

ORDER SHEET

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Complaint No. COM-000147 of 2019

Santanu Das.....Complainant

AND

Evanie Infrastructure Pvt. Ltd.....Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action Taken on order
2 ----- 18-12-2019	<p>Complainant is present.</p> <p>Respondent is absent though notice has been duly delivered along with complaint petition at the address provided by the Complainant and service return has been confirmed by postal slips.</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.</p> <p>Heard the Complainant and recorded evidence.</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 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.</p> <p>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 1071.25 square ft. as advertised by Respondent Company on 30/08/2017 paying Rs.7,90,350/-. The payment made by the Complainant has been duly accepted</p>	

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by the Respondent by issuance of money receipt vouchers. The Complainant paid Rs.4,64,000/- on 21.09.2017 vide Voucher No. 819 and Rs.3,26,350/- on 15.11.2017 vide Voucher No. 1248.

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 against application no. EEN002298, which has been duly accepted and confirmed by Respondent Company. The fact that an amount of Rs.4,50,000/- out of total booking money paid by the Complainant has been refunded to the bank account of the Complainant on 05/03/2019 is a conclusive prove of admission by the Respondent Company that the Complainant booked the flat in their project and the Respondent Company could not fulfil their obligations to complete 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 balance amount of Rs.3,40,350/- along with bank interest at the rate of 8% from the date of deposit 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.

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