THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY, MUMBAI.

COMPLAINT NO: **CC006000000089591**

Sanket Vijay Nikam ---Complainant.

Versus

Karrm Infrastructure Pvt Ltd. ---Respondents.
(Karrm Gardens - 1)

MahaRERA Regn: **P51700008284**

Coram: Shri B.D. Kapadnis,
Hon'ble Member-II.

ORDER ON THE RECOVERY APPLICATION FILED IN COMPLAINT.

The complainant reports the non-compliance of the order passed in the complaint.

2. Initially the complaint filed complaint no. CC006/56079. The parties filed consent terms in that matter and hence, it had been disposed of. The respondents agreed to clear the housing loan taken by the complainant from DHFL but failed to repay the loan and therefore the complaint no. CC006/89591 has been filed. While deciding the said complaint, the Authority has recorded the findings that the respondents have undertaken the responsibility of closing the complainant's DHFL housing loan account by paying the four monthly equal instalments commencing from 17.01.2019 onwards and the loan was to be cleared till May 2019. The respondents indulged in unfair practice by making the complainant to believe in the said arrangement on which they did not act upon. On this basis the respondents have been directed to pay outstanding loan amount and close the complainant's DHFL housing loan account No. 00000883, of Bhandup Main Branch within a period of one month from 27.08.2019.

3. Today the complainant appears to submit that the respondents have not cleared the dues and DHFL employees are harassing him and his family members to compel them to repay the loan amount.

4. The respondents have failed to appear despite the notice to show cause as to why penalty under section 63 of RERA should not be imposed.

5. The aforesaid facts are quite sufficient to indicate that the respondents are in habit of making false promises and they have no regards for the orders passed by the Authority. It is necessary to check these mischievous activities of the promoters with firm hand. Found in the circumstance, I find no other alternative but to impose the penalty of Rs. 10,000/- per day till the order is complied with, under Section 63 of RERA.

6. The respondents shall report the compliance for stopping the imposed penalty.

25.11.19

Mumbai.
Date:25.11.2019.

(B.D. Kapadnis)
Member II,
MahaRERA, Mumbai.

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Coram: Shri B.D. Kapadnis,
Hon'ble Member II.

Appearance:
Complainant: In person.
Respondents: Absent.

Final Order
27th August 2019.

The complainant has filed this complaint under Section 7 of RERA to complain that the respondents have indulged in unfair practice. He contends that he filed Complaint No. CC006/56079 against the respondents and the consent terms have been filed therein. The said complaint has been disposed of on the basis of those consent terms. The respondents have failed to act upon the consent terms particularly failed to foreclose the housing loan taken by the complainant from DHFL Housing Loan bearing account no. 00000883, Bhandup Main Branch, in four monthly equal instalments.

2. The respondents failed to appear despite the notice. Hence the complaint proceeds exparte against them.

3. Heard the complainant who submits that except the re-payment of loan amount the rest of the consent terms have been complied with. He

further submits that since the respondents have not cleared the loan amount, he has been receiving the notices from the Financer.

4. After going through the consent terms marked Exh. 'A' filed in the earlier complaint, I find that the respondents have undertaken the responsibility of closing the complainant's DHFL Housing Loan Account by paying the four monthly equal instalments commencing from 17th January 2019 onwards. It means that they were to clear the loan amount till May 2019. Since the respondents made the complainant to believe that they would pay he housing loan standing in his name and made the complaint to sign on the consent terms resulting in withdrawal of his complaint and they failed to clear the loan amount, it amounts to indulgence in unfair practice within Section 7 of RERA. Hence, the order.

ORDER

The respondents are directed to pay the outstanding loan amount and close complainant's DHFL Housing Loan Account No. 00000883, Bhandup Main Br. within a period of one month.

The respondents shall pay Rs. 20,000/- towards the cost of the complaint.

Mumbai.
Date: 27.08.2019.

(B. D. Kapadnis)
Member II,
MahaRERA, Mumbai.