

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

COMPLAINT NO: CC0060000000012326

Sagar Chavan ... Complainant.

Versus

Hemant Vinaykant Parikh
(Rabindranath Tagore Abhashan
Prakalp Layout) ... Respondents.

MahaRERA Regn: P51800007086

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

Appearance:
Complainant: In person.
Respondents: Absent.

Final Order.
9th April 2018

The complainant contends that he booked flat no. 301 in respondents' registered project 'La Estrella' situated at Vikhroli (East). The respondents agreed to deliver the possession of the flat on or before November 2017 but they did not deliver it as agreed and therefore, the complainant seeks the refund of his amount with interest.

2. Heard the complainant on maintainability of the complaint. None appears for respondents.
3. The complainant has relied upon the allotment letter which shows that the possession of the flat shall be given on receipt of part occupation certificate / occupation certificate. He is not having agreement for sale to



show that the agreed date of possession is November 2017 as contended by him. Therefore, this fact does not attract Section 18 of RERA. Even otherwise the complaint is not properly drafted. It does not disclose violation / contravention of any other provision of the Act.

4. Hence, the complaint is not maintainable in its present form. However, I find, it necessary to permit the complainant to file fresh complaint by pleading facts of the case properly. Hence, the order.


ORDER

The complaint is dismissed.

The complainant is allowed to file another complaint in proper form.

Mumbai.

Date: 09.04.2018.


9.4.18

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