ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Soumadip Roy.....Complainant
AND

Complaint No. COM-000215

Evanie Infrastructure Pr	rivate Limited	Respondent
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Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
25-02-2020	Complainant is present filing hazira. Respondent is absent despite due service of notice as per postal records. Let the service returns be taken on record. Heard the Complainant in detail.	2
Dictated & corrected by me	The case of the Complainant is that he booked a 3 BHK flat having a total area of approx. 1071.25 sq ft on the third floor in the south-east side in the project 'Evanie Econest' of the Respondent by application No. EEN 001961 on 31.09.2018. Till date he has paid an amount of Rs. 10,04,366/- in this respect to the Respondent. In this regard an Agreement for Sale was executed between the Complainant and the Respondent on 31.12.2018. As per the Complainant the project has not yet commenced after more than 27 months from the first payment of booking. The Complainant sought the relief of refund of his money alongwith admissible interest.	

Dictated & corrected by me The Complainant submitted self-attested photocopies of necessary documents in support of his case.

Let the documents be taken on record.

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This Authority is prima facie satisfied that this Authority can proceed for hearing of the case as per Rule 36(2) of the WBHIRA Rules,2018 as there are sufficient grounds.

The Respondent is directed to submit Written response on Affidavit within two weeks from the date of receipt of the order, serving copy to the Complainant.

This Authority is of the considered view that this project namely, 'Evanie Econest ' has not been progressed as per assurances given to the allottees. Also the project is not registered as per WBHIRA Act,2017 under the WBHIRA. Therefore, the Respondent is liable to refund the payments to the allottee in this case in terms of provisions of law and refund of the entire amounts collected from the allottees.

This is without prejudice to the rights of the parties in this complaint petition.

Fix 23.03.2020 for further hearing and orders.

(ONKAR SINGH MEENA)
Designated Authority,

Housing Industry Regulatory Authority,

West Bengal.