

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

COMPLAINT NO: CC006000000055773.

Unnikrishnan VC

... Complainant.

Versus

Aanya Realtors
(Falco Rivershire)

... Respondents.

MahaRERA Regn: P51700005912.

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

Appearance:

Complainant: In person.


Respondents: Ex-parte.

**FINAL ORDER
24th October 2018.**

The complainant booked flat no. 905 in respondents' registered project 'Falco Rivershire' situated at Village Mohili, Tal.Kalyan, District: Thane. The respondents have failed to hand over the possession of the said flat on the agreed date 31st March 2016. Therefore, the complainant withdraws from the project and claims refund of his amount with interest and/or compensation under Section 18 of RERA.

2. The respondents have failed to appear despite service of the notice marked Exh. ¹² ~~8~~. Hence the complaint proceeds exparte.

3. The complainant has produced the copy of the agreement for sale showing that the respondents agreed to hand over the possession of the flat on or before 31st March 2016. The possession has not been given as agreed. Therefore, the complainant is entitled to get refund of his amount with simple interest from the date of payment under Section 18 of RERA. The prescribed rate of interest is 2% above the SBI's highest MCLR which



is currently 8.55%. The complainant has submitted the statement of payment marked Exh.'A' which includes the stamp duty amounting to Rs. 88,100/-. Since the complainant wants to withdraw from the project and more than five years have passed from the execution of the agreement for sale, he is not entitled to get refund of stamp duty in view of Section 48 of the Maharashtra Stamp Act. Hence, the complainant is entitled to get all the amount mentioned in the statement including the stamp duty. He is also entitled to get Rs. 10,000/- towards the cost of the complaint.

Hence the following order.

ORDER

The respondents shall pay the complainant the amount mentioned in Exh.'A' with interest at the rate of 10.55% per annum from the date of the payment of the amount till the refund.

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

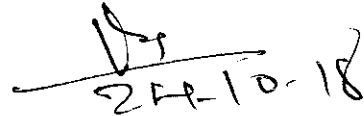
The payment format marked Exh.'A' shall form the part of the order.

The charge of the aforesaid amount shall be on the complainant's booked flat till the satisfaction of his claim.

The complainant on satisfaction of his claim, shall execute the deed of cancellation of agreement for sale at respondents' cost.

Mumbai.

Date: 24.10.2018.




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

Name of Applicant: UNNIKRISHNAN VC

12-11-14
12 member

	Complant no.	CC006000000055773		
SR. NO.	DATE	AMOUNT	PURPOSE	RECEIPT NO./CHEQUE NO. WITH BANK
1	2/4/2012	51,000	FLAT BOOKING AMT.	560001 STATE BANK OF INDIA
2	25/4/2012	232,250	FLAT BOOKING AMT.	560002 STATE BANK OF INDIA
3	25/4/2012	7,176	FLAT BOOKING AMT.	560003 STATE BANK OF INDIA
4	15/9/2012	6,885	FLAT BOOKING AMT.	948736 HDFC
5	5/4/2013	5,310	FLAT BOOKING AMT.	948745 HDFC
6	30/08/2014	786,166	AFTER COMPLETION OF SLAB	72620 HDFC BANK
7	28/10/2014	123,839	AFTER COMPLETION OF SLAB	617993 HDFC BANK
8	20/01/2015	58,710	AFTER COMPLETION OF SLAB	542341 HDFC BANK
9	9/9/2015	57,820	AFTER COMPLETION OF SLAB	156752 HDFC BANK
10	6/7/2017	44,033	AFTER COMPLETION OF SLAB	56771 HDFC BANK
11	12/8/2015	30,000	AMOUNT DUE+ SERVICE TAX +	17 HDFC BANK
			SERVICE TAX@3.5 %	
	TOTAL	1,403,189		


UNNIKRISHNAN V.C
COMPLAINT NAME SIGN 

RESPONDENTS NAME & SIGN

RESPONDENTS REMARK

Name of Applicant: UNNIKRISHNAN VC

	Complant no.	CC006000000055773		
SR. NO.	DATE	AMOUNT	PURPOSE	RECEIPT NO./CHEQUE NO. WITH BANK
1	28/05/2013	14,678	VAT FOR REGISTRATION	61048 HDFC BANK
2	28/05/2013	14,700	REGISTRATION	61047 HDFC BANK
3	28/05/2013	88,100	STAMP DUTY	61046 HDFC BANK
	TOTAL	117,478		

UNNIKRISHNAN VC
COMPLAINT NAME SIGN 

RESPONDENTS REMARK

RESPONDENTS NAME & SIGN

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Hon'ble Member & Adjudicating Officer.

ORDER ON THE RECOVERY APPLICATION FILED IN THE COMPLAINT.

The complainant report non-compliance of the order passed in the matter. The respondents have failed to appear to show cause as to why recovery warrant should not be issued.

2. Hence, issue recovery warrant under Section 40(1) of RERA against the respondents.
3. The complainants to produce the statement showing the amount which has become due.

Mumbai.
Date:18.03.2019.


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