

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

COMPLAINT No: CC006000000001762

Ms. Nealla Gomes

..... Complainant

Versus

M/s. Nirmal Lifestyle (Kalyan) Pvt Ltd
MahaRERA Registration No. P51700003616

..... Respondent

Coram: Hon'ble Dr. Vijay Satbir Singh, Member 1

Advocate Payal Upadhyay appeared for the complainant.

Mr. Rohit Chavan appeared for the respondent

Order

(11th January 2018)

1. The complainant has filed this complaint seeking directions from this Authority to the respondent to refund the booking amount paid by her with interest on account of delay caused by him in MahaRERA registered project bearing No. P51700003616.
2. This matter was heard today. The complainant has stated that she had booked a residential Flat in respondent's project in 2014. Till date, she has paid an amount of Rs. 14.23 lakhs to the respondent. However, now due to lack of communication from the respondent, she would like to withdraw from the project and hence, she prayed for refund of amount with interest from the respondent.
3. The respondent disputed the claim of the complainant and stated that there is no agreement between the complainant and the respondent. Hence, there is no agreed date of possession. Therefore, the present complaint is not maintainable. However, without prejudice to their rights and contentions, the respondent has submitted a written

undertaking on record of this Authority stating that he will refund all the amount to the complainant within a period of six months from the date of completion of the cancellation procedure.

4. Since no agreement is executed between the complainant and the respondent, there is no violation/contravention of any provision of RERA Act, Rules and Regulation framed thereunder and therefore, the complainant is not entitled for any interest as prayed by him.
5. However, considering the undertaking submitted by the respondent, the complaint stands disposed of.



(Dr. Vijay Satbir Singh)
Member-1/MahaRERA