

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

Complaint No. WBRERA/COM000179

Prithwish Kumar Pal 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>The case of the Complainant is that he has booked a flat bearing No. 2B1 – 3D along with car parking no. OP-2 in the project named as ‘Sanhita Housing Complex, Precinct7’, of the Respondent Company on 15.12.2019. The Agreement for Sale was executed between the parties on 04.01.2020. As per the Agreement for Sale, the delivery of possession of the flat was scheduled to be held by 30.09.2020. Till date he has approximately paid Rs.13,85,500/- (Rs. Thirteen lakhs eight-five thousand five hundred only) to the Respondent Company for purchase of the said flat. The Respondent Company failed to deliver possession of the flat within the time-line as agreed between the parties i.e. within 30.09.2020 as per clause No. 7.1 of the Agreement for Sale. Therefore the Complainant proceeded for cancellation of allotment on 06.08.2021 and Respondent Company has refunded till date Rs.3,00,000/- only to the Complainant.</p> <p>The Complainant prays before the Authority for refund of the balance amount of Rs.10,85,500/- along with interest as per law.</p> <p>After hearing both the parties, the Authority is pleased to admit this matter for further hearing and order and give the following directions:-</p> <p>The Complainant is directed to submit his total submission regarding his</p>	

Complaint Petition on a Notarized Affidavit annexing therewith notary attested 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 the date of receipt of this order through email.

The Complainant is further directed to specifically mention in his affidavit the amount due to the bank at present annexing a statement in this regard issued by the Bank Authority.

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 supporting documents, if any, and send the 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.

Respondent is further directed to submit a refund schedule, according to which the Respondent will make refund of the balance amount of Rs.10,85,500/-, in his affidavit, as mentioned above, specifically mentioning the date and amount of refund to be made in each date. In any case the refund schedule shall not exceed November'2023.

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

Fix **03.10.2023** 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