

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

Complaint No.WBRERA/COM000995

Plaban Kumar Biswas..... Complainant

Vs

Simoco Systems & Infrastructure Solutions Limited..... Respondents

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 09.08.2024	<p>Complainant Mr. Plaban Kumar Biswas (Mob. No. 7001308989 & email Id:plaban78@gmail.com), is present in the physical hearing and signed the Attendance Sheet.</p> <p>Smt. Laxmi Biswas (Mob. No.9818665867 & email Id: laxmi.biswas@simoco.net), being the Legal Executive of the Respondent Company, is present in the physical hearing on behalf of the Respondent, filing Authorization and signed the Attendance Sheet.</p> <p style="text-align: center;">Heard both the parties in detail.</p> <p>As per the Complaint petition, the Complainant has booked a residential flat in the project named 'Sanhita' of the Respondent Promoter Company Simoco Systems & Infrastructure Solutions Limited, having registered office at Godrej Genesis Building, 2nd floor, Block EP & GP, Sector-V, Salt lake, Electronics Complex, Kolkata- 700 091. The following details outline the Agreement and subsequent transactions:-</p> <p>On 6th June, 2015, the Complainant entered into a legally binding Agreement for Sale with the Respondent Company for the purchase of flat No. 3 E, 3rd floor, Block 3B 15, in their project named as 'Sanhita'. This Agreement followed by his application for allotment of a residential apartment vide application no. 401323 dated 24.03.2014, wherein he paid a sum of Rs.3,54,978/- inclusive of Rs.3,00,000/- as application money and Rs.54,978/- as Allotment Money.</p> <p>The total sale consideration for the aforementioned flat was agreed upon as Rs.17,74,890/-, exclusive of applicable taxes and service tax.</p> <p>In adherence to the Payment Schedule, he has remitted a total amount of Rs.18,46,352/- to the Respondent Company. Additionally, he also incurred an advance in respect of additional electrical point and collapsible grill gate for an amount of Rs.30,000/- in cash out of total estimate Rs.55,284/- (Rs.18,408/- for electrical point and Rs.36,876/- for collapsible grill gate), on 15.10.2018, bringing the total sum paid to Rs.18,76,352/-.</p> <p>As per the Agreement, the Respondent Company committed to delivering possession of the flat within 36 months from the date of Agreement for Sale.</p> <p>The Complainant prays before the Authority for the relief of refund of</p>	

the entire Principal Amount of Rs.18,76,352/- alongwith Interest as per RERA Act, 2016 at the earliest.

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:-

The **Complainant** is directed to submit his total submission regarding their Complaint Petition on a Notarized Affidavit annexing therewith notary attested /self-attested copy of supporting documents and a signed 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 **10 (Ten) days** from the date of receipt of this order of the Authority by email.

The **Complainant** is further directed to also send a scan copy of his Affidavit alongwith annexure to the email id of the Authorized Representative of the Respondent, as mentioned above.

The **Complainant** is also directed to submit in a **Tabular form** of all the payments made by him chronologically in his Affidavit mentioning the date, amount and money receipt number, if any, and also the total amount paid by him.

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 also directed to submit a **Refund Schedule starting from September, 2024** in their affidavit specifically stating the number of installments, date and amount of installments by which they will make payment of refund of the Principal Amount of **Rs.18,76,352/-** alongwith interest @SBI +PLR 2% per annum, for the period, starting from the respective dates of payment made by the Complainant till the date of realization.

The Respondent is also directed to start payment as per their Refund Schedule from September, 2024.

Fix **23.10.2024** for further physical hearing and order.



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority