

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

COMPLAINT NO: CC005000000000237

Smt. Bhavna Dubey

....Complainant

Versus

Teirth Developer & Suyojit infrastructure Ltd (JV)

MahaRERA Registration No. P52100004101

..... Respondent

Coram: Hon'ble Dr. Vijay Satbir Singh, Member I

None appeared for the complainant.

Mr. Milind Deshpande CA appeared for the respondent.

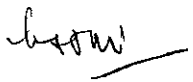
Date-27th November 2017

Order

1. The complainant has filed this complaint seeking interest and compensation for the delayed possession in MahaRERA registered project bearing No. P52100004101. The complainant had purchased flat No. 402 admeasuring 73.67 sq.fts carpet area as per registered agreement for sale dated 27-08-2014 for consideration amount of Rs. 50.60 Lacs. As per the said agreement, the agreed date of possession was 30th Oct 2015. The complainant has also paid full amount and now wants to cancel the said booking as per clause No. 11 of the said agreement. Hence, claiming refund / interest at the rate 09% per annum from the date the respondent has received the said sum till the date of termination of agreement.
2. This matter was heard on 2-11-2017. The complainant appeared in person before this Authority. On that date Advocate Mr. Mahesh Pawar for the respondent sought further time to settle this matter amicably. Therefore, on request of the respondent, the matter was adjourned to 9-11-2017. On 9-11-2017, both the parties remained absent and therefore, following the

principles of natural justice, the matter was adjourned once again for today.

3. During the hearing, the complainant remained absent and Mr. Milind Deshpande, CA appeared for the respondent. He informed this Authority that the complainant has already taken possession of her flat on 24-2-2017 and he has submitted letter of license to enter into flat dated 24-02-2017 duly signed by the complainant. Same is taken on record.
4. Considering the said fact, this Authority feels that since the complainant has taken possession of the flat prior to commencement of the RERA Act, 2016, this Authority has no jurisdiction to entertain this complaint. As the complainant remained absent for last two hearings, it is clear that she is no longer interested in arguing the matter.
5. In view of these facts, the complaint stands dismissed.


(Dr. Vijay Satbir Singh)
Member-1