

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

**COMPLAINT NO: CC006000000056014**

Mrs. Florine Patrick Pinto  
Mr. Patrick John Pinto

... Complainants.

**Versus**

M/S Navkar Builder And Developers  
(HAPPY HOME CHSL)

... Respondents.

**MahaRERA Regn: P51800002652**

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

**Appearance:**

Complainants: Adv. Mr. Tanuj Lodha.

Respondents: Adv. Mr. A.P. Singh.

**FINAL ORDER**

**26<sup>th</sup> March 2019.**

The complainants have contended that they booked flat no. 602 in building no. 2 of respondents' registered project 'I.C. Colony Happy Homes CHS LTD.' situated at Borivali. The respondents failed to hand over the possession of the flat on agreed date 31<sup>st</sup> May 2016. They reduced the area of the flat from 1023 sq.ft. to 956 sq.ft. The complainants further allege that the respondents are guilty of indulging in unfair practice by contending that the respondents agreed to refund Rs. 90,69,757/- but did not honour the cheques of Rs. 89,10,566/-.

2. The respondents have filed their suitable reply.
3. The matter has been argued by the learned advocates of the parties and during the hearing the learned advocate of the respondents submits that the complainants by their notice dated 06.09.2018 claimed Rs.



89,10,566/-. The respondents are ready to pay this amount with interest within next four months in three equal instalments. This proposal is accepted by the complainants and both the parties have permitted me to draw the order accordingly. Hence, the following order.

### ORDER

The respondents shall pay the complainants Rs. 89,10,566/- with interest at the rate of 10.55% from 01.08.2018.

The respondents are permitted to refund the principal amount with accrued interest in three equal instalments spreading over next four months. The first instalment shall be due on 8<sup>th</sup> April 2019, second instalment shall be due on 26<sup>th</sup> May 2019 and 26<sup>th</sup> July 2019.

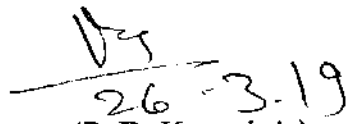
The complainants will be entitled to recover the amount in lump sum in case of single default.

The respondents shall pay the complainant Rs. 20,000/- towards the cost of the complaint.

On satisfaction of the complainants' claim, they shall execute the deed of cancellation of the agreement of sale at respondents' cost.

Mumbai.

Date: 26.03.2019.

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