

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC00500000011042

Piyush Patel ... Complainant

Versus

Xrbia Chakan Developers Private Limited

MahaRERA Regn. No. P52100003059 ... Respondent

Complainant represented himself.

Respondent was represented by Mr. Daulat Raut, Adv. along with Mr. Vijay Kumbre, Adv.

Order


June 20, 2018

1. The Complainant has booked an apartment bearing no. C-321 in the Respondent's project 'XRBLIA EIFFEL CITY CHAKAN PH2' situated at Chakan, Pune through provisional allotment letter dated February 22, 2016. The Complainant alleged that the Respondent has charged him a certain amount for premium view charges for garden and amenities view and it being a corner apartment, however the said view is no longer available due to another building coming up on the project site. Further, he submitted that even though he has already paid certain amount towards service tax in 2016, the Respondent is now demanding the Complainant pay the GST as well. Therefore, the Complainant prayed that the Respondent be directed to refund the said premium amount paid by him and that no amount towards GST be demanded.
2. The learned Counsel for the Respondent submitted that the amount the Complainant alleges to be collected towards service tax was collected towards the consideration



price for the said apartment and therefore no service tax has been paid on behalf of the Complainant and that the Complainant will be liable to pay the applicable GST. Further, he submitted that since the said premium view is not being provided, the Respondent will not charge the said premium amount towards the consideration price of the said apartment. The Complainant agreed to the reduction of the premium amount from the balance consideration price.

3. In view of the above facts and as agreed between the parties, the Respondent shall reduce the said premium from the consideration price of the said apartment since the said premium view apartment is not being delivered. Further, the Complainant shall be liable to pay the applicable taxes as and when due.
4. Consequently, the matter is hereby disposed of.



Gautam Chatterjee

(Chairperson, MahaRERA)