

located outside NKDA project area , no application has been received by the NKDA for sanction and few buildings are under construction in the said site.

Let the Physical Verification reports from Rajarhat Panchayat Samity, NKDA and the photographs submitted by the Complainant are taken on Record.

The project has not yet been registered under the WBHIRA and the on-line application bearing number NPR (New Project Registration) No. is NPR00787 is pending at the level of the Respondent due to deficiency of some documentation at the level of the Applicant.

On examination of these evidences it is proved that it is an ongoing project and inspite of being an ongoing project, it is not registered with the West Bengal Housing Industry Regulatory Authority (WBHIRA) in contravention of section 3 of the West Bengal Housing Industry Regulation Act,2017 .

Let a separate case be initiated by the Secretary, WBHIRA to take necessary steps against the Respondent under the WBHIRA Act,2017 for violation of section 3 of the said Act.

Both the proceedings shall run simultaneously.

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 (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 address as made available by the Complainant.

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 area of 535.63

Dictated
& corrected
by me



square ft. of total consideration amount of Rs.27,60,937/- paying Rs.3,05,063/- as 1st instalment and Rs. 4,67,999/- as 2nd instalment on 06/10/2017 and 12/10/2017 respectively. The Respondent company has issued receipt voucher no.948 dated 06/10/2017 of the amount of Rs.3,05,063/-and receipt voucher no.979 dated 12/10/2017 of Rs.4,67,999/-.

Let the money receipts 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 Evanie Econest and the Complainant booked the flat by paying the requisite booking money against application no. EEN002409, which has been duly accepted and confirmed by Respondent Company. The Agreement for sale has been signed between the Complainant and Respondent Company on 09.09.2018.

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

O r d e r e d.

that the Respondent Company shall refund the amount of Rs.7,73,062/- along with interest as per the sale Agreement from the date of payment by the Complainant till 01.06.2018 and at the rate of SBI bank interest plus 2% on and from 01.06.2018 to the date of full refund, within 30 days from the date of receipt of this order. The amount shall be refunded by the Respondent by bank transfer only to the Account of the Complainant. The Complainant shall supply his bank details to the Respondent within 3 days from the date of receipt of the 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.