

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO: CC006000000000246

Shamala Suresh Baheti

... Complainants.

Versus

Ruchi Priya Developers Pvt. Ltd.  
(Uptown Wing - B)

... Respondents.

MahaRERA Regn: P51800006008

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

Complainant: In person

Respondent: Mr. Priyank Hemani, Director present.

**Final Order**

16<sup>th</sup> January 2018.

The complainant contends that she has booked flat in respondents' project Uptown Wing - B project located at Village Akurli, Kandivali, Mumbai and received allotment letter dated 26.05.2015. She booked the flat with clear understanding that commencement certificate will be received within 45 to 60 days and possession shall be hand over on 31.12.2018. On seeing the delay in starting the work, she cancelled the booking. Mr. Baheti for complainant is heard and she submits that he has filed the complaint under Section 13 and 18 of RERA.

2. The complainant wants refund of her amount, therefore, she has cancelled the booking. Therefore, there is no point in proceedings under Section - 13, which provides for execution of agreement for sale.

3. The complainant prays for refund under Section 18 of RERA which provides that on promoter's failure to complete the apartment in accordance

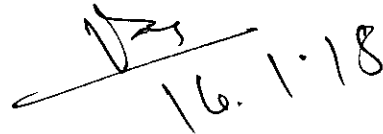


with the terms of agreement for sale or when he is unable to give possession on the date specified in the agreement for sale, the allottee gets right to claim refund of his amount. Admittedly, in this case, the agreement for sale has not been executed and therefore, Section 18 of RERA will not come in the picture. I do not find that these two provisions will be able to provide the relief claimed by the complainant. Hence, her complaint is not maintainable. However, it appears that she has paid the respondents Rs. 6,84,992/- towards the consideration of the apartment and Rs. 20,532/- towards service tax. The complainant appears to be senior citizen. In the facts and circumstances of the case, she can be permitted to file another complaint by disclosing the adequate facts under the provisions of RERA. Hence, the following order.

### **ORDER**

The complaint is dismissed.

The complainant is allowed to file another complaint with proper pleading under appropriate provisions of law.

Handwritten signature and date 16.1.18

(B.D. Kapadnis)

Member & Adjudicating Officer  
MahaRERA, Mumbai.

Mumbai.  
Date: 16.01.2018