

**ORDER SHEET**

**WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY**

**Complaint No. COM-000316 of 2020**

**Manas Mukherjee.....Complainant**

**AND**

**Evanie Infrastructure Pvt. Ltd.....Respondent**

| Sl. Number<br>and date of<br><br>order   | Order and signature of Officer  | Note of<br>action<br><br>Taken<br>on order |
|--|---|--|
| 1<br>-----<br>14-08-2020<br><br><br><br><br><br><br>Dictated<br>& corrected<br>by me | <p>The Complainant is present in the online hearing and filed his hazira.</p> <p>Shri Gourab Banerjee, Ld. Advocate representing the Respondent is also present in the online hearing and filed hazira and vakalatnama through email.</p> <p>Heard both the parties in detail.</p> <p>The case of the complainant is that he booked on 28.10.2017, a 2 BHK flat in the Evanie Econest project of the Respondent company.</p> <p>He has made a total payment of Rs. 10 lakhs to the Respondent in this regard but no Agreement for Sell was executed by the Respondent with the Complainant despite several requests from the side of Complainant.</p> <p>It is claimed by the Complainant that progress of the project is not at all according to the assurance and the timeline as agreed between the parties.</p> <p>Therefore, the Complainant prays order for refund of entire payment made</p> |  |

by him alongwith admissible interest and compensation as per law.

The Ld. Advocate of the Respondent submitted at the time of hearing that the Respondent will return the amount paid by the Complainant in some installments. He also offered to deliver the Complainant an alternate flat which is ready to deliver and having equal amenities.

The Complainant at the time of hearing expressed his unwillingness to accept the proposal of the Respondent regarding delivery of alternate flat.

After hearing both the parties, this Authority is satisfied to proceed for further hearing in terms of Rule 36(2)(e) of WBHIRA Rules, 2018 and accordingly Complainant is directed to send a copy of the signed Complaint petition and self attested photo copies of supporting documents e.g Advertisement of the project, brochure of the project, allotment letter, General Terms and Conditions, Agreement for Sell, all money receipts, correspondences between the parties and/or any other related documents which he has in his possession, to the Authority by speed post and also via email with copy of the same to the Respondent in the same way, within one week from the date of receipt of this order via email.

The Respondent is directed to submit Written Response to the Complaint Petition on Affidavit containing the Refund Schedule with Specific Dates and Amount of refund by speed post and also by email to this Authority and send a copy of the same to the Complainant in the same way, within three weeks from the date of receipt of this order via email.

Fix 23/09/2020 for further hearing and orders in this matter.

Sd/-  
(HAR GOBIND SINGH)  
Member

West Bengal Housing Industry Regulatory Authority

Sd/-  
(SANDIPAN MUKHERJEE)  
Chairperson

West Bengal Housing Industry Regulatory Authority

*certified to be true copy.*

*Soma DE*

SOMA DE, WBLS  
Special Law Officer  
Housing Industry Regulatory Authority  
West Bengal