

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

COMPLAINT NO: CC0060000000054739.

Nayana Vishal Sonawane

... Complainant.

Versus

Milind Mahendra Ruparel
(Ruparel Orion)

...Respondents.

MahaRERA Regn: P51800004525

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

Appearance:

Complainant: Adv. Anand Prakash Mishra.

Respondents: Adv. Rubin Vakil.

FINAL ORDER

3rd October 2018.

The Complainant has filed this complaint under Section 13 of Real Estate (Regulation and Development) Act, 2016(RERA) to contend that he booked flat no. D-704, located at 7th floor in the respondents' registered project 'Ruparel Orion' situated at Chembur (West). The respondents failed to execute the agreement for sale even after receiving more than 10% of the consideration. Hence he seeks the direction for execution of the agreement for sale.

2. The respondents admit that the complainant booked flat no. 704 in D-wing of their project for total consideration of Rs. 68,00,000/- out of which he paid Rs. 30,00,000/- at the time of booking. They contend that they were and are ready to execute and register the agreement for sale. However, the complainant was in some financial difficulty and hence, he did not come forward for getting the agreement executed. They further contend that they are ready to execute the agreement provided the complainant makes the payment of the amount which has become due to them. They deny that they agreed to sell car parking place and hence, they request to dismiss the complaint.



3. The respondents do not dispute that they issued allotment letter dated 18th March 2014 allotting the flat no. 704, D-wing on the 7th floor of building known as 'Orion' admeasuring 491 sq. feet. The respondents are ready to execute the agreement for sale of this flat for the total consideration of Rs. 68,00,000/-.

4. The complainant requests that the respondents should mention in the agreement for sale about one car parking. The allotment letter does not speak about the car parking. Moreover, the except garage the promoter has no right to sell the place of car parking open or covered, hence, it cannot be directed.

5. To conclude, the respondents have received more than 10% of the total consideration of the flat and hence under Section 13 of RERA, they are bound to execute the agreement for sale of the booked flat in complainant's favour in consonance with the terms and conditions of allotment letter. It is also necessary to direct the respondents to provide all the common amenities to the complainant. In the result, the order.

ORDER


The respondents shall execute the agreement for sale of flat no. D-704 admeasuring 491 sq.ft. of Orion building of their registered project situated at Chembur(West) in consonance with terms and conditions contained in the allotment letter by using the model format of the agreement provided under RERA in complainant's name within three weeks from this order.

The respondents to provide all the common amenities to the complainant and incorporate them in the agreement for sale.

The complainant shall bear the amount of stamp duty and registration charges.

Mumbai.

Date: 03.10.2018.


3.10.18
(B. D. Kapadnis)
Member & Adjudicating Officer,
MahaRERA, Mumbai.