

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

Complaint No. WBRERA/COM000873

Sharmi Saha and Subhendu Saha..... Complainant

Vs

Simoco Systems & Infrastructure Solutions Limited..... Respondent No.1

Samasth Infotainment Private Limited..... Respondent No.2

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
01 14.05.2024	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Mr. Joydeep Dey (Mob. No. 6291562917 & email Id - joydeep.dey@simoco.net), Legal Executive of the Respondent Company, being its Authorized Representative, is present in the online hearing on behalf of the Respondent filing hazira and authorization through email.</p> <p>Heard both the parties in detail.</p> <p>The facts of case is that -</p> <p>The allotment of Flat No. 6G, floor 6th in Building No. 3B30, Under Precinct No. 16 was made on 11th December, 2018, vide their letter dated 11.12.2018 against the payment of application and allotment money worth Rs.3,86,400/-vide Money Receipt No. SS18-19/12/64 dated: 10.12.2018. The Sale Agreement was executed on 11.12.2018. Again payments were made amounting to Rs.4,00,000/-, Rs.3,98,212/- and Rs.1,28,576/- towards execution of Sale Agreement, construction of foundation vide money Receipt No. SS18-19/1/119, 120, 224 date: 15.01.2019, 15.01.2019 and 29.01.2019 respectively. The total payment done by the Complainants in this regard till date is Rs.13,13,188/-. No other payment was asked for till date. It has been noticed that no construction activities in the allotted building (3B30) work site during visit to the project site. It looks like the construction of subject building no. 3B30 is being abandoned. The subject flat was scheduled to be handed over to the purchaser within 12 months with a grace period of 6 months as per Article 4 under heading possession of Apartment of the Sale Agreement. Several telephonic conversations,</p>	

face to face discussions, e-mail conversations and conversations by writing letters were made regarding Handing Over the Flats or Refund the money collected from them but no fruitful results yielded till now. At present the Respondents are avoiding the Complainants by not receiving phone calls, face to face discussion.

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

1. Refund of full amount paid with applicable interest since the date of debit of money from their account.
2. The amount of CGST & SGST paid by them should also be refunded in full without any deduction but with applicable 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:-

Let **Subhendu Saha** be included as Joint Complainant as he is Joint Allottee alongwith Sharmi Saha in the instant transaction and henceforth in all the records of this matter this inclusion shall be reflected.

Let **Simoco Systems & Infrastructure Solutions Limited** be included as **Respondent no.1** as it is a necessary party in this instant transaction and **Samasth Infotainment Private Limited** be referred as **Respondent no.2** and henceforth in all the records of this matter this inclusion / correction shall be reflected.

The Complainants are directed to submit their 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 **30 (thirty)** 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 provide a **Refund Schedule** specifically stating the date and amount of installments, starting from May,2024,

by which they shall complete the refund payment of principal amount of Rs.13,13,188/- alongwith interest at the rate of SBI PLR+2% per annum, for the period, from the date of respective payments made by the Complainant till the date of realization,

The Respondent is further directed to start payment from the month of May ,2024 and continue payment as per their Refund Schedule.

This Authority shall finalize the Refund Schedule on the next date of hearing after taking the view of the Complainants.

Fix 23.07.2024 for further hearing and order.



(SANDIPAN MUKHERJEE)
Chairperson

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority