ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000057 of 2019

Animesh Mishra......Complainant

AND

Evanie Infrastructure Pvt. Ltd.....Respondent

Sl. Number	Order and signature of Officer	Note o
and date of		action
order		Taken
5		on orde
3		
06-11-2019		
	Complainant is present.	
	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.	
	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.	
	The Complainant filed copy of brochure of the project Evanie Econest	
	published by the Respondent Company where the marketing address of the	
D: 44 1	Company is recorded as 86, Golaghata, VIP Road, Jamuna Apartment (1st	
Dictated & corrected	Floor), behind Venkatesh Banquet, Kolkata-700 048 and corporate address as	
by me	printed is 81, Golaghata, VIP Road, Flat 1B, Radhakunj Apartment, near	
&	BIKA Banquet, Kolkata-700 048. The notices were served at both these	
	addresses along with other addresses as made available by the Complainant.	

Heard the Complainant. Written statement and evidence filed were taken on record.

This is the case of Complainant that on the basis of information published in the brochure he booked a flat of 2 BHK standard with total area of 535.6 square ft. as advertised by Respondent Company on 30/08/2017 paying Rs.2,57,600/- through cheque no.068762 dated 30/08/2017. Payment of booking amount along with confirmation letter of booking was communicated to the Complainant by Authorised signatory of the Company on Company Letter Head vide Econest/2017/09 dated 04/11/2017.

Dictated & corrected by me

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. EEM001766 which has been duly accepted and confirmed by Respondent Company. The fact that an amount of Rs.1,00,000/- out of total booking money paid by the Complainant has been refunded to the bank account of the Complainant is a conclusive prove of admission by the Respondent Company that the Complainant booked the flat in their project and 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 balance amount of Rs.1,57,600/- along with bank interest at the rate of 8% from the date of deposit by Complainant till the date of full refund, within 45 days from the date of receipt of this order.

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

The complaint petition is thus disposed off.

(ONKAR SINGH MEENA)
Designated Authority,
Housing Industry Regulatory Authority,

West Bengal.