

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,  
PUNE

Complaint No.CC005000000010992

**Mrs.Nayana Ramchandra Shinde .. Complainant**  
**Mrs.Smita Avinash Sahasrabudhe**  
**Shivaji Haribhau Karve**  
**Mrs.Hira Dattatraya Padwal**  
**Miss.Aparna Gajanan Khaire**  
**Mrs.Anita Shridhar Desai**  
**Vikas Hemchandra Khebade**

**Versus**

**Darode Jog Homes Pvt Ltd .. Respondent**

**Coram : Shri M.V. Kulkarni**  
**Hon'ble Adjudicating Officer**

**Appearance : In person**

**FINAL ORDER**

**27-07-2018**

1. In all seven complainants who have booked flats with the respondent in his project Padmanabh have filed this joint complaint to claim back money paid to the respondent as construction is not completed by respondent.
2. The point whether more than one individual booking flats in the same project or with the same builder has not achieved finality. This may be causing loss of fees to the government.

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The MahaRERA office is directed to recover deficit fees from the complainants as per rules.

- The seven complainants have placed on record seven files pertaining to them. The name of the project appears to be Padmanabh at Moshi in Pune. The flat numbers booked by each complainant is as follows:

Complainant Name	Flat No	Price agreed	Amount paid
Shinde Naina	803 Wing B-1	27,94,375	25,29,370
Vikas Khebade	308 Wing B-1	18,58,250	16,82,743
Khaire Aparna	707 Wing A-1	33,78,000	26,25,088
Sahatrbudhee Smita	901 Wing A-1	34,21,000	27,38,207
Padwal Hira	302 Wing A-1	32,42,000	27,32,093
Desai Anita	504 Wing B-2	20,00,600	2,23,939
Shivaji Karve	606 Wing B-2	27,58,125	24,82,701

- The complainants have alleged that the respondent is not doing pending work since last two years. He has giving reason that he has no money to complete the site. The complainants have paid 80% of the total price However they have lost interest in the flats due to the mental harassment. The complainants therefore, seeks refund of amounts paid alongwith compensation.
- The respondent failed to appear and challenge the contentions of the complainants.
- I am working with Mumbai office and Pune office in alternate weeks as per availability of dias. Also Steno was not available in Pune Office. Therefore the judgement is being delivered now.
- Following points arise for my determination I have noted my findings against them for the reasons stated below:

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<b>POINTS</b>	<b>FINDINGS</b>
1. Has the respondent failed to deliver the possession of flats to complainants without reasons beyond his control?	Yes
2. Are the complainants <del>are</del> entitled for the reliefs claimed?	Yes
3. What order?	As per final order.

#### **REASONS**

8. **Point No.1 & 2** The respondent has failed to challenge the contention of the complainants. The complainants have placed on record the receipts about payments made to the respondent. There is no challenge in the contention that since two years he has stopped the construction activities and he has extended the date of delivery of possession till December, 2018 without the consent of the complainants. Consequently complainants are entitled for the reliefs claimed. I therefore answer point No.1 & 2 in the affirmative and proceed to pass the following order.

#### **ORDER**

1. The Respondent shall pay to the complainants the amount shown in the table in Para-3 of the **final order** with interest @ the State Bank of India highest Marginal Cost of Lending Rate plus two percent per annum prevailing as on date, which is refundable from the date of payment till actual realisation.

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2. The respondent shall pay Rs.1,00,000/- to each of the complainants as compensation in respect of mental harassment and inconvenience.
3. The respondent shall pay Rs.20,000/- to each of the complainants as costs of the complaint.
4. The respondent shall pay above amounts within 30 days from the date of issue of this order.

Pune  
Date :- 27.2018

  
(M.V.Kulkarni)  
Adjudicating Officer,  
MahaRERA