

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

COMPLAINT NO: CC006000000023627

Mr. Dennis Albert Pinto

..... Complainant

Versus

M/s. Horizon Projects Pvt Ltd

MahaRERA Registration No. P51700000528

..... Respondent

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

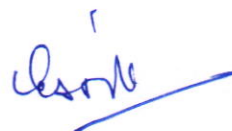
None appeared for the complainant.

Adv. Nitin Jadhav appeared for the respondent.

ORDER

(8th June, 2018)

1. The complainant has filed this complaint seeking directions from this Authority to the respondent to refund the booking amount along with 18% interest and Rs.1 lakh compensation for the harassment and torture and also to refund the hard earned 5% amount paid towards the flat cost which he forced the allottee to forfeit. in respect of booking of a flat bearing No. 1003, on 10th floor in the building No. 2C in the project known as "My City -Phase I Part I", bearing MahaRERA registration No. P51700000528 at Kalyan, Dist Thane.
2. During the hearing, the complainant stated that at the time of booking of the said flat he had made a down payment 5% to the respondent. Accordingly, the registered agreement for sale was executed on 31-12-2014. He had availed the home loan from ICICI Bank amounting to Rs.35,52,078/- and the same was disbursed to the respondent by the Bank. Thereafter, he had cancelled the said booking and registered Deed of Cancellation was executed on 14-02-2018. However, till date the respondent has not refunded the amount and the Bank is deducting



EMI's every month. The complainant, therefore, prayed that the respondent should repay the EMI paid to the bank starting since December, 2017 till the final disposal of this complaint.

3. This matter was heard on 14-05-2018 and both the parties sought further time to settle the matter amicably. Thereafter, the matter was heard on 5-06-2018 and 8-06-2018. On these days, the complainant remained absent for the hearing. During the hearing, the respondent stated that as per the registered cancellation deed dated 14-02-2018, the respondent has agreed to refund an amount of Rs.35,52,078/- to the complainant by deducting 5% towards the part payment of consideration amount. Accordingly, the respondent has deposited the cheque bearing No. 003536 dated 9-05-2018 drawn by Kotak Mahindra Bank amounting to Rs 35,52,078/- in the name of ICICI Bank Ltd LAN – LBMUM00002198456. The same is taken on record.
4. In view of the payment made by the respondent, nothing survives in this complaint. This Authority directs the complainant to collect the said cheque from MahaRERA during the office working hours.
5. With these directions , the complaint stands disposed of.

(Dr. Vijay Satbir Singh)
Member 1, MahaRERA