

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

COMPLAINT NO: CC006000000012019.

Sudhir Raghunath Marathe

... Complainant.

Versus

Ruchi Priya Developers Pvt.Ltd.
Yogesh Narmadaprasad Varma
Kiran Harsuklal Hemani
Priyank Kiran Hemani
(Uptown Wing B)

...Respondents.

MahaRERA Regn: P51800006008.

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

Appearance:

Complainant: Adv. S.R. Mamaria.
Respondents: Adv. Jatin Lalwani.

FINAL ORDER

19th October 2018.

The complainant contends that he booked flat B-1102 in the respondents' registered project Uptown, when the respondents assured him that the project would be completed by 30.06.2018 and possession would be given on 31.12.2018. They revised the date of possession as 31.12.2023 while registering the project with MahaRERA, which is not agreeable to the complainant. Therefore, he claims refund of his amount under Section 18(1)(b) of RERA.

2. Heard the complainant on the point of maintainability. On perusal of the documents placed by the complainant on record, I find that on 03.10.2016 the complainant wrote to the respondents for cancellation of the



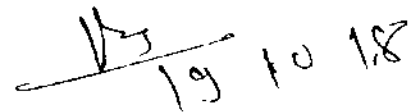
booking. It is also submitted on behalf of the complainant that out of 31,00,000/- paid to the respondents, they have returned Rs. 9,00,000/- and Rs. 22,00,000/- are still outstanding and therefore, the complainant has filed this complaint.

3. Section 31 of RERA gives the jurisdiction to the Authority to adjudicate the complaint of any aggrieved person filed against the promoters, allottees, or real estate agents for contravention of the provisions of RERA or Rules or Regulations framed thereunder.

4. The Act has come into force w.e.f. 01.05.2017. The complainant has cancelled his booking by the letter dated 03.10.2016 i.e. much before RERA came into force. He has received Rs. 9,00,000/- from the respondents. So it is clear that the cause of action for getting refund of his amount has arisen before RERA came into force. Therefore, it was not in subsistence on the day when RERA came into force. The complainant wants to get refund of his money but the Real Estate Regulatory Authority set up under RERA has no jurisdiction to provide him the relief. Hence, the complaint is dismissed for want of jurisdiction.

Mumbai.

Date: 19.10.2018.



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