

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

COMPLAINT NO: CC0060000000012535

Antony Jacob

... Complainant.

Versus

Neelkamal Realtors Tower Pvt.Ltd.
(Mahalaxmi Phase-1)

... Respondents.

MahaRERA Regn: P51900005216

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

Appearance:

Complainant: Universal Legal Advocates.

Respondents: Mr. Sushant Chavan.

FINAL ORDER

1st June 2018.

The complainant wants the refund of his amount from the Respondents.

2. Heard the learned Advocate of the complainant and perused the complaint and the documents.
3. Section 31 of the Real Estate (Regulation and Development) Act, 2016 provides that any aggrieved person may file a complaint for any violation or contravention of the provisions of the Act or Rules and Regulations made thereunder against any promoter, allottee or real estate agent.
4. The complainant wants to enforce his civil rights through this complaint, therefore, it is expected of complainant to plead material facts briefly and then to prove them in order to succeed in the complaint. On perusal of the complaint, it appears that the complainant has some grievance against the respondents which may attract some provisions of



RERA but he has not specifically pleaded those facts. It appears that the draftsman wants that the Authority should draw the inferences out of the pleadings and documents to trace out the material facts regarding violation of the provisions of the Act which is not permissible under the law. The material facts must be expressly pleaded.

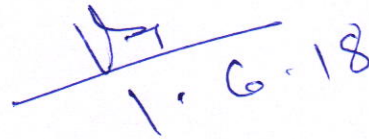
5. The learned advocate of the complainant also agrees that the complaint is vague. However, he submits that the complainant has gone abroad and therefore, he does not have instructions to withdraw the complaint. However, he submits that if complaint is dismissed, the complainant may be permitted to file another complaint in proper form.

6. After considering the facts pleaded in the complaint, I find that it is not maintainable in the present form. Hence, it is dismissed.

7. The complainant is at liberty to file another properly drafted complaint.

Mumbai.

Date: 01.06.2018.

A handwritten signature in blue ink, appearing to be 'B. D. Kapadnis', written over a horizontal line.

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