

West Bengal Real Estate Regulatory Authority
Calcutta Greens Commercial Complex (1st Floor)
1050/2, Survey Park, Kolkata- 700 075

Complaint No. WBRERA/COM(PHYSICAL)000077

Sudipta Chakrabarti & Debdot Chakrabarti Complainants

Vs

Simoco Systems and Infrastructure Solutions Limited..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 05.07.2024	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Smt. Laxmi Biswas (Mob. No. 9818665867 & email Id: laxmi.biswas@simoco.com) being the Legal Executive of the Respondent Company is present in the physical hearing and signed the attendance sheet.</p> <p>Heard both the parties in detail.</p> <p>As per the Complaint Petition:-</p> <ol style="list-style-type: none">1. The Complainants have applied for one BHK flat bearing No.6B, in the 6th Floor, Building No. 2B3 vide application No. 780872 at 'Sanhita Housing Complex', Kashipur, Bhangar, Rajarhat. Subsequently they paid an amount of Rs.1,68,000/-with 12% GST to the Respondent Company by cheque vide no. 582727 dated 17.01.2018 of SBI.2. That subsequently on 15.02.2018, they entered into an Agreement for the said flat for a total amount of consideration of Rs.8,49,000/- without GST.3. The Complainants have paid an amount of Rs.10,62,937/- in total with 12% GST to the Respondent Company in 06 installments as per the payment schedule stated in page 5 of point 2.C of the payment plan without any delay in making the payment.4. That as per the said agreement, it was mentioned that Respondent shall make its best endeavours to deliver the possession of the said flat within 36 months with a grace period of 06 months from the date of the Agreement subject to payment of total consideration amount (page9, point 4.a, Possession). It was also mentioned that if Respondent fails to offer the possession of the said flat to the purchaser, a compensation calculated @Rs.05/- per square feet of super built up area (485 sq.ft.) for every month of delay until the actual day fixed by Respondent for handing over the possession of the said flat.	

5. That more than 06 years have passed, neither the flat has been handed over to the Complainants nor due compensation was paid by the Respondent till date.
6. That feeling shattered and dissatisfied, they submitted an application for the refund of the payment of amount of Rs.10,62,937/-with applicable interest on 12.07.2023 at the registered office of the Respondent in Sector V, Salt Lake, Kolkata. Also they sent repeated reminders to Directors of the Respondent Company through emails. Many times no replies received and few of the replies given by the Respondent states that it will take time due to financial crunch and concerned department has been requested to expedite the process.
7. That they want the full refund from the Respondent as Sudipta Chakrabarti is more than 72 yrs of age and wife of Debdoot Chakrabarti is suffering from Chronic Kidney Ailment which will support in meeting her treatment related expenses.

The Complainants pray before the Authority for the relief of Refund of the full Principal Amount of Rs.10,62,937/-paid to the Respondent with statutory interest.

The Advocate of the Respondent stated that they need some time to make the refund of the principal amount to the Complainant and if permitted, they will complete the payment in six to seven installments.

The Complainants consented to the proposal of the Advocate of the Respondent at the time of hearing.

After hearing both the parties, the Authority is pleased to admit this matter for further hearing and order as per the provisions contained in Section 31 of the Real Estate (Regulation and Development) Act, 2016 read with Rule 36 of the West Bengal Real Estate (Regulation and Development) Rules, 2021 and give the following directions:-

Let **Mr. Debdoot Chakrabarti** be included as Joint Complainant in the present matter because he is the co-owner alongwith the Complainant Smt. Sudipta Chakrabarti and therefore a necessary party and henceforth in all the records of this matter, his name shall be included as a Joint Complainant.

The Complainants are directed to submit their total submission regarding their Complaint Petition on a Notarized Affidavit, annexing therewith notary attested /self-attested copy of supporting documents, and a signed a copy of the complaint petition, and send the Affidavit (in original) to the Authority, serving a copy of the same to the Respondent, both in hard and scan copies, within **15 (fifteen)** days from the date of receipt of this order of the Authority by email.

Complainants are further directed to submit in a tabular form chronologically the payments made by them by specifying the date and amount of payments in their Affidavit.

The Respondent is hereby directed to submit his Written Response on notarized affidavit regarding the Complaint Petition and Affidavit of the Complainant, annexing therewith notary attested/self-attested copy of

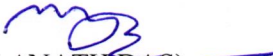
supporting documents, if any, and send the Affidavit (in original) to the Authority, serving a copy of the same to the Complainant, both in hard and scan copies, within **15 (fifteen)** days from the date of receipt of the Affidavit of the Complainant either by post or by email whichever is earlier.

The Respondent is further directed to provide a Payment Schedule in their Affidavit specifically mentioning the date, amount of the installments by which they will make the refund of the Principal Amount alongwith interest at the rate of SBI PLR + 2% per annum from the respective dates of payments made by the Complainant till the date of realization.

Respondent is directed to start payment as per the payment schedule.

The Authority shall review the matter on the next date of hearing.

Fix **26.09.2024** for further hearing and order.


(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority


(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority