

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

Complaint No. WBRERA/COM000196

Partha Jyoti Chatterjea Complainant

Vs.

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

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
03 19.12.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Shri Joydeep Dey being Legal Executive of the Respondent Company is present in the online hearing on behalf of the Respondent Company filing hazira and authorization through email.</p> <p>The Respondent did not submit any Written Response regarding the Complaint Petition and Affidavit of the Complainant, as per the last two orders of the Authority dated 04.09.2023 and 02.11.2023.</p> <p>As sufficient opportunity and time has been given to the Respondent to submit Written Response but he neglected / failed to submit the same, therefore, no more chance or time shall be given to the Respondent as the Authority is under obligation to dispose of any matter as expeditiously as possible as per the provision of section 29(4) of the Real Estate (Regulation and Development) Act, 2016.</p> <p>Heard both the parties in detail.</p> <p>Complainant stated at the time of hearing that, till date the Respondent has refunded Rs. 15,45,933/- to him., Rs.14,45,933/- was refunded till 30.09.2022 and Rs.1,00,000/- has been refunded recently. At present the balance Principal Amount is Rs.19,87,798/-.</p> <p>After examination of the Notarized Affidavits of the Complainant and Notary Attested documents placed on record and after hearing both the parties through online hearing, the Authority is of the considered view that the Respondent has failed miserably in his obligation to handover possession of the flat to the Complainant within the scheduled timeline and therefore, he is liable to refund the principal amount paid by the Complainant alongwith interest at the rate of SBI PLR +2% per annum, calculated on the total Principal Amount of Rs. 35,33,731/-, for the period starting from the date of respective payments made by the Complainant till the date of realization, 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.</p>	

Hence, the Authority is pleased to give the following directions :-

- a) The Respondent shall refund the balance Principal Amount of Rs.19,87,798/- (Rupees nineteen lakhs eighty seven thousand seven hundred ninety eight only) paid by the Complainant alongwith interest @ SBI Prime Lending Rate + 2% per annum, calculated on the total Principal Amount of Rs.35,33,731/-, for the period starting from the dates of respective payments made by the Complainant till the date of realization; and
- b) Respondent is directed to complete the refund of the balance Principal Amount in 5(five) equal consecutive monthly installments starting from **January, 2024 ending with May, 2024** and the interest amount shall be paid in 3 (three) equal consecutive monthly installments starting from **June, 2024 ending with August, 2024** ; and
- c) Respondent is also directed to start payment as per the above directions given at (a) and (b) above; and
- d) The refund shall be made by **bank transfer** to the bank account of the Complainant; and
- e) 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; and
- f) If the Respondent fails / neglects to comply the above order of the Authority, penalty may be imposed upon the Respondent as per section 38 read with section 61 of the Real Estate (Regulation and Development) Act, 2016, if the Authority thinks fit to do so on the next date of hearing.

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

Fix **05.03.2024** for further hearing and order.



(SANDIPAN MUKHERJEE)

Chairperson

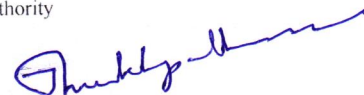
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority