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In case of Mr. Bishnudip Bagchi one 3 BHK flat the measuring 895.87 sq ft built up area was booked by application no.EEN003475 dated 13/10/2017 and amount of Rs.562541/- has been paid to the Respondent Company on due receipt. This is alleged by the Complainant that there is no response from the Respondent Company despite sending several email communications and visiting their office on several occasions. It is alleged that there has been no response received from respondent on refund of amount, thus complainant is compelled to file complaint petition before this Authority.

In case of Mr. Romit Banerjee one 3BHK flat measuring area of 895.87 sq ft built up area against the application no.EEN001027 dated 31/08/2017 was booked and an amount of Rs.619000/- was paid to the Respondent Company under due receipt by the Respondent Company.

In all these cases the project of the Respondent Company namely Evanie Econest has not commenced construction and according to the Complainants getting delivery of possession of the property by the Respondent Company can not be trusted by them considering that no project work could commence and therefore, all of them prayed direction to refund of their entitled deposits along with admissible rate of interest and compensation.

The additional documents like copy of application for allotment, money receipts and copy of brochure of advertisement issued by Respondent Company have been filed by Complainant in each case, which are taken on record.

Heard the parties in detail.

Ld. Advocate submitted that service of the copy of complaint petitions are not made to him and therefore, he sought a short time for seeking instruction of the Respondent and file written response on the complaint petitions. Considered and allowed.

Prima facie this Authority is satisfied to proceed further under Rule 36(2) of WBHIRA Rule, 2018. The complaint petitions are admitted accordingly.

Issue notices to the Respondent to file written response on affidavit within one week of receipt of the complaint petitions.

It is appropriate for early relief to the complainants to advise Director of the Respondent company to disclose the schedule of refund along with interest at admissible rate of interest and compensation which the Company has to pay to each of the Complainant unless the issues on the complaint petitions are challenged and disputed by the Respondent Company.

Director of the Respondent Company shall appear personally on next date of hearing along with clear time line of refund by bank transaction in each case.

On the request of the Complainant, the Complaint case COM-000219 shall be heard on 18/02/2020 and Complaint cases COM-000195 and COM-000211 shall be taken on 10/02/2020.

Issue notices accordingly.

  
(ONKAR SINGH MEENA)

Designated Authority,  
Housing Industry Regulatory Authority,  
West Bengal.

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