

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

COMPLAINT NO: CC006000000057208

Mr. Yogesh Lakhani
Mrs. Manisha Lakhani

... Complainants.

Versus

Parinee Contour Construction Pvt. Ltd.
(Parinee Essence)
MahaRERA Regn: P51800001334.

... Respondents.

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

Appearance:

Complainants: Adv. Mr. Tanuj Lodha.
Respondents: Absent.

FINAL ORDER

6th February 2019.

The complainants have filed this complaint to claim interest on the consideration amount of Rs. 44,13,356/- paid to them by the respondents on cancellation of their bookings of flat nos. 601 & 602, B-wing situated in respondents' registered project 'Parinee Essence', Village Kandivali, Taluka Borivali.

2. The complainants, in brief, contend that they booked the above numbered flats and paid Rs. 44,13,356/- to the respondents towards the consideration. The project did not make sufficient progress. The respondents themselves cancelled the booking of the flats by their letter dated 12.05.2017 and agreed to re-pay them Rs. 44,13,356/-. The respondents agreed that whatever price they would get by selling the flats over and above the rate of booking, they would pay the difference to the complainants as profit/interest on investment. The respondents have not given interest on their investment is their grievance.



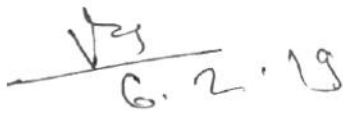
3. Despite the service of notice, the respondents have failed to appear and hence, the complaint proceeds exparte against them.
4. Heard advocate Mr. Lodha for the complainants and perused the documents placed on record.
5. It is the fact that the letter dated 12.05.2017 has been confirmed by the complainants by signing it. This letter indicates that both the parties unanimously agreed to cancel the booking of the flats and get refund of Rs. 44,13,356/-. It shows that the respondents agreed that they would pay the difference to the complainants as profit or interest on their investment, if they get higher rate than the rate of purchase. The letter shows that the complainants have agreed that they would not have any right, title and interest on flat nos. B-601 & B-602 and/or any claim or demand against respondents. This shows that there was full and final settlement of the complainants' claim. I find that this arrangement made by the parties is binding on them. All other previous documents have been superseded by this letter.
6. The complainants have been asked as to whether the respondents have sold the flats or similar flats over and above the rate booked by them. The complainants do not have any information or any document to prove that the respondents have sold the booked flats or similar flats over and above the rate booked by the complainants. Therefore, in the absence of these facts, the respondents are not liable to pass on any difference to the complainants as profit or interest on their investment.
7. I find no merits in complaint. Hence, the order.

ORDER

The complaint is dismissed with cost.

Mumbai.

Date: 06.02.2019.


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