

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC005000000011415

Gargee Mitra

... Complainant

Versus

Xrbia North Hinjewadi Developers Pvt Ltd
MahaRERA Regn. No. P52100000379

... Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was represented by Ms. Aishwarya Gokhale, Adv. a/w Ms. Leena Kaulgekar, Adv.

Respondent was represented by Mr. Daulat Raut, Adv.

Order

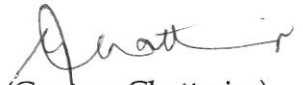
July 25, 2018

1. The Complainant has purchased an apartment bearing no. 708-B (hereinafter referred to as *the said apartment*) in the Respondent's project 'Xrbia Hinjewadi Road / Riverfront - Ph - 2' situated at Pune through a registered agreement for sale dated August 02, 2017. The Complainant alleged that in the sanctioned plan, the said apartment does not find a mention. Therefore, the Complainant prayed that the Respondent be directed to refund the amount paid by her along with interest.
2. The learned counsel for Respondent submitted that in the sanctioned plan, the seventh floor has been inadvertently mentioned as a refuge area, though in an 8 floor building, no refuge area is necessary. He added that the Respondent had taken up the matter with the planning authority, to rectify the same. He further added that pending the rectification, the Respondent has not raised any demand towards the consideration price beyond the 10% amount taken at the time of registration of sale agreement from the Complainant, even though the construction work has progressed up to 6th floor. He also submitted that the Respondent will not raise any demands till the error is



rectified. He further added that the possession of the apartment would be in accordance with the timeline mentioned in the agreement.

3. In view of the above, in case the Complainant intends to withdraw from the project, then such withdrawal shall be according to the terms and conditions of the said agreement.
4. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA