

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

Complaint No. CC006000000171720

Mr. Siddhesh Belose

Mrs. Jagruti Belose

..Complainants

Vs

M/s. Karm Infrastructure

..Respondent

MahaRERA Project Registration No. **P51700008284**

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

Adv. Tanmay Ketkar appeared for the complainants.

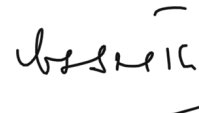
None appeared for the respondent.

INTERIM ORDER

(11th December, 2020)

(Through Video Conferencing)

1. The complainants have filed this complaint seeking directions from MahaRERA to the respondent to refund the entire amount paid by them along with interest and compensation under section 18 of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred to as 'RERA') with respect of booking of a flat No. 501, on 5th floor, in wing -C of the respondent's registered project known as "Karm Gardens-1" bearing MahaRERA registration No. **P51700008284** at Ambarnath Dist- Thane.
2. The complaint is heard finally today as per the Standard Operating Procedure dated 12th June 2020 issued by MahaRERA for hearing of complaints through Video Conferencing. Both the parties have been issued prior intimation of the hearing. Accordingly, the complainants appeared through their advocate and made their submissions. However, the respondent though has been issued notice for the hearing has neither appeared nor filed any reply on record of MahaRERA as per the SOP dated 12-06-2020. It shows that the respondent is not willing to contest this complaint. Hence the MahaRERA heard the arguments of the complainants and also perused the record.



3. During the course of hearing, the complainants have stated that they have purchased the said flat in the respondent's project by executing a registered agreement to sale dated 29-04-2016. As per the said agreement, the respondent was liable to handover possession of their flat on or before 31-12-2016. However, till date, the respondent failed to handover possession of the same to them. Hence they lost faith in the respondent. Therefore the present complaint is filed seeking refund along with interest and compensation under section 18 of the RERA.
4. Considering the aforesaid facts, since the complainants are seeking refund along with interest/compensation under section 18 of the RERA as the agreed date of possession mentioned in the agreement for sale has lapsed, this complaint stands transferred to Ld. Adjudicating Officer MahaRERA, Mumbai, for adjudicating the quantum of compensation as per the provisions of RERA and rules and regulation made thereunder.
5. In the present case, it is noticed by the MahaRERA that according to the information available on MahaRERA website that the validity period of the said project has already lapsed on 30/11/2020. Further, the respondent has not uploaded the Form-4 and occupancy certificate on MahaRERA website. Therefore, prima facie, it shows that the project is still incomplete.
6. Hence, the respondent is directed to approach MahaRERA for extension of the project period or take any other action to revive the project giving a definite time-line for its completion within a period of one month from the date of this order.



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