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**BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,
PUNE**

Complaint No.CC005000000022059

Pankaj Kumar

.. Complainant

Versus

Puranik Buildcon Pvt Ltd

.. Respondent

**Coram : Shri M.V. Kulkarni
Hon'ble Adjudicating Officer**

**FINAL ORDER
04-02-2019**

1. The Complainant who had booked a flat with the respondent /builder seeks refund of booking amount as the respondent delayed possession of the flat.

2. The complainant has alleged that he booked Flat No.E-404 in Phase-VI OF Aldea Espanolla project of the respondent at Baner in Pune. Respondent assured that possession would be given by December, 2019. While registering the project with RERA respondent has given date of possession as June, 2021 and further modified it to June, 2023. The complainant therefore requested respondent to cancel booking and refund booking amount of Rs.50,000/- by letter dated 26-9-2017. The respondent insisted on letter in their format which is objectionable. Therefore complainant has filed this complaint.

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3. On 7-1-2019 when the complaint came up before me, the complainant was absent. The respondent appeared through Advocate Ponkshe and filed written statement. It is alleged that respondent has refunded Rs.50,000/- to the complainant on 28-9-2018. The complaint therefore deserves to be dismissed.

4. Following points arise for my determination. I have noted my findings against them of the reasons stated below:

POINTS

FINDINGS

- | | |
|---|--------------------|
| 1. Is the complainant entitled to reliefs sought? | No |
| 2. What order? | As per final order |

REASONS

5. POINT Nos. 1:- The complainant did not produce document about booking the flat and giving booking amount of Rs.50,000/- to the respondent. However, respondent is not denying that complainant booked the flat and gave booking amount of Rs.50,000/-. There is nothing on record to show that respondent assured delivery of possession by December, 2019. It appears that agreement was not executed in favour of the complainant. Even otherwise before December 2019 complainant could not have made any grievance. The respondent is ready to cancel booking of the complainant. Respondent has placed on record Xerox copy of cheque dated 28-9-2018 for Rs.50,000/-. There is an acknowledgement of complainant on the cheque. That explains the reason behind absence of the complainant. Consequently complainant is not entitled to the relief claimed. I

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therefore answer point No.1 in the negative and proceed to pass following order.

ORDER

1. Complaint stands dismissed.
2. No order as to costs.

Pune
Date : 04.02.2019

04.02.2019
(M.V.Kulkarni)
Adjudicating Officer,
MahaRERA