

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

COMPLAINT No: CC006000000012311

Mr. Arka Roy ..... Complainant

Versus

M/s. Nirmal Lifestyle (Kalyan) Private Limited

MahaRERA Registration No. P51700003616

..... Respondent

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

Mr. Bhaskar Roy , appeared for the complainant.

Adv Deepan Dixit a/w Mr. Rohit Chavan appeared for the respondent

**Order**

(15<sup>th</sup> February, 2018)

1. The complainant has filed this complaint seeking directions from this Authority to the respondent to refund the booking amount in respect of booking of 1 BHK flat bearing No. 404 on 4<sup>th</sup> floor in building known as "Thames C" in MahaRERA registered project bearing No.P51700003616 at Kalyan, Dist Thane.
2. This matter was heard today. The complainant has stated that he had booked 1BHK flat -Flat on 1st March, 2014. At that time the respondent had promised that the possession will be given by December 2017. However, the respondent has sent an email to him and informed that due to some unfortunate and approval issues, he will not be able to deliver the possession on time. Hence, the complainant is seeking refund of the booking amount.
3. The respondent disputed the claim of the complainant and stated that there is no agreement between the complainant and the respondent and

no agreed date of possession. Therefore, the present complaint is not maintainable. However, without prejudice to his rights and contentions, the respondent has submitted a written undertaking on record of this Authority stating that he will refund the entire amount to the complainant within a period of three months from the date of completion of cancellation procedure.

4. Considering the above facts, this Authority is of the view that there is no violation of the provisions of the section 18 of Real Estate (Regulation and Development) Act, 2016 and the Rules and Regulations made there under, as no agreement has been executed between the complainant and the respondent. Therefore, the complainant is not entitled for any relief as prayed by him. Moreover, the respondent has given written undertaking on record of this Authority stating that he will refund the booking amount to the complainant. The said undertaking is taken on record.
5. In view of above, the complaint stands disposed of.



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