

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO: CC006000000012691

Abhishek Khandelwal ... Complainant

Versus

Kapstone Constructions Private Limited ... Respondent  
MahaRERA Regn.No. P51700001021

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was himself present.

Respondent was represented by Mr. Shrivals Kumar and Ms. Mehernaaz Irani.

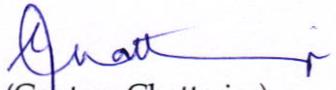
**Order**

February 12, 2018

1. The Complainant had entered into a registered agreement for sale (*hereinafter referred to as the said agreement*) dated July 9, 2013 to purchase an apartment bearing No. 2401-F, in the Respondent's project 'Rustomjee Azziano Wing F' situated at Thane. Since the Respondent failed to handover possession of the said apartment within the time stipulated by the said agreement, December 31, 2016, the Complainant, in December 2017, informed the Respondent to cancel his allotment and refund his monies as per the provisions of the said agreement. The Complainant has alleged that the Respondent has failed to do the same.
2. The authorised representative for the Respondent stated that they have received the Occupation Certificate for the said project. Further, he stated that if the Complainant insists on withdrawing from the project, the Respondent is willing to refund the amount paid by the Complainant as per the provisions of the said agreement.



3. Complainant argued he also be refunded the amount paid by him for the purposes of government taxes such as service tax, VAT etc. The authorised representative for the Respondent argued that as per the provisions of the said agreement the Respondent is to refund only the amounts received by the Respondent and not the amounts paid to the government by ways of taxes etc. However, he added he is willing to assist the Complainant in receiving the eligible refunds from the Government.
4. In view of the above facts, the Respondent is directed to refund the amount paid by the Complainant, as per the provisions of the said agreement, within 30 days of this order. Further, the Respondent is directed to facilitate the receipt of the eligible refunds from the government, for the Complainant.
5. Consequently, the matter is hereby disposed of.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA