

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 the Authority	Note of action taken on order
05 16.05.2024	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Respondent is absent in the online hearing despite due service of hearing notice to the Respondent through speed post and also through email.</p> <p>Let the track record of due service of hearing notice to the Respondent be kept on record.</p> <p>Heard the Complainant in detail.</p> <p>The Complainant stated at the time of hearing that no amount has been paid by the Respondent as per the last two orders of the Authority dated 19.12.2023 and 05.03.2024.</p> <p>The Authority took serious exception to this fact that even after giving the opportunity of paying in installments, the Respondent failed /neglected to refund the amount to the Complainant as per the orders of this Authority dated 19.12.2023 and 05.03.2024. The Respondent even neglected to comply the direction of the Authority to appear in person before the Authority in today's hearing. The Authority has no other option but to impose penalty upon the Respondent for non-compliance of the orders of the Authority dated 19.12.2023 and 05.03.2024, as per the provisions contained in section 38 read with section 61 of the Real Estate</p>	

(Regulation and Development) Act, 2016.

Therefore, the Authority is of the considered opinion that sufficient time and reasonable opportunity have been given to the Respondent to submit his defense and also opportunity has been provided to him to make the payment in installments but the Respondent failed / neglected to take the opportunity and make the payment.

The Authority is of the considered view that the Respondent failed to deliver the possession of the flat booked by the Complainant to him within the schedule timeline as agreed between the parties, therefore, the Respondent is under the obligation to refund the Principal Amount paid by the Complainant alongwith interest @ SBI PLR +2% p.a. for the period starting from the respective dates of payment by the Complainant till the date of realization, as per the provisions contained in section 18 of the Real Estate (Regulation & Development) Act, 2016 read with Rule 17 of the West Bengal Real Estate (Regulation and Development) Rules, 2021.

Hence, it is hereby

ORDERED

- a) that the Respondent shall make refund of the balance Principal Amount of Rs.**19,87,798/-**(Rupees nineteen lakhs eighty seven thousand seven hundred ninety eight) only alongwith interest @ **SBI PLR +2%** per annum, calculated on the total Principal Amount paid by the Complainant, for the period starting from the respective dates of payments made by the Complainant till the date of realization, within a period of 45 (forty-five) days from the date of receipt of this order of the Authority by email; and
- b) The payment shall be made by bank transfer to the bank account of the Complainant. The Complainant shall send his bank account details to the Respondent in which he wants to take the payment, within **7 (seven)** days from the date of receipt of this order of the Authority by email; and

c) A penalty of **Rs.10,00,000/- (Rupees ten lakhs only)** is hereby imposed upon the Respondent Company for non-compliance of the orders of the Authority dated 05.03.2024 and 19.12.2023, as per the provisions contained in Section 38 read with Section 61 of the Real Estate (Regulation & Development) Act, 2016 and the amount shall be paid by the Respondent within a period of 45 days from the date of receipt of this order of this Authority by email and the payment shall be made by bank transfer to the bank account of the WBRERA. The bank account details of the WBRERA is given hereunder:-

Account name: **WEST BENGAL REAL ESTATE REGULATORY AUTHORITY**

Account Number: 00000040777384369.

Branch : Specialized Institutional Banking, Kolkata

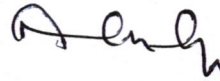
IFSC Code: SBIN0014524

MICR Code: 700002404.

If the Respondent fails to comply this order within the stipulated timeline as directed above, then the Complainant is at liberty to file an Execution Application on a plain paper annexing therewith a copy of this order, serving a copy of the same to the Respondent.

With the above directions the matter is hereby disposed of.

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



(SANDIPAN MUKHERJEE)

Chairperson

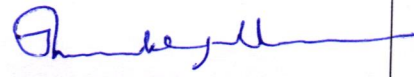
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority