

COMPLAINT TO AUTHORITY
Complaint under section 31 of the Act

For use of Authority(s) office :

Date of filing : 9/18/2019

Date of receipt by post : _____

Complaint No. : COM000147

Signature : _____

Authorized Officer : _____

IN THE HOUSING INDUSTRY REGULATORY AUTHORITIES OFFICE

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

Between

Santanu Das Complainant(s)

And

Evanie Infrastructure Private Limited Respondent(s)

Details of claim :

1. Particulars of the complainant(s) :

- (i) Name of the complainant : Santanu Das
- (ii) Address of the existing office / residence of the complainant :
- (iii) Address of the service of all notice : Po - Kharagpur,

Dist - West Midnapore,

Vill - Bhawanipur,

Near - Vivekananda Youth Club

Pin - 721301

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 : Office Address:

86, Golaghata, VIP Road, Jamuna Apartment, 1st Floor Kolkata 48 (Behind Shree Venkatesh Banquet), PH - 9836414114, 033 65015151, info@evanieinfra.com

Project Site Address:

Mouza: Hudarit P.O.- Rajarhat, North 24-Parganas, Rajarhat, West Bengal, 700135, Behind of Elita Garden Vista. Newtown, Action Area - 3.

3. Jurisdiction of the Authority : North 24-Parganas

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

- On 21-09-2017 we have booked a flat at EVANIE Econest (application no.EEN002298).
- We paid rs.4,64,000 for paid flat booking (voucher no.819)
- On 15th Nov ,2017 we paid second installment rs.3,26,350 (voucher no.1248)
- After visiting the project site we found that no work done till dated 28th May,2018. Therefore finally we applied for cancellation with the Co which will take around 45-60 days.
- They informed us that they will deduct a certain % (approx. 2 lk) and will pay rs.6,03,562 along with GOVT.GST rs. 84,680 when we applied for " GST application" on dated 16th July, 2018.
- Now the CO.had issued 2 cheques of rs.3,00,000 (16th June,2018) and rs.3,03,5622 (26th October,2018) respectively stamped by Mr.RANJAN PANDA (accounts dept. - 9073692472).
- 1st cheque was duly received by us on the same date of amt rs.3,00,000
- 2nd cheque was dishonoured due to insufficient fund of the CO.of amt rs.3,03,562.

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- After discussed with Ranjan Panda he informed us that they are having some funding problem and he has also stated they are facing some land dispute activities with ISCON, so they will pay us by installment.
- Later on, in last Nov they paid rs.1,00,000 in our SBI A/C & in last Dec they paid rs.50,000 that also after asking them for several times.
- Lastly we have discussed with our legal advocate (Mr. Hansa Singh – 9903324189) and sent a Legal Notice to Evanie regarding our due amount. But still no response from their end.
- We have raised our refund request on 29MAY,2018 but till dated 18th Sep,2019 they have not paid our remaining amount. It has been passed around 16-months to delayed this process.
- Recently they have shared a declaration paper asking us to sign for the remaining refund amount, but not confirmed us over mail that weather they will refund or forfeit this amount. and stated that they will not pay any interest.

But as per Govt rule they are bounded to pay this amount. Because they have not started any project work.

(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 our calculation below amount is dues from Evanie.

1,53,562 dishonoured cheque amount

84000 GST amount

14 % interest amount, as the money has been blocked for last 2 years.

(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:

Not yet.

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

No

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

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

On 30.07.2019 our Advocate sent a legal notice to Evanie authority.

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)

Evanli Legal Notice

Evani cancellation letter

Evani cheque bounced

Evani Flat allotment

Paid amount to Evani

FORM 'J'
See rule 36(1)

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Verification

I **Santanu Das** son / daughter of **Ramgopal Das** 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 : *24.09.2019*

Santanu Das.

Signature of the applicant(s)