

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC004000000010035

Nilima and Prashant Kale ... Complainants

Versus

Swapnil Promoters and Developers Private Limited ... Respondent
MahaRERA Regn.No. P50500012134

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants were represented by Mr. Ujwal Deshpande, Adv.
Respondent was represented by Mr. Shrikant Gawande, Adv.

Order

May 21, 2018


1. The Complainants had booked an apartment bearing No. 603 in the Respondent's project 'SWAPNIL PARIJAT' situated at Shivaji Nagar, Nagpur through an allotment letter dated November 5, 2015. The Complainants have stated that even though they had paid substantial consideration amount for the said apartment, the Respondent failed to execute the agreement for sale and therefore, the Complainants cancelled the said allotment. The Complainants have alleged that the Respondent promised to refund the entire amount paid by the Complainants by September 2017 but failed to do so. Further, they submitted that the Respondent vide letter dated October 10, 2017 assured the Complainants that the amount will be refunded by November 2017. The Complainants have stated that the Respondent has refunded part payment in February 2018 and is yet to refund the balance amount. Therefore, the Complainants prayed the Respondent be directed to refund the entire amount paid by them, with interest.
2. The authorised representative of the Respondent stated that they are willing to refund the balance amount within the next 4-6 months. Further, he did not dispute the



contents of the letter sent by the Respondent to the Complainants, dated October 10, 2017.

3. In view of the above facts, the Respondent is directed to adhere to the commitment made by him in his letter dated October 10, 2017 and refund the balance payment to the Complainants before September 30, 2018, with interest on the unpaid amount, calculated from December 1, 2017 till the actual date of repayment, on the entire amount to be paid to the Complainants. The said interest shall be at the rate as prescribed under Rule 18 of the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rate of Interest and Disclosures on Website) Rules, 2017.

4. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA