

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

Complaint No. WBRERA/COM000256

Manoj Kumar Choubey Complainant

Vs.

Simoco System & Infrastructure Solutions Ltd..... Respondent

| Sl. Number and date of order | Order and signature of Officer | Note of action taken on order |
|------------------------------|---|-------------------------------|
| 01 16.10.2023 | <p>Complainant is present in the physical hearing and signed the Attendance Sheet.</p> <p>Smt. Poulami Chakraborty being the Legal Executive of the Respondent Company is present in the physical hearing on behalf of the Respondent Company and signed the Attendance Sheet.</p> <p>Heard both the parties in detail.</p> <p>As per the Complainant he had entered into an Agreement For Sale with the Respondent Company for the purchase of the Flat / Apartment no. 238 at second floor at Block-SA-2, under precinct at 'Sanhita' Project of the Respondent Company on 07.02.2019 and paid an amount of Rs.2,71,081/- as per the payment schedule of the Agreement For Sale.</p> <p>As per the Agreement For Sale the flat was required to be handed over to the Complainant by the Respondent within 06.02.2022 (including 24 months with grace period of 6 months and additional period of 180 days) but till date the flat has not been handed over to the Complainant.</p> <p>Therefore the Complainant prays for the following reliefs:-</p> <p>a) Refund of the full Principal money paid by the Complainant; and b) Interest as per RERA Act and Rules; and c) Penalty for forgery and harassments; and d) Any other Compensation as per Law.</p> | |

Complainant stated at the time of hearing that Rs.1,00,000/- has been refunded by the Respondent on 11.08.2023 and the balance Principal Amount required to be refunded by the Respondent at present is Rs.1,71,000/- alongwith interest.

After hearing the Complainant, the Authority is pleased to admit this matter for further hearing and order as per the provisions of 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 her total submission regarding her 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 original Affidavit to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within 15 (fifteen) days from today.

Complainant is further directed to send a scan copy of his Affidavit to the following email id of the Advocate of the Respondent :-

poulami.chakraborty@simoco.net

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 supporting documents, if any, and send the original affidavit to the Authority serving a copy of the same to the Complainant, both in hard and soft 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.

Respondent is further directed to give a Refund Schedule, specifying the date and amount of installments, in his Notarized Affidavit for refund of the balance Principal Amount of Rs.1,71,000/- alongwith interest at the rate of SBI PLR+2% per annum from the date of respective payments made by the Complainant till the date of realization. The balance Principal Amount to be refunded within December 2023 and the interest amount to be paid within February 2024 and the Respondent is directed to start payment accordingly.

Fix **09.01.2023** for further hearing and order.

Sd/-
(SANDIPAN MUKHERJEE)
Chairperson
West Bengal Real Estate Regulatory Authority

Sd/-
(BHOLANATH DAS)
Member
West Bengal Real Estate Regulatory Authority

Certified to be True Copy

Sale
16.10.2023