

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000000878

Nikhil Chopra ... Complainant.

Versus

Hemant Vinaykant Parikh ... Respondent.
MahaRERA Regn: P51800011517

Coram: Shri B.D. Kapadnis, Hon'ble Member & Adjudicating Officer.

Complainant : Present in person.

Respondent: Represented by Advocate Mr. M.V. Sampat.

15th November 2017

Final Order

The Complainant has booked flat No. 1002 in the A- Wing of Vicenza project of the Respondent situated at Vikhroli (East). The Respondent agreed to give possession of the said flat on or before September 2014 but failed to give it as agreed. Therefore, he claims Rs.18,00,000/- paid by him to the Respondent with interest and/or compensation under Section 18 of the Real Estate (Regulation and Development) Act, 2016.

When the possibility of amicable settlement has been explored, both the parties have arrived at the settlement. For the best reason known to them, they have not filed written consent terms but they have disclosed the terms and conditions settled among them. They have requested me to pass the order in accordance with those terms and conditions. Hence the following order.

ORDER

The Respondent shall pay the Complainant Rs. 18,00,000/- with the interest at the rate of 9 % per annum from May 2014 till 30th April 2017



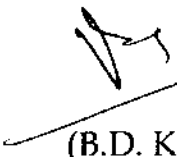
and thereafter the interest shall be at the rate of 10.15 % per annum from 1st May 2017 till its realisation.

The Respondent shall re-pay the amount in three equal instalments. The first instalment shall be due on 1st December 2017, the second will be due on 1st January 2018 and the third will be due on 1st February 2018. The Respondent shall pay the Complainant Rs. 10,000/- towards the cost of the complaint.

On satisfaction of the entire claim, the Complainant shall return the original letter of allotment to the Respondent and shall execute the necessary documents regarding cancellation of the booking. The Respondent shall bear its cost.

Mumbai.

Date: 15.11.2017.


15/11/17

(B.D. Kapadnis)

Member & Adjudicating Officer
MahaRERA

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000000878

Nikhil Chopra	... Complainant.
Versus	
Hemant Parikh	... Respondent.

MahaRERA Regn: P51800001517

Coram:
Hon'ble Shri B.D. KAPADNIS.

Appearance:
Complainant: In person.
Respondent: Absent- Exparte.

Final Order.
28th March 2018

The complaint has been disposed off on 15.11.2017 because the parties settled their disputes amicably and as per the terms and conditions settled by them an order has been passed regarding the repayment of the complainant's amount.

2. The complainant has filed an application to contend that the respondent has not complied with the final order passed in his complaint.

3. Therefore, the show cause notice is issued calling upon the respondent to show the cause as to why the action u/s. 63 of RERA should not been taken. However, the respondent has failed to appear and to show cause. In this circumstance, the respondent has left no option for me but to proceed against them u/s. 63 of the Act which provides penalty for every day during which default to comply with the order of the Authority continues. The final order has been passed by the Authority and the respondent has failed to comply with it. Hence the order.

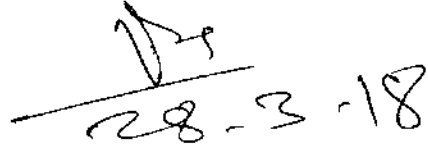


Order.

The respondent shall comply with the final order passed in this complaint within the next 45 days.

In case of respondent's default to comply with the order, he shall pay penalty of Rs. 1000/- per day till he complies with it.

On compliance of the order, he shall furnish proof of compliance. Till then, he shall go on paying the penalty till the amount of penalty does not exceed 5 % of estimated cost of the project.



(B.D. Kapadnis)

(Member & Adjudicating Officer)
MahaRERA, Mumbai

Mumbai
Date : 28.03.2018.

**THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI.**

COMPLAINT NO: CC006000000000878

Nikhil Chopra

Complainant

Versus

Hemant Vinaykant Parikh

Respondents.

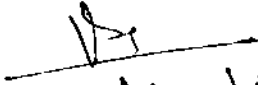
MahaRERA Regn: P51800011517.

Coram: Shri B.D. Kapadnis,
Hon'ble Member & Adjudicating Officer.

**ORDER ON THE RECOVERY APPLICATION FILED IN COMPLAINT NO.
CC006000000000878**

The complainant has filed the application for execution of the order passed in the complaint. The complainant contends that the respondents have not complied with the order and therefore, he seeks the execution of the order.

2. The respondents have failed to appear despite show cause notice.
3. Hence, issue recovery warrant under Section 40(1) of RERA.


11.10.18

Mumbai.
Date:11.10.2018.

(B.D. Kapadnis)
Member & Adjudicating Officer,
MahaRERA, Mumbai.