of **Dibakar Mukhopadhyay** 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 : *NEWTON*

Date : *06th July 2020*

*Debdeep Mukherjee*

**Signature of the applicant(s)**

*Tibottawa Mukherjee*

*Dibakar Mukhopadhyay*