

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

Complaint No. WBRERA/COM000270

Manashi Paul Complainant

Vs.

Simoco Systems and Infrastructure Solutions Ltd..... Respondent no.1

G.S. Electrocom Private Limited..... Respondent no.2

Sl. Number and date of order	Order and signature of Authority	Note of action taken on order
02 20.12.2023	<p>Complainant is present in the physical hearing and signed the Attendance Sheet.</p> <p>Shri Joydeep Dey, being Legal Executive of the Respondent Company is present in the online hearing on behalf of the Respondent Company filing hazira and authorization.</p> <p>Complainant has submitted his Notarized Affidavit dated 17.11.2023, containing her total submission regarding this Complaint Petition, as per the last order of the Authority dated 16.10.2023, which has been received by this Authority on 23.11.2023 through email.</p> <p>Let the said Notarized Affidavit of the Complainant be taken on record.</p> <p>Respondent has submitted his Written Response dated 11.12.2023, as per the last order of the Authority dated 16.10.2023, which has been received by this Authority on 20.12.2023 through email.</p> <p>Let the said Written Response of the Respondent be taken on record.</p> <p>Heard both the Parties in detail.</p> <p>Respondent stated in their Affidavit and also at the time of hearing that he require some more time to make the refund and prayed for</p>	

necessary permission for payment of the refund amount in 7 (seven) equal consecutive monthly instalments.

Complainant at the time of hearing did not give consent to the above stated proposal of the Respondent.

However, the Complainant also stated that she will accept the payment as per the direction of this Authority and she requested that the payment by the Respondent is to be made under the supervision / review of this Authority.

After examination of the Notarized Affidavits of both the parties and Notary Attested documents placed on record and after hearing both the parties through online hearing, the Authority is of the considered view that the Respondent has failed miserably in his obligation to handover possession of the flat to the Complainant within the scheduled timeline and therefore, he is liable to refund the principal amount paid by the Complainant alongwith interest at the rate of SBI PLR +2% per annum for the period starting from the respective dates of payments made by the Complainant till the date of realization, as per the provisions contained in section 18 of the Real Estate (Regulation and Development) Act, 2016 read with rule 17 and 18 of the West Bengal Real Estate (Regulation and Development) Rules, 2021.

Hence, the Authority is pleased to give the following directions :-

- a) Let **Simoco Systems and Infrastructure Solutions Ltd** be included as Respondent no. 1 in the present matter because Authorized Signatory of Simoco Systems and Infrastructure Solutions Ltd has signed the Agreement For Sale dated 05.12.2019 with the Complainant ; and
- b) The Respondent shall refund the Principal amount of Rs.12,11,690/- (Rupees Twelve Lakhs Eleven Thousand Six Hundred and Ninety Only) paid by the Complainant alongwith interest @ SBI Prime Lending Rate + 2% per annum for the period starting from the respective dates of payments made by the Complainant till the date of realization; and
- c) Respondent is directed to complete the refund of the Principal Amount in 4(four) equal consecutive monthly installments starting from **January, 2024 ending with April, 2024** and the interest amount shall be paid in 2 (two) equal consecutive monthly installments starting from **May, 2024 ending with June, 2024** ; and
- d) Respondent is also directed to start payment as per the above

directions given at (a) and (b) above; and

- e) The refund shall be made by **bank transfer** to the bank account of the Complainant; and
- f) The Complainant shall send her bank account details in which she wants to take the refund amount, to the Respondent by email within 3 days from today; and
- g) If the Respondent fails / neglects to comply the above order of the Authority, penalty may be imposed upon the Respondent as per section 38 read with section 61 of the Real Estate (Regulation and Development) Act, 2016, if the Authority thinks fit to do so on the next date of hearing.

The Authority shall review the matter on the next date of hearing.

Fix **03.04.2024** for further hearing and order.

(SANDIPAN MUKHERJEE)

Chairperson

West Bengal Real Estate Regulatory Authority

(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority