

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

Complaint No. CC006000000056954

1. Sumit Jain
2. Rupika Jain

..... Complainants

Versus

Transcon Sky City Pvt. Ltd.

(Formerly known as Samta Builder Pvt. Ltd.)

..... Respondent

Coram: Hon'ble Dr. Vijay Satbir Singh, Member – 1/MahaRERA

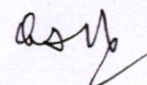
The complainant is present in person for himself and for the complainant No. 2. as her representative.

The Respondent is present through Adv. Vikramjeet along with Jugal Kamani i/b I.C. Legal.

ORDER

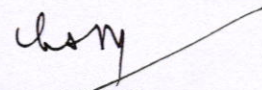
(5th March, 2019)

1. The complainants had booked flat No.1504, 15th Floor, Fortune I Fortune 500 at Mulund (W), Mumbai 400-080 in the project of the respondent. They paid an amount of Rs. 29,82,732/- on its request. The booking was cancelled by the complainants by their letter dated 23rd October, 2017 and they claimed the refund of booking amount paid along with appropriate interest thereon.
2. Both the parties were present at the time of hearing. The respondent has filed its affidavit in reply to this complaint dated 1st March, 2019.
3. The respondent contended in his affidavit in reply that, out of total amount paid by the complainant Rs. 1,54,047/- was paid towards the taxes. Thus total consideration amount as admitted by the respondent is Rs.28,28,685/-. A calculation in detail of the amounts



paid by the complainants including the amount of Rs. 4,75,737/- paid to the broker namely Elara Marketing Services Pvt. Ltd. has been shown on pages 4 & 5 of the said reply of the respondent. According to this table, the balance amount is only Rs. 6,17,937/-

4. The facts of this case show that the respondent has refunded money to the complainant according to the booking form signed by both the parties.
5. It is pertinent to note that, the complaint No. CC006000000044015 filed by the complainant against the respondent was dismissed on 19th July, 2018. This material fact was suppressed by the complainants. This earlier complaint was dismissed since the complainant did not serve the copies of complaint and documents to the respondents.
6. In view of the circumstances as explained here in above and in absence of the agreement executed between the complainant and respondent, this complaint is dismissed. The complainant is saddled with a cost of Rs. 25,000/- to be paid in the account of MahaRERA within a period of 7 days from the date of the receipt of this order to them. This order to be served by E-mail to the complainants.



(Dr. Vijay Satbir Singh)
Member – 1/MahaRERA