

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

COMPLAINT NO: CC006000000023411.

Milan Kamdar  
Simoni Milan Kamdar  
Harsh Milan Kamdar

... Complainants.

**Versus**

Om Mandar Realtors  
( Om Mandar Realtors)

... Respondents.

MahaRERA Regn: P99000011277

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

**Appearance:**

Complainants: Adv.Sanjay Chaturvedi.

Respondents: Exparte.

**Final Order.**

16<sup>th</sup> April 2018.

The complainants contend that Mr. Milan Kamdar booked flat no. 207, Mrs. Simoni Milan Kamdar booked flat no. 208 and Mr. Harsh Kamdar booked a flat no. 101 in respondents' registered project, Mandar Avenue, F-1, situated at village Dongre, Virar (West) and parties entered into agreements for sale of the said flats. Mr. Milan Kamdar and Simoni Milan Kamdar paid Rs. 20,00,000/- each and Harsh Kamdar paid Rs. 27,90,000/- to the respondents on 24.05.2014, 27.09.2014, 12.08.2017 respectively. Thereafter the respondents by sending letters to the complainants showed their inability to complete the flats and to refund their money. It is the

allegation of the complainants that the cheques issued by the respondents bounced and therefore they have filed this complainant.

2. The notices to appear have been issued to the respondents but despite them, respondents failed to appear on 06.04.2018, 13.04.2018. Hence, this matter proceeds exparte against the respondents.

3. The allegations of the complainants have gone unchallenged on the point that the respondents by their letters placed on record communicated them that the agreements of the complainants have been cancelled and the respondents showed their readiness to refund their amount. However, cheques issued by the respondents have bounced. This proved fact therefore establishes that the respondents have practised unfair practice within the meaning of Section 7(1) (c) and hence, the complainants are entitled to get back their amount with interest at prescribed rate which is 2% above the SBI's highest marginal cost of lending rate which is currently 8.05%, from the date of the payment till they are refunded together with Rs. 10,000/- towards the cost of the complaint. Hence, the following order.

#### **ORDER**

1. The respondents shall pay Mr. Milan Kamdar and Mrs. Simoni Milan Kamdar, Rs. 20,00,000/- each with simple interest at the rate of 10.05% per annum from 24.05.2014 and 27.09.2014 respectively till the refund of their amount.

2. The respondents shall pay Mr. Haresh Kamdar, Rs. 27,90,000/- with simple interest at the rate of 10.05% per annum from 12.08.2017 till the refund of his amount.

3. The respondents shall pay the complainants Rs. 10,000/- towards the cost of the complaint.

Mumbai.

Date:16.04.2018.

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