

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

COMPLAINT NO: CC006000000023447.

Sanjay Ramesh Lohar ... Complainant.

Versus

Raju Sulire
(Mandar Avenue) ... Respondent.

COMPLAINT NO: CC006000000023460.

Sukhram Singh Kushwah ... Complainant.

Versus

Raju Sulire
(Mandar Avenue) ... Respondent.


MahaRERA Regn: P99000011277

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

Appearance:
Complainants: in person.
Respondents: Exparte.

Final Order.
27th April 2018.

Mr. Sanjay Lohar contends that he booked flat no. C-404 in respondents' registered project Mandar Avenue E-1 situate at village Dongre Virar (west) in the year 2012. The respondents collected Rs. 32,70,470/- from the complainant. The allotment letter was issued on



28.11.2013. The complainant came to know that the same flat C-404 is agreed to be transferred to Vishal Khavale on 23.09.2013. Therefore, the respondent offered the complainant flat no. B-206 and the same was also agreed to be sold to another person.

2. Mr. Sukharam Khushwah contends that he booked flat no. C-607 in respondents' same registered project on 15.05.2012 and respondent issued allotment letter on that day on payment of Rs. 10,00,000/-. Thereafter, the complainant came to know that the respondent executed the agreement for sale of the same flat in favour of Vinay Arun Adhav and thereafter the same flat has been agreed to be sold to Mr. Vijay Choradiya (on 07.03.2014 and 18.09.2017 respectively).

3. Therefore, the complainants complain that the respondent has indulged in fraudulent act and unfair practice.

4. The respondent appeared through his Advocate Bella Lopes and prayed time for settlement of the disputes. Today, neither the respondent nor his advocate is present for recording the plea. Therefore, these two matters are proceeding ex parte against respondent. I have heard the arguments of the complainants.

5. The point that arises for my consideration is, whether the respondent has indulged in unfair practice and/or fraudulent act as alleged by the complainants. My finding is in affirmative for the following reason.

6. Both the complainants have produced documents to show that the respondent allotted the above numbered flats to the complainants by issuing allotment letters, after collecting the handsome amount. Thereafter, he executed agreements for sale of those flats with others by accepting money from those persons also. Therefore, these flats based upon the documents do show that the respondent has indulged in fraudulent act and he practiced unfair practice within the meaning of Section 7 (1) (c) and (d) of the Real Estate (Regulation and Development) Act 2016.



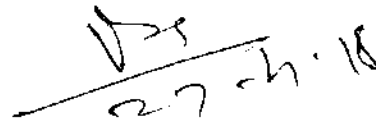
7. Section 7 authorises the Authority to revoke the registration of the project. Sub Section (3) of Section 7 also gives discretion to the Authority to permit the registration to remain in force subject to such further terms and conditions as it deems fit in the interest of allottees, instead of revoking the registration. Therefore, in order to meet the ends of justice, I exercise this power to pass the following order.

ORDER

1. The respondent shall pay the amount mentioned in the order to the respective complainants with simple interest at the rate of 10.05% per annum from the date of receipt of the amount till they are refunded.
2. The respondents shall pay each complainant Rs. 20,000/- towards the cost of their complaints.
3. The respondents shall pay penalty of Rs. 2,50,000/- in each case towards the violation of Section 7. Secretary of MahaRERA to take steps to recover it.

Mumbai.

Date:27.04.2018.



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