

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

COMPLAINT No: CC006000000012584

Mr. Hrishikesh Devram Mindhe through CA Mr. Devram S. Mindhe

..... Complainant

Versus

M/s. Nirmal Developers

MahaRERA Registration No. P51800012383

..... Respondent

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

Adv Ketan Mali appeared for the complainant.

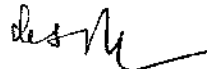
Adv Deepan Dixit a/w Mr. Rohit Chavan appeared for the respondent

Order

(27th February, 2018)

1. The complainant has filed this complaint seeking directions from this Authority to the respondent to refund the amount in respect of booking of a flat bearing No. 1504 on 15th floor in wing "C" of building known as "Olympia" in MahaRERA registered project bearing No. P51800012383 at Kalyan, Dist Thane.
2. This matter was heard on 22-02-2018. The complainant has stated that he had booked a flat on 27th November, 2014. From 27/11/2014 till 18/09/15, he paid an amount of Rs. 40, 22,550/- to the respondent through cheques out of total consideration. At that time the respondent had promised that the possession will be given by December 2016. However, on site the respondent did not make any progress in work. Hence the complainant cancelled the booking in July 2016. But till date he did not get the his refund from the respondent. Hence, the complainant is seeking refund of the amount with interest and damages.

3. The respondent disputed the claim of the complainant and stated that the present complainant is not maintainable since the complainant was not an allottee of the project as he cancelled the booking on 20-07-2016. However, without prejudice to his rights and contentions, the respondent has submitted a written undertaking dated 23-02-2018 on record of this Authority stating that he will refund the entire amount to the complainant within a period of eight months from the date of complainant addressing a formal communication demanding the amount paid by him to the respondent.
4. Considering the above facts, this Authority is of the view that there is no violation of the provisions of the section 18 of Real Estate (Regulation and Development) Act, 2016 and the Rules and Regulations made there under, as no agreement had been executed between the complainant and the respondent. Moreover, the respondent has given written undertaking on record of this Authority stating that he will refund, the booking amount to the complainant. The said undertaking is taken on record.
5. In view of above, the complaint stands disposed of.


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