

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY,
MUMBAI**

Complaint No. CC001000000000105

Mr. Jagadish Nehete

.... Complainant

Versus

M/s. Rachana Construction

.... Respondent

Project Registration No. P51600015977

Coram: Dr. Vijay Satbir Singh, Hon'ble Member - 1/MahaRERA

Complainant appeared in person.

Mr. Mahendra Salunkhe appeared for the respondent.

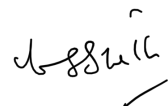
ORDER

(28th August, 2020)

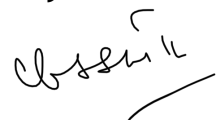
(Through Video Conferencing)

1. The complainant has filed this complaint seeking directions from MahaRERA to the respondent to refund the entire amount paid by him to the respondent along with interest for the delayed possession under section 18 of The Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as 'the RERA') with respect to booking of flat bearing No.403 in the respondent's project known as "Ishan Heights" bearing MahaRERA Registration No. P51600015977 at Nasik.

2. This complaint was heard on several occasions in the presence of the concerned parties and the same was heard and closed for order on 06-03-2020, when the complainant appeared and made his submissions. but none appeared for the respondent. However, the final order could not be passed due to non-availability of physical file as the office of MahaRERA was closed due to lockdown declared by the State as well Central Government due to Covid-19 pandemic.

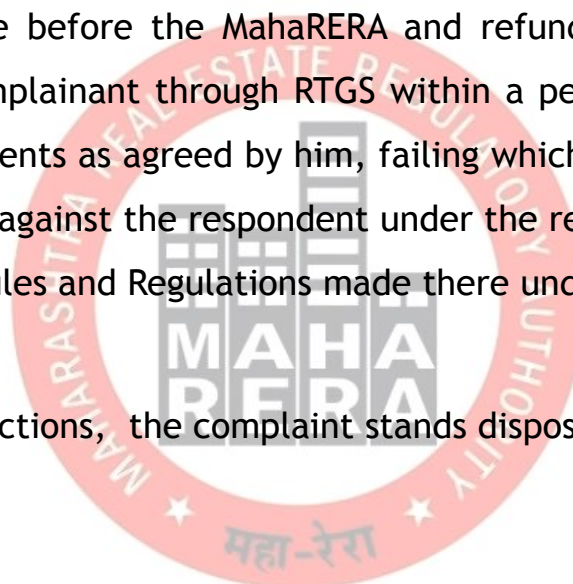


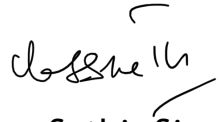
3. The MahaRERA has now issued Standard Operative Procedure dated 12-06-2020 for hearing of complaints through Video Conferencing. Accordingly, this complaint was again scheduled for hearing today as per the SOP dated 12-06-2020. Both the parties have been issued prior intimation of this hearing and they were also been informed to submit their written submissions, if any. Accordingly, both the parties appeared for the hearing. The MahaRERA heard the arguments of both the parties as well as perused the record.
4. It is the case of the complainant that in the year 2014, he has booked the said flat in the respondent's project for total consideration amount of Rs. 28.50,000/-. Out of the said amount till date he has paid an amount of Rs. 11,60,000/- to the respondent. However, the respondent neither issued allotment letter for the said booking nor has executed the agreement for sale with him. Thereafter, he came to know that the said booking is done without any approval and he also came to know that the said flat has already been sold to third party. Hence he wishes to withdraw from this project and is seeking refund of the amount paid by him to the respondent.
5. During the course of hearing, the respondent has stated that the said booking was done after the occupancy certificate was approved by the competent authority in the year 2014-2015 and the complainant has paid an amount of Rs. 11,60,000/- for which receipts have been duly issued. Thereafter the building plans were changed and hence the complainant sought refund of the amount paid by him. Accordingly, he had filed complaint before the Consumer Forum which was withdrawn by him. However, the respondent showed his willingness to refund the entire amount paid by the complainant and requested MahaRERA to grant him 6 months time from today for the said



payment and he will start making the said payment after 2 months and will complete the said payment in monthly instalments within 6 months.

6. The complainant has also accepted the offer given by the respondent. However, he requested that the respondent be directed to make payment through RTGS and the respondent has agreed for it.
7. In view of the aforesaid facts, the MahaRERA feels that nothing survives in this complaint. The respondent is directed to abide by the statement made before the MahaRERA and refund the entire money paid by the complainant through RTGS within a period of 6 months in monthly instalments as agreed by him, failing which appropriate action would be taken against the respondent under the relevant provisions of RERA and the Rules and Regulations made there under.
8. With these directions, the complaint stands disposed of.




(Dr. Vijay Satbir Singh)
Member - 1/MahaRERA