BEFORE THE

MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

MUMBAI

COMPLAINT NO: CC006000000023033

Kailash Chand

Complainants

Premlata Dusad

Versus

Magnum Home Makers Pvt. Ltd. MahaRERA Reg. No: P5170000696 Respondent

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Shri Gautam Chatterjee, Hon'ble Chairperson

Complainants represented themselves. Respondent was represented by Mr. Mohd. Adil Kapadia, Adv.

Order

3rd April 2018

1. The Complainants have filed this complaint stating that they had booked an apartment bearing Nos. 307 and 308 in the respondent's above mentioned project in February 2012 through an allotment letter and paid a significant booking amount to the Respondent. The Complainant has alleged that at the time of booking, the Respondent had committed to hand over the possession of their apartment, within two years from the date of booking. However, since the Respondent failed in his commitment, they cancelled their booking and asked the Respondent to refund their entire money paid by them, along with interest. The Respondent cancelled their apartment and refunded the entire money collected by him, to the Complainant in the year 2016-17, but no interest was paid. The Complainants have approached this Authority with a prayer to direct the Respondent to pay interest to the Complainants on the money paid by them.

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- 2. During the hearing, the advocate for the Respondent argued that the Respondent has refunded the entire money paid by the Complainant, without any deductions and the same has been accepted by the Complainant. Therefore, even prior to the enactment of the Real Estate (Regulation and Development) Act, 2016, the Complainant has ceased to be an allottee. He added that the Respondent is not liable to pay any interest to the Complainant.
- 3. In view of the above facts, it is clear that the Complainant, who is no longer an allottee in the project, has not been able to point out any contravention or violation of the provisions of the Real Estate (Regulation and Development) Act 2016 or the rules or regulations made there under.
- 4. The complaint is, therefore, dismissed.

(Gautam Chatterjee) Chairperson, MahaRERA