

**THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, MUMBAI.
COMPLAINT NO: CC006000000089645**

Jairam Poojari.

... Complainant.

Versus

Rajendra Dubey.
(Ajayraj Complex)

...Respondent.

MahaRERA Regn: P99000007945.

Coram: Shri B.D. Kapadnis,
Hon'ble Member II.

Appearance:

Complainant: Adv Aishwarya Gokhale.

Respondents: Absent.

Final Order

27th August 2019.

The complainant has been seeking refund of his amount with interest under Section 12 of RERA by contending that he booked shop no. 16 in C-wing of Phase-I of Ajayraj Complex situated at Village Kirat, Boisar (East). The respondent verbally told him that the possession of the shop would be given in six months from the date of booking. Thus, he promised to hand over the possession of the shop in December 2016 but he revised the date of completion to 31.12.2018 and even thereafter did not hand over the possession of the shop and thus, made a false statement regarding the date of possession.

2. The respondent has failed to appear despite the notice.
3. The complainant has filed an affidavit to contend that he booked the shop on 08.04.2015 on the respondent's promise that the possession thereof would be given within six months i.e. by the end of September



2015. The respondent has failed to hand over the possession on the promised date and therefore, I find that the respondent made false statement regarding the date of possession. In this situation, the complainant has rightly exercised his right to withdraw from the project and claim the refund of his amount with interest. He does not press for compensation.

4. The complainant has produced the receipts showing that he paid Rs. 3,97,000/- during the period from 17.03.2015 to 10.03.2016 as mentioned in the complaint. He is entitled to get refund thereof with interest at prescribed rate. The prescribed rate of interest is 2% above SBI's highest MCLR which is currently 8.4%. He is also entitled to get Rs. 10,000/- towards the cost of the complaint. Hence, the order.

ORDER

The respondent shall refund Rs. 3,97,000/- to the complainant with simple interest at the rate of 10.4% per annum from the date of payment till the refund.

The respondent shall pay the complainant Rs. 10,000/- towards the cost of the complaint.

Mumbai.
Date: 27.08.2019.



(B. D. Kapadnis)
Member II,
MahaRERA, Mumbai.