

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO: CC006000000100419

Manish Agarwal  
Neeru Agarwal

Complainants

...

Versus

SD Corporation Private Limited  
MahaRERA Regn. No. P51800000879

Respondent

...

**Corum:** Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant, Mr. Manish Agarwal, was himself present.  
Respondent was represented by Mr. Yogendra M. Kanchan, Adv. and Ms. Ruta Mohite,  
Authorised representative.

**Order**

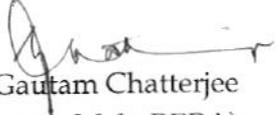
February 13, 2020

1. The Complainants have stated that they have purchased an apartment bearing no: B-703 in the Respondent's project 'Building No. 2 Wings A and B Alpine' situated at Borivali, Mumbai via registered agreement for sale dated August 3, 2015. The Complainants alleged that the Respondent has charged them additional amounts for club house charges however, the club house is neither being constructed nor does the Respondent have the approvals for the construction of the same. Therefore, the Complainants *interalia* prayed that the Respondent be directed to refund the amounts paid by them for the said club houses.
2. The learned counsel for the Respondent submitted the said agreement contains *express clauses for the construction and payment of the club house*. Further, he



submitted the Respondent is in the process of obtaining the approvals for the construction of the same.

3. In view of the above facts, since the club house has yet to be made available to the Complainants for its use, the Respondent is directed to refund the amount paid by the Complainants for the club house within 30 days of this order. The Complainants shall, however, submit an undertaking to the Respondent that they will pay the club house charges as mentioned in the agreement for sale, as and when the same is constructed and made available for use.
4. Consequently, the matter is hereby disposed of.

  
Gautam Chatterjee  
(Chairperson, MahaRERA)