

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

Complaint No. WBRERA/COM000746

Kaushik Ganguly and Dipanjali Ganguly..... 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
01 27.08.2024	<p>Complainant (Mob. No.9830014132 &amp; email Id: kaushikg.kolkata@gmail.com) is present in the physical hearing today and signed the Attendance Sheet.</p> <p>Legal Executive Smt. Laxmi Biswas (Mobile – 9818665867 &amp; email Id:laxmi.baswas@simoco.net) is present in the physical hearing today on behalf of the Respondent Company filing Authorization and signed the Attendance Sheet.</p> <p>Heard the both the parties in detail.</p> <p>As per the Complaint Petition:-</p> <p>1. The Complainant alongwith his wife Dipanjali Ganguly had booked a flat alongwith car parking in '<b>Sanhita Satuli</b>' project of the Respondent Company, details below:-</p> <p>Property Details: Block – Precinct 16-3B30, Floor – 5<sup>th</sup>, Unit 5-F, Parking: C2, Block-3B30, situated at Mouza Satuli, JL. No. 49, L.R. Khatian Nos. 2166, 2172 and 2191 RS Dag No.s 749, 751, 757, 849, 850, 851, 852,853,854, P.s. Kashipur, P.O. Pithapukur under Bhagawanpur Gram Panchayat, District- South 24 Pgs, W.B.,</p> <p>The flat was booked on 22.03.2014 vide Application No. 402344, confirmation of allotment was received via letter Dated 24.09.2014. Details of payment made for the above flat was made as mentioned below:-</p> <p>Booking amount of Rs.3,00,000/- D.D. amount of Rs. 25,000/- dated 22.03.2014. Cheque amount of Rs. 2,75,000/- dated 25.03.2014. Receipt of above amount confirmed via booking confirmation letter dated 27.05.2014.</p> <p>2. Balance allotment money Rs.54,978/- dated 23.06.2014.</p>	

Demand draft 006379, amount Rs.54,978, dated 23.06.2014, drawn on HSBC.

Receipt of above amount confirmed via money receipt no.0144 dated 24.06.2014.

Confirmation of allotment received on 24.09.2014 and Agreement to Sale was signed on 10.06.2016.

3. Supplemental Demand Notice dated 11.03.2017 followed by revised letter dated 06.10.2017.

a. Basic construction cost on account of Execution of Sale Agreement Rs.3,48,633/-

b. Basic Construction cost of account of Commencement of foundation Rs.1,85,476/-

c. Car parking on account of commencement of foundation Rs.14,872/- CGST and SGST of Rs.65,878/-

Online payment via instrument No. AA232345, amount Rs.6,14,859/- dtd. 16.02.2018.

Receipt of above amount confirmed via Receipt No. GST/SS/2017-18/Feb/157 dated 16.02.2018.

d. Car park on account commencement of foundation Rs.65,878/- CGST and SGST of Rs.7906/-

Online payment via instrument No. AA268926, Amount INR 73784/- dtd. 21.02.2018.

Receipt of above amount confirmed via Receipt No. GST/SS/2017-18/Feb/212 dated 21.02.2018.

Total Amount paid to Simoco inclusive of GST paid is INR 10,43,621/-

As per Article 4A (i) of the sale agreement the flat was expected to be delivered within 36 months with a grace period of 6 months from date of allotment. Since the timelines mentioned as per the sale agreement had lapsed and the flat was not handed over to them, they had requested for cancellation of the allotment and refund of the amount paid by them.

After repeated chasers and follow ups from their end, on 07.02.2023, Prosenjit Mukherjee on behalf of Simoco Systems had sent a mail confirming refund of the entire amount as mentioned above along with interest at the time of disbursement of the refund. Subsequently on 14.04.2023 the below refund schedule was shared with them by Prosenjit Mukherjee.

Date	Refund amount (Rs.)
27.04.2023	Rs.2,00,000/-

10.05.2023	Rs.2,00,000/-
24.05.2023	Rs.2,00,000/-
10.06.2023	Rs.2,00,000/-
27.06.2023	Rs.2,43,621/-

It has been over six months from the date when the final refund amount was due to be paid by Simoco however they are yet to receipt the entire amount as confirmed by Simoco.

Simoco has only paid Rs.4,50,000/-till date as mentioned below.

Date	Refund amount (Rs.)
10.05.2023	Rs.2,00,000/-
16.06.2023	Rs.1,00,000/-
28.06.2023	Rs.1,00,000/-
15.12.2023	Rs. 50,000/-

The remaining amount of Rs.5,93,621/-is still due.

The Complainant prays before the Authority for the following relief(s):-

1. Refund of the balance amount of Rs.5,93,621/-paid by them on account of the said apartment.
2. Interest on the money paid to Simoco for the apartment as per applicable interest rates.
3. Interest paid by them for the housing loans taken from the bank.
4. Loss incurred as a result of non-delivery of the flat despite all payments being made by them as per schedule.
5. Compensation on account of mental harassment and causing financial hardship as a result of non-payment of the refund as per timelines confirmed by Simoco.

After hearing the Complainant/ 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 '**Smt. Dipanjali Ganguly**' be included as Joint Complainant in this Complaint Petition as she is the Joint Allottee alongwith the Complainant and therefore a necessary party in this Complaint matter and henceforth her name shall be recorded as Joint Complainant in all records of this matter.

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 **7 (seven)** days from the date of receipt of this order of the Authority by email.

The Complainant is further directed to 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 further directed to provide in a Tabular Form chronologically all the payments made by them specifying date and amount and money receipt number, if any, in the said table in their affidavit.

The Respondent is hereby directed to submit their 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.

Fix **17.01.2025** for further hearing and order.



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority