BEFORE THE

MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

MUMBAI

COMPLAINT NO: CC006000000056441

Vidya Bhushan Prasad ... Complainant

Versus

Anil Kursija
MahaRERA Regn. No. P51700008216 ... Respondent

Corum:
Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was represented by Mr. Shyam Mohite, Adv.
Respondent was represented by Mr. Sunil Dongare, authorised representative.

Order
October 24, 2018

1. The Complainant has booked an apartment bearing no: 1004 in the Respondent's project 'TRINITY OASIS' situated at Ghodbandar Road, Thane. The Complainant stated that he has paid substantial amount towards the consideration price of the said apartment but the Respondent has failed to execute and register the agreement for sale and handover possession of the apartment. Therefore, he prayed the Respondent be directed to refund the amount paid by them with interest.

2. The authorised representative for the Respondent submitted that the Respondent is willing to execute and register the agreement for sale.

3. It was explained to the Complainant that no directions, under the provisions of Section 18 of the Real Estate (Regulation and Development) Act, 2016, pertaining to the payment of interest, on delay in accordance with the terms of the agreement for sale, can be given as there is no agreement for sale executed and registered between the parties.

4. In Complaint nos: CC006000000023340 and CC006000000012719, MahaRERA has directed the Respondent to handover possession of the apartments with Occupancy Certificate by May, 2020.

5. In view of the above facts, if the Complainant wishes to withdraw from the project, the refund shall be in accordance with the terms and conditions of the booking letter.

6. Alternatively, if the Complainant intends to continue in the said project, the parties are directed to execute and register the agreements for sale, as per the provisions of section 13 of the Real Estate (Regulation and Development) Act 2016 and the rules and regulations made thereunder within 30 days from the date of this Order. The Respondent shall handover the possession of the apartment, with Occupancy Certificate, to the Complainant before the period of May 31, 2020.

7. Consequently, the matter is hereby disposed of.

(Gautam Chatterjee)
Chairperson, MahaRERA