

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000000031

Amol Kadam

...

Complainant

Versus

Horizon Projects Pvt Ltd
MahaRERA Regn: P51700000528

...

Respondent

Coram

- 1) Hon'ble Shri Gautam Chatterjee, Chairperson
- 2) Hon'ble Dr. Vijay Satbir Singh, Member 1

19th September 2017

Final Order

Complaint was pleaded by Mr. Amol Kadam

Respondent was represented by Mr. Bhoumik Vaidya, Adv and Mr. Harshal Dedhia, Adv.

As per the previous settlement between the Complainant and the Respondent, the Respondent has refunded a substantial percentage of the booking amount paid by the Complainant, considering the circumstances of the Complainant, due to which he had withdrawn from the project.

Complainant has filed the present complaint for return of the booking amount in its entirety. On the first hearing, the parties were asked to amicably settle the matter. They were further advised that in case of any disagreements, the complainants and respondent may approach MahaRERA.

On the next date of hearing on September 19, 2017, both the parties appeared because they could not arrive at an agreement. The Complainant argued that he be refunded the entire amount paid by him to the Respondent considering his circumstances.

The advocates for the Respondent argued and showed that in accordance with the terms and conditions of the allotment letter signed between the Complainant and the Respondent, the

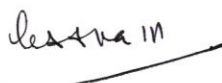


booking amount paid by the Complainant is liable to be entirely forfeited in case the Complainant intends to withdraw from the project for no fault of the Respondent. In this case, the Complainant had decided to withdraw from the project unilaterally due to his personal reasons.

The advocates for the respondent further argued that considering the grave circumstances of the Complainant, the Respondent has already refunded a substantial percentage of the booking amount to the Complainant on humanitarian grounds and that no further amount can be refunded.

After hearing both the parties, we are of the opinion that in accordance with the terms and conditions of the allotment letter signed between the Complainant and the Respondent, the Respondent cannot be directed by MahaRERA to refund any further amount to the Complainant.

Consequently, the matter is disposed off.



(Dr. Vijay Satbir Singh)
Hon'ble Member 1, MahaRERA



(Gautam Chatterjee)
Hon'ble Chairperson, MahaRERA