

ORDER SHEET

**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

Complaint No. COM-000110 of 2019

Pushendra Kumar Meena.....Complainant

AND

Evanie Infrastructure Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
3 ----- 12-12-2019	<p>Complainant is present.</p> <p>Respondent is absent though notice has been duly delivered at the address provided by the Complainant and service return has been confirmed as per postal slips.</p> <p>Let the service return be kept on record.</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 as specifically stated in the order of this Authority dated 06/11/2019.</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 (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 both these addresses along with other addresses as made available by the Complainant.</p> <p>Heard the Complainant. Documentary evidences filed by the Complainant were taken on record.</p> <p>This is the case of Complainant that on the basis of information</p>	

Dictated  
& corrected  
by me



Dictated  
& corrected  
by me



published in the brochure he booked a flat of 2 BHK standard with total area of 535.63 square ft. and agreement for sale has been signed between the Complainant and Respondent on 26/08/2018 for the purchase of the flat by the Complainant. The Complainant paid Rs.557939/- to the Respondent till date in this respect. At page 26 of the agreement for sale, the receipt of the total amount paid by the Complainant is given and it is duly accepted by the Respondent.

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 which has been duly accepted and confirmed by Respondent Company and agreement for sale has been duly executed between the parties in this regard. 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.

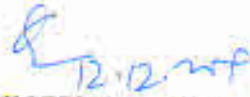
After careful examination of evidence and facts of the case this is hereby,

Ordered.

that the Respondent Company shall refund the amount of Rs.557939/- 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.