

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

Complaint No.WBRERA/COM 000197

Dr. Rathindranath Banik Complainant

Vs.

Simoco Systems & Infrastructure Solutions Ltd. Respondent 1

Mr. Prosenjit Mukherjee, M.D of Simoco Systems & Infrastructure Solutions
Ltd Respondent 2

Sl. Number and date of order	Order and signature of the Authority	Note of action taken on order
Execution 04 28.11.2025	<p>Today is the 4th day of Execution hearing of this matter, the final order has been passed by this Authority on 07.11.2023.</p> <p>Complainant is present in the hearing today through online mode by filing hazira through email.</p> <p>The Legal Executive of the Respondent sent an email stating her inability to attend today's hearing due to medical ground and prayed for adjournment of today's hearing.</p> <p>This is the 4th day of the Execution hearing. In the 3rd Execution hearing dated 02.07.2025, Respondent committed to make payment of the remaining principal as well as the interest amount within 2(two) or 3(three) months but accordingly the order was issued by the Authority to fulfill their commitment within 3(three) months.</p> <p>As per the Complainant he did not receive any payment towards the balance principal amount as well as the interest amount after issuance of the Authority order dated 02.07.2025.</p> <p>So at this juncture, the prayer of the Representative of the Respondent is not accepted by the Authority, as the Authority feels that it was the responsibility of the Respondent to depute another Authorized person to attend this hearing on behalf of them in the instant case.</p> <p>Now after hearing the Complainant and observing the reluctance on the part of the Respondent, the Authority is of the view that the Respondent is not paying any heed to the order of the Authority and they are totally violating the</p>	

order.

Out of total principal amount of Rs.10,27,773/- paid by the Complainant, the Respondent refunded an amount of Rs. 5,50,000/- so far and no interest has been paid by the Respondent in favour of the Complainant.

The Complainant was appraised at the time of hearing that the order dated 07.11.2023 may be executed either by the provision of Rule 25 of the Real Estate (Regulation and Development) Rules, 2021 by sending it to the concerned District Magistrate for recovery of the amount due as per the provisions of Bengal Public Demands Recovery Act, 1913 or it may be sent to the Principle Civil Court having jurisdiction to execute the same as per the provisions of Rule 26 of the said Rules.

The Complainant consented for sending this matter for execution to the District Magistrate of the concerned District in whose jurisdiction the said property is situated, as per the provisions contained in section 40 of the Real Estate (Regulation & Development) Act, 2016 read with rule 25 of the West Bengal Real Estate (Regulation & Development) Rules, 2021.

Therefore, this Authority is hereby pleased to send this matter for execution to the District Magistrate of North 24-Parganas to execute the Authority order dated 07.11.2023 as per section 40 of the Real Estate (Regulation & Development) Act, 2016 read with rule 25 of the West Bengal Real Estate (Regulation & Development) Rules, 2021. As per rule 25 of the West Bengal Real Estate (Regulation & Development) Rules, 2021, the amounts due i.e. the balance principal amount of Rs. **4,77,773/-** along with interest on total principal amount of Rs. **10,27,773/-** at the rate SBI PLR plus 2% shall be recovered by the concerned District Magistrate as arrears of land revenue and shall be recovered in the manner provided in the Bengal Public Demand Recovery Act, 1913 (Bengal Act 3 of 1913) for depositing the same in favour of the Complainant.

The Secretary, West Bengal Real Estate Regulatory Authority (WBREERA), is hereby directed to send certified copies of this execution order along with final order dated 07.11.2023 along with copy of the Complaint Petition to the District Magistrate of North 24-Parganas, within 7 (seven) days from today, requesting him to initiate a Certificate Case under the Bengal Public Demand Recovery Act, 1913, as per this order of the Authority.

The District Magistrate North 24-Parganas, is to execute the order dated 07.11.2023 in WBREERA/COM 000197 passed by this Authority, as per the provisions contained in rule 25 of the West Bengal Real Estate (Regulation & Development) Rules, 2021, within a month from the date of receipt of the certified copy of the order dated 07.11.2023 and other documents from the Secretary, WBREERA and send the compliance report to this Authority within six weeks.

It should be mentioned here that in a similar case, the Hon'ble Supreme Court of India, in petition for Special Leave to Appeal (C) No.16908/22, has been pleased to order as follows:-

"We direct, that the Authority shall proceed to execute the order which has been passed in favor of petition expeditiously, within a month from the date of receipt of a certified copy of this order by the executing forum".

As the present matter is similar to that of the matter heard by the Supreme Court of India, as mentioned above, therefore, the Authority directs the District Magistrate of North 24-Parganas, to take necessary action to execute this order within a month from the date of receipt of certified copy of this order along with other papers and documents from this Authority.

Complainant is at liberty to pursue this matter with the office of the District Magistrate, North 24-Parganas to get refund of the amount as per the order of the Authority.

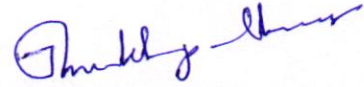
Let the copy of this order be served to both the parties by speed post and also by email immediately.



(BHOLANATH DAS)

Member

West Bengal Real Estate Regulatory Authority



(TAPAS MUKHOPADHYAY)

Member

West Bengal Real Estate Regulatory Authority