

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

Complaint No. WBRERA/COM000178 & COM000509 (erstwhile WBHIRA)

Santipriya Brahma Complainant

Vs.

Simoco Systems & Infrastructure Solutions Limited..... Respondent

Sl. Number and date of order	Order and signature of Officer	Note of action taken on order
01 21.08.2023	<p>Complainant is present in the online hearing filing hazira through email.</p> <p>Mrs. Poulami Chakraborty being Authorized Representative of the Respondent Company is present in the online hearing filing hazira and Authorization through email.</p> <p>Heard both the parties in detail.</p> <p>At the time of hearing, it came to the notice of the Authority that on selfsame matter a Complaint Petition has already been filed by the Complainant before the erstwhile WBHIRA Authority bearing no. COM000509 and the said Complaint Petition has been heard and disposed of by the erstwhile WBHIRA by final order dated 20.04.2021. Thereafter execution application was filed by the Complainant on 07.07.2023 before the WBRERA Authority for non compliance of the final order dated 20.04.2021 by the Respondent.</p> <p>By an order dated 4th May 2021, Hon'ble Supreme Court has struck down the erstwhile WBHIRA Authority.</p> <p>It should be mentioned here that by the Order of the Hon'ble Supreme Court dated 12.05.2023 in the Case No. Special Leave to Appeal (C) No(s). 16908/2022 in the matter of Saptaparna Ray Vs. District Magistrate North 24 Parganas & Ors., the Apex Court has been pleased to direct-</p> <p><i>"This Court observed that the "striking down of WB-HIRA will not affect the registrations, sanctions and permissions previously granted under the legislation prior to the date of this judgment". This principle shall also apply to orders which were passed whether in original or in the course of</i></p>	

execution prior to the date of the judgment. All such orders shall be executed in accordance with law, as if they were issued under the RERA.

Moreover, we clarify that all complaints which were filed before the erstwhile authority constituted under WB-HIRA shall stand transferred to and be disposed of in accordance with law by the authority which is constituted under the Central Act. Any person aggrieved by an order passed under WB-HIRA will be at liberty to pursue the corresponding remedy which is available under the RERA.”

Therefore the matter relating to COM000509 pending before the erstwhile WBHIRA Authority stand transferred before the WBRERA Authority by operation of the order of Hon'ble Supreme Court dated 12.05.2023, as mentioned above. This Authority shall now proceed with the Execution hearing of the Complaint Case No. COM 000509.

The Complaint case bearing no. WBRERA/COM 000178 filed by the Complainant before the WBRERA Authority is hereby closed and dismissed by this Authority as COM 0000509 had been filed on the selfsame matter against the same Respondent and with the same cause of action and it is pending before this Authority for execution proceeding.

The Complainant submitted at the time of hearing that, he had paid total amount of Rs.14,57,796/-(Rupees fourteen lakhs fifty seven thousand seven hundred ninety-six only) to the Respondent and erstwhile WBHIRA by its order dated 20.04.2021 in COM000509 has been pleased to direct the Respondent for refund the amount of Rs.14,57,796/-within a period of 20 days from the date of the said order. But the Respondent refunded only Rs.6,00,000/-till today and Rs.8,57,796/-is the balance amount which is required to be refunded by the Respondent immediately.

He has already submitted an application dated 07.07.2023 for execution of the order dated 20.04.2021 passed by erstwhile WBHIRA Authority and prayed for full compliance of the said order by the Respondent.

Respondent submitted at the time of hearing that, he will refund the balance amount of Rs.8,57,796/-(Rupees eight lakhs fifty seven thousand seven hundred ninety six only) within the month of September and October,2023.

After hearing both the parties, the Authority is pleased to direct the

Respondent to submit a Notarized Affidavit giving a Refund Schedule specifically mentioning the date and amount of refund to be made in each date and send the original affidavit to the Authority serving a copy of the same to the Complainant within 10 (Ten) days from the date of receipt of this order through email. In any case the Refund Schedule should not exceed November'2023.

Respondent is further directed to start payment as per the refund schedule before the next date of hearing.

Fix **14.09.2023** for further hearing and order.



(SANDIPAN MUKHERJEE)
Chairperson

West Bengal Real Estate Regulatory Authority



(BHOLANATH DAS)
Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)
Member

West Bengal Real Estate Regulatory Authority