

MAHARASHTRA REAL ESTATE APPELLATE
TRIBUNAL UNDER RERA Act

No.AT006000000000268

Rohit Vijay Madan
Flat No. B-1001, B Wing,
Ekant Building, Sawarkar Nagar,
Gangapur Road, Nashik 422 013.
V/s.

.. Appellant

1. Runwal Homes Pvt. Ltd.
Runwal Groups, Runwal & Omkar Esquare,
5th Floor, Off. Eastern Express Highway,
Opp. Sion – Chunabhatti Signal,
Sion East, Mumbai 400 022.

2. Mr. Subodh Subhash Runwal
3. Mrs. Snehal Subodh Runwal
CTS No. 757, Marine Mansion,
6, BJ Road, Near Sisters Bungalow,
Bandstand, Bandra West 400 050.

.. Respondents.

Adv. Abir Patel for the Appellant.

Adv.Soham Singh for the Respondents.

CORAM :Hon'ble Shri K. U. CHANDIWAL, J.
Heard on : 5th September, 2018
Dictated/Pronounced on: 5th September, 2018
Transcribed on : 6th September, 2018



-:ORAL JUDGMENT:-

Heard extensively.

1. Appellant dismayed by order dated 27th February, 2018 recorded by Ld. Chairperson, MahaRERA the Complainant / Allottee has preferred the appeal.
2. The Allottee has vide registered Agreement for Sale dated November 27,2013 agreed to purchase Flat bearing no. 704, in Promoter's project in Tower No.5, Wing F in the Building known as "CYPRESS" along two car parking in the project namely RUNWAL GREENS in 598 located at Nahur, Kurla. The grievance of the Allottee was the possession of the apartment was to be handed over by December, 2015. However, it is not so done. The Allottee had requested to direct the Promoter to pay him interest for the delayed possession. Shri Abir Patel for the Promoter says indeed there should not be appeal by the allottee as the order dtd. 27th February 2018 was by consent of the parties and referred in paragraph 2 of the order. According to Shri Patel by virtue of inter se settlement the Promoter has acceded not to demand any further payments from Complainant / Allottee towards balance consideration for the said apartment. The possession was to be given by March 31, 2018. The possession notice was given is placed (Pg.112 of appeal). The said communication also incorporates liability of the Allottee to release certain payment as per of Allottee's obligation.
3. There is word against word to the submissions and events that has transpired between the parties before the Ld. Chairperson. Owing to appeal by the Allottee as well the promoter feels that their rights are crushed and the Allottee feels that opportunity of audience was not properly given. Allottee insist for rehearing the matter.
4. The suggestion to the Allottee to agree for interest effective 1st May, 2017 as happened in identical matter between Jimmy and Rammy v/s. Propel Developers by order dated 26th April 2018, but the Allottee / complainant has declined to tow in tune with the identical order.
5. In the backdrop of above facts and as the Allottee has repeatedly harped that he has procured substantial loan of Rs.1 crores from




Bank of Maharashtra on or about 10th October, 2013. The matter needs to be reheard by the Ld. Chairperson or by the Adjudicating Officer. Consequently by consent, the matter is remanded to the Authority.

:- ORDER :-

1. The order dated February 27, 2018 of the Ld.Chairperson MahaRERA, Mumbai is set aside.
2. The Ld. Chairperson or the Adjudicating Officer as the case may be is requested to rehear the parties to the original complaint and pass appropriate order not influenced by earlier concessions and admissions if any.

Dictated and pronounced in open Court today.

Place: Mumbai
Dated: 5th September, 2018


(K. U. CHANDIWAL, J.)
President,
Maharashtra Revenue Tribunal,
Mumbai
& I/c. Maharashtra Real Estate
Appellate Tribunal, (MahaRERA),
Mumbai