

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,
MUMBAI

COMPLAINT NO: CC006000000001264

Mr. Ganesh Balu Pawar

..... Complainant

Versus

M/s. Vijay Suraksha Realty LLP

MahaRERA Registration No. P51700005653

..... Respondent

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

Mr. Imran Cheulkar CA of the complainant appeared in person.

Advocate Mr. Vipul Jain for the respondent.


ORDER

13th December 2017

1. The complainant has filed this complaint seeking directions to the respondent to refund the booking amount paid by the complainant in the MahaRERA registered project bearing No. P51700005653.
2. This matter was finally heard today. During the hearing, the representative of the complainant appeared in person and he stated that the complainant had booked a flat in the respondent's project by paying Rs. 50,000/- towards booking amount on 14/08/2017 and signed the booking form on the same day. However, he requested to cancel the booking after one month since the respondent failed to clarify his doubts about the project.
3. The respondent has denied the contention raised by the complainant and stated that there is no cause of action against the respondent, since he wants to cancel the booking on his own. At the time of booking, the complainant submitted application form dated 14-08-2017 and as per clause No. 2 of the

terms and conditions of the said application form, the amount paid to the respondent shall be forfeited in the event of cancellation by the allottee.

4. Considering the submissions made by both the parties, it is clear that as on date there is no agreement between the complainant and the respondent and the complainant wants to cancel the booking not because of the default or delay on the part of the respondent. It is also seen that there is no violation of any provision of RERA Act, Rules and Regulation made there under by the respondent for which the complainant can seek any relief from this Authority.
5. In view of these facts, this complaint stands dismissed for want of merits.



(Dr. Vijay Satbir Singh)
Member-1