BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
CORAM :- SHRI R.K. MALABADE, ADJUDICATING OFFICER, PUNE-II

CC006000000530688/APPL/NC/1

Unnathi Estates .. Complainant/s

Versus

1. Girdhari Jha,
2. Rakhi Jha,
3. Axis Bank Ltd. .. Respondent/s

Appearance :-
Complainant/s : Adv. Rajesh Harad
Respondent/s : Absent

MahaRERA Project Registration No.P51700000002

ORDER
(24th December 2024)

1. This matter is reported to be under Non-Compliance of the order of the Hon'ble Chairperson, MahaRERA, dated 02.09.2024, whereby respondents/allottees are directed to fulfill their obligation in terms of payment of instalment as due within three weeks from the date of said order, failing which the promoter shall then proceed to cancel the allotment of the said flat and if the respondents/allottees fail to come forward to execute cancellation deed, the complainant-promoter shall file non-compliance application to take further action.
2. The learned Adv. for the complainant submitted that vide registered agreement for sale, dated 04.10.2016, the respondents/allottees had agreed to purchase flat No. 604 in building No. G-1 of the project "Unnathi Woods Phase VIIA" for total consideration of Rs. 42,56,150/-. Respondents-allottees have only paid Rs. 39,58,220/- towards sale consideration amount and have executed the said agreement. Respondents/allottees have defaulted in making further payment as per

schedule contained in the said agreement. Complainant had from time to time issued demand notice as well as payment reminder calling upon the respondents to pay outstanding dues. As per clause 5 of the agreement, termination notice, dated 21.07.2021 came to be issued against respondents/allottees by complainant for default in paying further instalments, therefore, the complainant was constrained to file complaint to seek cancellation of the said agreement.

3. The learned Adv. for the complainant further submitted that by order, dated 02.09.2024, the respondents/allottees were given liberty to fulfill their obligation in terms of payment of instalments as due within three weeks from the date of said order, however the respondents/allottees have not made any payment within the said time limit of 3 weeks. Further respondents/allottees have failed to come forward to execute deed of cancellation of the agreement. It is therefore, prayed for cancellation/termination of the agreement for sale with intimation to the concerned sub-registrar for taking note of the same.

4. Respondents/allottees absent and did not appear to contest the present non-compliance application. Therefore, there is no alternative to accept the contention of the learned Adv. for the complainant.

5. Admittedly, the respondents/allottees have made payment of Rs. 39,58,220/- and thereafter no any further instalments are paid. In view of the final order, the respondents/allottees were given liberty to make payment of instalments as due within three weeks from the said order. But the respondents/allottees have not made any payment of instalments as due, and also not come forward to execute deed of cancellation. It is therefore, the complainant is entitled for cancellation/termination of the agreement for sale, dated 04.10.2016. Hence I pass necessary order.

ORDER

(1) An agreement for sale, dated 04.10.2016 in respect of Flat No.604 on 6th floor in Building No.G-1 in the aforesaid project is hereby terminated/cancelled, as envisaged in Section 11(5) of the RERA Act.

(2) The concerned Sub Registrar is to take note of the cancellation of the aforesaid Agreement for Sale of the respondent/allottee, in the concerned register and intimate the said order for necessary compliance.

(3) In view of the above, the present non-compliance application stands disposed off.

24/12/2024

(R.K. Malabade)
Adjudicating Officer, MahaRERA, Pune

Pune
Date :-24.12.2024