

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No.COM-000219

Romit Banerjee Complainant

AND

Evanie Infrastructure Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
1 22-01-2020	<p>Complaint case COM-000195, COM-000211 and COM-000219 are taken together as all these complaint petitions are against same Respondent namely Evanie Infrastructure Pvt. Ltd and raised same cause of action against the same project being developed by Respondent Company i.e, Evanie Econest. Complainant Mr. Arijit Kundu, Mr. Bishnudip Bagchi and Mr. Romit Banerjee are present filing hazira.</p> <p>Ld. Advocate Mr. Gourab Banerjee appeared on behalf of the Respondent filing vakalatnama signed by Mr. Supriya Patra, Director of the Respondent Company.</p> <p>This is the case of the Complainant in COM-000195 that 2 BHK flat measuring 535.63 sq ft built up area was booked against application no.EEN004572 paying Rs.427942/- by Mr. Arijit Kundu duly acknowledged by Respondent but this is claimed by the Complainant that Respondent sent a notice for cancellation of allotment offering refund of Rs.382090/- in six instalments between July to December, 2019 along with GST amount of Rs.45851/-. A sum of Rs.30000/- only refunded on 03/12/2019 on repeated pursuance by the Complainant and the balance amount is still remaining outstanding.</p>	

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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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