

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO: CC006000000012245

Seema Mishra ... Complainant

Versus

Sunshine Sapphire ... Respondent  
MahaRERA Regn.No. P99000001441

Corum:  
Shri Gautam Chatterjee, Chairperson, MahaRERA

**Order**

01<sup>st</sup> March 2018

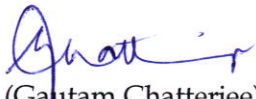
Complainant was herself present

Respondent was represented by Mr. Jitesh Nishad, Adv.

1. In January 2015, the Complainant had booked an apartment bearing No. 1103 in the Respondent's project 'Sunshine Sapphire' situated at Vasai, Dist. Palghar through a booking form and paid nearly 40 % of the total consideration amount to the Respondent. Due to some financial problems, the Complainant thereafter cancelled his booking and asked for refund of the amount paid to the Respondent. The Complainant has alleged that the Respondent has cancelled his booking but not refunded the entire amount paid by the Complainant to the Respondent. Therefore, she prayed that the Respondent be directed to refund the said entire amount paid by her.
2. The Advocate of the Respondent stated that, there is no registered agreement between the Complainant and Respondent for purchase / sale of apartment. Therefore, they are ready to refund the money to the Complainant, as per terms and conditions of 'Booking Application Form' on which Complainant has signed. The Respondent added that he has already refunded 60% of the payment made by the Complainant and the remaining due, as per the terms of the booking form, will be refunded shortly. The Respondent further stated that, if Complainant is willing, he is ready to execute agreement for sale with the Complainant.



3. During the course of the hearing the Complainant was explained that relief under section 18 cannot be granted to her as there is no registered agreement for sale executed between the parties. The Complainant was further explained that, she will get refund, along with deductions as per the terms and conditions mentioned and agreed by her in the Booking Application Form.
4. In view of the above facts, if the Complainant is willing to continue in the said project, the parties are directed to execute and register agreement for sale, as per the provisions of section 13 of the Real Estate (Regulation and Development) Act 2016 and the rules and regulations made thereunder within 45 days from the date of this Order.
5. Consequently, the matter is hereby disposed of.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA