

ORDER SHEET


WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000058 of 2019

Sanjib Sarkar.....Complainant

AND

Evanie Infrastructure Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
5 ----- 06-11-2019 Dictated & corrected by me 	<p style="text-align: center;">Complainant is present.</p> <p>Respondent is absent though notice has been duly delivered along with complaint petition and entered therein at the address provided by the Complainant and service return has been confirmed as per 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>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 as 86, Golaghata, VIP Road, Jamuna Apartment (1st 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 both these addresses along with other addresses as made available by the Complainant.</p> <p>Heard the Complainant. Written statement and evidence filed were taken on record.</p> <p>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</p>	

of 535.63 square ft. as advertised by Respondent Company on 30/08/2017, paying Rs.4,12,160/- through cheque no.049133 dated 30/08/2017. Payment of booking amount was confirmed to the Complainant by Authorised signatory of the Company vide Company Receipt Voucher No.374 dated 30/08/2017.

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. EEN-001764 which has been duly accepted and confirmed by Respondent Company. The Respondent Company could not fulfil their obligations to complete the project and offer possession to the Complainant for the reasons best known to the Respondent Company.

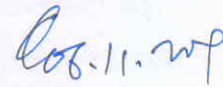
After careful examination of evidence and facts of the case this is hereby,

Ordered,

that the Respondent Company shall refund the amount of Rs.4,12,160/- along with bank interest at the rate of 8% per annum 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.