## BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY MUMBAI.

COMPLAINT NO: CC00500000010724

Bhushan Bhimrao Chavan

Complainant.

Versus

Darode Jog Homes Pvt. Ltd.

Respondents.

MahaRERA Regn: -P52100009554.

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

Appearance:

Complainant: In person. Respondents: None.

## Final Order.

15th February 2018

Heard Mr. Yogesh Pawar for the complainant on the issue of maintainability of the complaint. The respondents have not appeared.

- 2. The complainant contends that he booked Flat No. A-2, 305 in the Padmnabh phase-II project of the respondents situated at Dudulgaon, Pune on 19.04.2014. He paid respondents Rs. 1 lac on 21.04.2017 and Rs. 2,90,895/- on 29.04.2014. He cancelled the booking in December 2015 as the project did not start. He claimed his amount but the respondents did not pay the same. Hence he seeks refund of his amount.
- 3. The Real Estate (Regulation and Development) Act, 2016(for short, RERA) has come into force in the state of Maharashtra with effect from 01.05.2017. The Authority gets jurisdiction u/s. 31 of the Act to entertain the complaint only when any of the provision of RERA, rules and regulations framed thereunder is either violated or contravened. On this backdrop when I look at the facts contended by the complainant himself, I find that he has unilaterally cancelled the booking in December 2015. So the cause of action arose in December 2015 but on that day RERA was not in force. RERA applies prospectively. Therefore, I do not find that there was existing cause of action

to file complaint on 01.05.2017, the day of commencement of RERA or thereafter. Hence RERA is not applicable to the facts of the case.

4. To conclude, I find that the complaint is not maintainable before this Authority. In result, the order.

## ORDER.

The complaint stands disposed for want of jurisdiction.

(B.D. KAPADNIS)

Member & Adjudicating Officer,

MahaRERA, Mumbai.

Mumbai

Date: 15. 02.2018