

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

COMPLAINT NO: CC006000000057182

Madhu B Kurup.

... Complainant.

Versus

Rajesh Moreshwar Naik
(Gokul Nagar)

...Respondent.

MahaRERA Regn: P99000009505.

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

Appearance:

Complainant: In person.

Respondents: Absent (exparte).

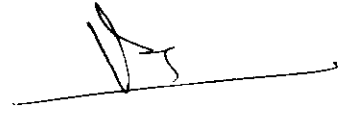
Final Order

5th July 2019.

The complainant booked flat no. B-2/304 in respondent's registered project 'Gokul Nagar' situated at Kurgaon, Boisar and paid Rs. 1,75,000/- to the respondent. The respondent has failed to issue allotment letter and execute the agreement for sale of the said flat till the date. The complainant contends that the construction is getting delayed and he wants refund of his money.

2. The respondent has failed to appear despite the service of notice marked Exh."A".

3. The complainant has produced the receipt passed by the respondent showing that he paid Rs. 1,75,000/- in the year 2013 itself. It was necessary for the respondent to issue allotment letter but he has not issued the allotment letter till the date. It amounts to unfair practice and hence, the complainant is entitled to get back his amount with interest at prescribed rate. The prescribed rate of interest is 2% above SBI's highest



MCLR which is currently 8.5% per annum from the dates of receipts till refund along with Rs. 10,000/- towards the cost of the complaint.

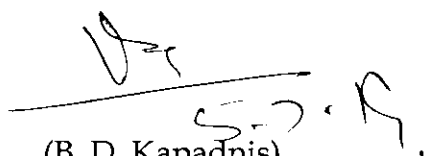
4. Before parting with this order, I want to put on record that now the developers have developed the tendency not to attend the matter even after receiving the notice of hearing because they want to buy the time. They allow the Authority to pass an order with the hope that they would get it reversed by complaining that the opportunity was not given to them to contest the matter. Now, when the complaint is filed online, it is automatically generated on webpage of the project. The promoter gets the knowledge of filing of the complaint, its contents and the documents uploaded by the complainant at the very movement the complaint and the documents are uploaded. After filing of the complaint within a month or so, the notice in advance is being sent to the parties and when the promoter fails to appear even after the notice, then I find that there is no necessity to adjourn the matter because it is within the knowledge of the promoter as to which complaint is filed against him and when it is going to be heard by the Authority. Hence, the order.

ORDER

The respondent shall pay Rs. 1,75,000/- to the complainant with simple interest at the rate of 10.5% per annum from the date of order till paying the same.

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

Mumbai.
Date: 05.07.2019.


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