

**MAHARASHTRA REAL ESTATE APPELLATE
TRIBUNAL UNDER RERA ACT**

(2)

No.AT006000000000216

M/s. Sai Ashray Developers Pvt. Ltd. .. Appellant/s
V/s.
Manoj Raj Kuwar ..Respondent/s

(3)

No.AT006000000000209

M/s. Sai Ashray Developers Pvt. Ltd. .. Appellant/s
V/s.
Manindra Kumar Singh ..Respondent/s

CORAM :Hon'ble Shri K. U. CHANDIWAL, J.
President, Maharashtra Revenue Tribunal, Mumbai
& I/c. Maharashtra Real Estate Appellate Tribunal
under Maharashtra RERA Act
DATED:-28th August, 2018

:- ORDER :-

Called out at 3.10 PM

Adv. Smt. Saira Mirzankar, Advocate has filed Vakalatnama on behalf of Appellant by recording no objection from earlier Advocate.

Vakalatnama taken on record.

Respondent Manoj Raj Kuwar absent.

Manindra Kumar Singh, present.

Cost of Rs.5000/- as directed on 8th August, 2018 is paid to the Respondent Manindra Kumar Singh against acknowledgement.

Keep back.

Later on,


Wife of Manoj Kuwar Mrs. Ashwini present.
She has participated in the proceedings.

These are the appeals of the Promoter against the order of Ld. Member and Adjudicating Officer dated 8th February 2018. After due deliberation between the parties, it is amicably resolved as under:

- 1) The Order in respect of Complaint No. 502 and 998 – subject of appeal to remain unaltered.
- 2) The payments as directed in the order dated 8th February, 2018 shall be released by the Appellants/Promoter in favour of the allottee upto 1st May, 2019 without demur. The amounts will be carried interest till entire payment is released as directed @ 10.05% per annum.
- 3) The Promoter / Appellants shall also release an amount of Rs.25,000/- in favour of Allottee as cost of the complaint as directed in the impugned order.
- 4) If the Appellants/Promoter fails to release the payment to the Allottee/Complainant, the Appellant shall face consequences of termination of registration with MahaRERA and also action under Section 64 of the Real Estate Regulation Act.
- 5) Till entire payment is made there shall be charge on the amount of the flat booked by the Complainant. The Complainant shall execute Deed of Cancellation of Agreement for Sale at Promoter's cost on satisfaction of his claim, within next 15 days.
- 6) No costs in the Appeal.



- 7) The amount deposited by the Appellant / Promoter pursuant to order dated 23rd May, 2018 shall be paid by MahaRERA Authorities to original Complainant / Allottee which will be adjusted from final receivables of the Allottee.
- 8) Both the Appeals accordingly disposed off.



Place: Mumbai (K. U. CHANDIWAL, J.)
Dated: 28th August, 2018 President,
Maharashtra Revenue Tribunal,
Mumbai
& I/c. Maharashtra Real Estate
Appellate Tribunal, (MahaRERA),
Mumbai