

**ORDER SHEET**


**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

**Complaint No. COM-000176**

**Gargi Ghoshal.....Complainant**

**AND**

**Evanie Infrastructure Pvt. Ltd.....Respondent**

| Sl. Number and date of order  | Order and signature of Officer  | Note of action Taken on order |
|---|---|-------------------------------|
| <p style="text-align: center;">2</p> <p>-----</p> <p>10-01-2020</p> <p>Dictated &amp; corrected by me</p>  | <p>Complainant is present filing hazira.</p> <p>Respondent is absent though notice has been duly delivered along with complaint petition at the address provided by the Complainant and service return has been confirmed by postal slips.</p> <p>The Respondent Company did not participate in the hearing despite repeated opportunity to the Respondent and therefore, this Authority having satisfied decided to proceed ex parte.</p> <p>Heard the Complainant and recorded evidence.</p> <p>The Complainant filed copy of brochure of the project Evanie Econest published by the Respondent Company where the marketing address of the Company is recorded at 86, Golaghata, VIP Road, Jamuna Apartment (1<sup>st</sup> Floor), behind Venkatesh Banquet, Kolkata-700 048 and corporate address as printed is 81, Golaghata, VIP Road, Flat 1B, Radhakunj Apartment, near BIKA Banquet, Kolkata-700 048. The notices were served at these addresses.</p> |                               |

Dictated  
& corrected  
by me



This is the case of Complainant that on the basis of information published in the brochure he booked a flat of 3 BHK standard with total covered area of 1079 square ft. on the 4<sup>th</sup> floor in phase 1 of the Housing Complex known as "Evanie Econest" of the Respondent. An agreement for sale was executed between the Complainant and Evanie Infrastructure Pvt. Ltd on 05/04/2018 for purchase of the said flat by the Complainant. The Complainant paid total Rs.945554/- to the Respondent as the consideration money for purchase of the said flat.

The payment made by the Complainant has been duly acknowledged by the Respondent by issuance of money receipt vouchers. The Complainant paid Rs.100000/- on 20.08.2017 vide Voucher No. 190, Rs.500000/- on 20/08/2017 vide voucher no.191 and Rs.345554/- on 05.03.2018 vide Voucher No. 2327.

The Complainant submitted the copy of the money receipts and other documents in support of his case.

Let the copy of the money receipts and other documents be taken on record.

The evidence produced by the Complainant has been examined.

This is evident that Respondent Company invited applications from the prospective home buyers for the project Econest and the Complainant booked the flat by paying the requisite booking money against application no. EEN001485, which has been duly accepted and confirmed by Respondent Company. The Respondent Company could not fulfil their obligations to complete project and offer possession to the Complainant for the reasons best known to the Respondent Company.

After careful examination of evidence and facts of the case this is hereby,

Ordered,

that the Respondent Company shall refund the total amount of Rs.945554/- along with interest at the rate as mentioned in the agreement signed between the parties on 05/04/2018, from the date of deposit to the Respondent till the


date of full refund to the Complainant, within 45 days from the date of receipt of this order by bank transfer to the account of Complainant. Complainant is at liberty to file application for execution of this order in case of non compliance of this order within stipulated time period by the Respondent.

Let a copy of this order be issued to both the parties for compliance.

The complaint petition is thus disposed off.

Dictated  
& corrected  
by me



  
(ONKAR SINGH MEENA)  
Designated Authority,  
Housing Industry Regulatory Authority  
Govt. of West Bengal.