

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

COMPLAINT No: CC006000000000931

Mr. Rakesh Agrawal

..... Complainant

Versus

M/s Nirmal Lifestyle (Kalyan) Private Limited

MahaRERA Registration No. P51700003616

..... Respondent

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

The complainant appeared in person.

Mr. Rohit Chavan appeared for the respondent


Order

(9th January 2018)

1. The complainant has filed this complaint seeking directions from this Authority to the respondent to refund the booking amount paid by him with interest in MahaRERA registered project bearing No. P51700003616
2. This matter was heard today. The complainant has stated that he had booked a residential Flat/unit bearing No. 501, 5th Floor, Bldg Tulip, admeasuring 495 sq Ft for total price of Rs. 24,72,444/- in respondent's project by paying booking amount of Rs. 45,000/-. Till date, he has paid an amount of Rs. 4,50,396/- to the respondent. However, now he would like to withdraw from the project and hence, he prayed for refund of amount with 18% interest from the respondent.
3. The respondent disputed the claim of the complainant and stated that there is no agreement between the complainant and the respondent. Hence there is no agreed date of possession. Therefore, the present complainant is not maintainable. However, without prejudice to their

rights and contentions, the respondent has submitted a written undertaking on record of this Authority stating that he will refund all the amount to the complainant within a period of six months from the date of the complaint on completion of the procedure for cancellation.

4. Since no agreement is executed between the complainant and the respondent, there is no violation/contravention of any provision of RERA Act, Rules and Regulation framed thereunder and therefore, the complainant is not entitled for any interest as prayed by him.
5. However, considering the undertaking submitted by the respondent, the complaint stands disposed of.


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