

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

Complaint No. WBRERA/COM (PHYSICAL)000044

Krishna Deshmukhya. Complainant

Vs

Simoco Systems & Infrastructure Solutions Ltd..... Respondent

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 13.05.2024	<p>Husband of the Complainant Mr. Tapash Deshmukhya (Mob. No. 9434557161 & email Id: tdeshmukhya4@gmail.com) is present in the physical hearing on behalf of the Complainant signed the Attendance Sheet. His attendance is hereby allowed today but the Complainant is directed to remain present in person from the next date onwards in the physical hearing or she may be represented by any Advocate or Chartered Accountant with proper Authorization.</p> <p>Mr. Joydeep Dey, Legal Executive (Mob. No. 6291562917 & email Id – joydeep.dey@simoco.net) is present in the physical hearing on behalf of the Respondent filing vakalatnama and signed the Attendance Sheet.</p> <p>Heard both the parties in detail.</p> <p>The fact of the case is: –</p> <p>She has booked a 2 BHK flat in the project named 'SANHITA' of Simoco Systems & Infrastructure Solutions Limited on 2014. Flat No. 3A of Block 2B12 was allotted to her on 14.11.2014. She made all the payments as per their installments scheme, except for the final/last installment, paid on 29.06.2017, before getting the possession (i.e. in advance) to avoid extra GST charges, as per their suggestion.</p> <p>She was promised to get the possession of the flat by December, 2018/ March, 2019, which complies with the agreement for the flat, made on April, 2015, which clearly states that the possession is to be handed over to the owner within 36 months, with a grace period of 6 months from the date of allotment.</p>	

And now, it has been around 5 years, since then, the Respondent has been giving her false promises regarding the completion of construction, which gets delayed by a few months each time upon enquiry.

The Complainant prays before the Authority for the relief of refund of the full amount paid by him alongwith interest.

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:-

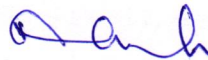
The Complainant is directed to submit his total submission regarding their Complaint Petition on a Notarized Affidavit annexing therewith notary attested /self-attested supporting documents and a signed copy of the Complaint Petition and send the Affidavit (in original) to the Authority serving a copy of the same to the Respondent, both in hard and soft copies, within **15 (fifteen)** days from the date of receipt of this order of the Authority by email.

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 Affidavit (in original) 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.


The Respondent is further directed to give a **Refund Schedule** in their Affidavit stating specifically the date and amount of installment by which they shall refund the Principal Amount paid by the Complainant alongwith interest.

The Respondent is again directed to start the payment from June'2024 and pay the first installment in the month of June'2024.

Fix **11.07.2024** for further physical hearing and order.



(SANDIPAN MUKHERJEE)
Chairperson
West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)
Member
West Bengal Real Estate Regulatory Authority