

**THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI.**

COMPLAINT NO: CC006000000057226.

Sunil Baburao Pawaskar

...Complainant.

Versus

Rajesh Arvind Surti
(Raj Residency)

...Respondent.

MahaRERA Regn: P51800002739.

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

Appearance:

Complainants: Present with CA Mr. Sumit
Kapture.

Respondents: Absent.

FINAL ORDER

17th January 2019.

The complainant contends that he booked flat no. 903, B-wing in respondent's registered 'Raj Residency Project' located at Nav Jagruti Co-operative Housing Society Ltd. at Goregaon(West). The respondents did not issue allotment letter or enter into the agreement for sale even after receiving 25% consideration amounting to Rs. 30,00,000/-. Therefore, he approached the Conciliation and Dispute Regulation Forum where the consent terms have been arrived at between the parties. The complainant agreed to cancel the booking of the flat and permitted the respondent to resale it provided the respondent pays him Rs. 30,00,000/-, as principal amount + Rs. 35,000/- towards the interest, within 45 days from the consent terms dated 11th October 2018. Even after lapse of 45 days the respondent has failed to pay him the agreed amount. Hence, he seeks the refund of Rs. 30,00,000/- with interest.



2. The respondents have failed to appear even after service of notice. Therefore, the complaint proceeds ex parte.
3. The complainant has produced the consent terms signed by both the parties whereby the respondent has agreed to pay the complainant Rs. 30,00,000/- towards the principal amount + Rs. 35,000/- towards interest, within 45 days from 11th October 2018. The respondents have not complied with the consent terms. Therefore, they have indulged into unfair practice contemplated by Section 7 of RERA.
4. In the facts and circumstances of the case, it is necessary to direct the respondent to refund the principal amount with interest as agreed within 15 days of this order, under Section 7(3) of RERA. To meet the needs of justice the following order.



ORDER

The respondents shall pay the complainant Rs. 30,00,000/- principal amount + Rs. 35,000/-, the amount of interest within 15 days from this order.

2. In case, of respondent's default, the respondent shall pay the interest at the rate of Rs. 10.55% per annum on the aforesaid amount from the due date till they are paid.
3. The respondent is hereby warned not to indulge in such type of unfair practice henceforth.

Mumbai.

Date: 17.01.2019.

(B. D. Kapadnis)
Member & Adjudicating Officer,
MahaRERA, Mumbai.