

**West Bengal Real Estate Regulatory Authority  
Calcutta Greens Commercial Complex (1<sup>st</sup> Floor)  
1050/2, Survey Park, Kolkata – 700 075.**

Complaint No.WBRERA/COM-000005

Sanjoy Saha .....Complainant

Vs.

Simoco Systems & Infrastructure Solutions Limited..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
2 ----- 29.05.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Shri Joydeep Dey is present in the online hearing on behalf of the Respondent, being the Respondent's Legal Representative, filing hazira through email.</p> <p>The Complainant has submitted a Notarized Affidavit dated 13.03.2023, containing his total submission regarding this Complaint Petition, as per the last order of the Authority dated 23.02.2023, which has been received by the Authority on 15.03.2023.</p> <p>Let the Notarized Affidavit dated 13.03.2023 of the Complainant be taken on record.</p> <p>Respondent also submitted Written Response on Notarized Affidavit dated 17.04.2023, as per the last order of the Authority dated 23.02.2023, which has been received by the Authority on 19.04.2023.</p> <p>Let the Written Response of the Respondent be taken on record.</p> <p>Complainant also submitted a Rejoinder dated 25.04.2023, which has been received by the Authority on 27.04.2023.</p>	

Let the Rejoinder of the Complainant be taken on record.

Heard both the parties in detail.

The case of the Complainant is that he entered into an Agreement for Sale with the Respondent Company on 07.05.2015 for purchase of a flat in the project named '**Sanhita Satuli (Rajarhat)**' bearing Flat No. 4E at 4<sup>th</sup> Floor, Block-3B14, flat type 3 BHK. The date of allotment was on 25.06.2014. As per the Agreement for Sale, delivery of possession was scheduled within 36 months from the date of allotment with a grace period of 6 (six) months. The Respondent failed to deliver the possession of the flat within the stipulated period of time. Therefore, the Complainant wants his money back from the Respondent including interest.

Till date the Complainant did not receive the possession of the flat booked by him. Also the flat is not yet complete as transpires from the affidavit of the Complainant and Respondent.

Also Representative of the Respondent submitted at the time of hearing that some more time is required to complete the flat booked by the Complainant.

Complainant in his Complaint Petition as well as in his Notarized Affidavit prayed for refund of the principal amount paid by him alongwith interest.

After examination of the Notarized Affidavits of both the parties and Notary Attested documents placed on record and after hearing both the parties in the online hearing, the Authority is of the considered view that the Respondent has failed miserably in his obligation to hand over possession of the Flat to the Complainant within the scheduled time line and therefore he is liable to refund back the principal amount paid by the Complainant along with interest at the rate of SBI PLR +2% starting from the date of respective payments made by the Complainant till the date of realisation, as per the provisions contained in section 18 of the Real

Estate ( Regulation and Development) Act, 2016 read with rule 17 and 18 of the West Bengal Real Estate ( Regulation and Development) Rules, 2021.

Hence it is hereby,

Ordered,

that the Respondent shall refund the principal amount of Rs. 18,42,083/- (Rupees Eighteen lakhs forty-two thousand eighty-three only) along with interest @SBI Prime Lending Rate + 2% starting from the respective dates of payments made by the Complainant till the date of realisation. The refund shall be made by bank transfer to the bank account of the Complainant, within 45 days from the date of receipt of this order of the Authority by email.

The Complainant shall send his bank account details, in which he wants to take the refund amount, to the Respondent by email, within 3 days from the date of receipt of this order of the Authority by email.

Complaint is at liberty to file an Execution Application on any plain paper annexing a copy of this Order, to this Authority, if the Respondent defaults to comply this order either in full or in part within the specified time period as mentioned in this order. In that case Respondent shall be liable to a penalty for every day during which such default continues, which may cumulatively extend up to five percent of the estimated cost of the project named '**Sanhita Satuli (Rajarhat)**' of the Respondent, as determined by this Authority, as per the provisions contained in section 63 of the Real Estate (Regulation and Development) Act, 2016.

Further, a cost of Rs.25000/- (Rupees Twenty Five Thousand Only) is hereby imposed over the Respondent for not mentioning the WBHIRA/WBRERA Registration details of the subject matter project in their Written Response violating order of this Authority dated 23.02.2023. The cost shall be paid by the Respondent by bank transfer to the bank Account of this Authority within 45 days from

the date of receipt of this order through email. The bank Account Details of this Authority is given below-

**WBRERA BANK A/C DETAILS**

Account Name : West Bengal Real Estate Regulatory Authority

Account Number : **00000040777384369**

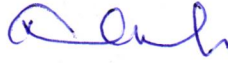
Bank Name : State Bank Of India

IFS Code : SBIN0014524

Branch : Specialized Institutional Banking, Kolkata

Let copy of this order be sent to both the parties through speed post and also by email immediately.

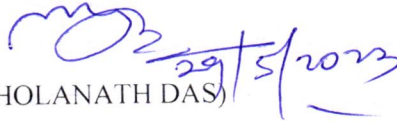
With the above directions the matter is hereby disposed of.



(SANDIPAN MUKHERJEE)

Chairperson

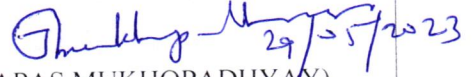
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority