

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC00600000001590

Abhijeet Chatterjee ... Complainant

Versus

Lohitka Properties LLP ... Respondent

MahaRERA Regn.No. P51800000735

Coram:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was himself presented

Respondent represented by Ms. Pragathi Malle, Adv

Order

November 11, 2020

1. The Complainant had booked an apartment in the Respondent's project 'MONTANA PHASE - 1' situated at Mulund, Mumbai via allotment letter dated August 3, 2015. The Complainant has alleged that due to delay in execution of the said project and the Respondent had not given any timeline for project completion against the schedule of payments, therefore he cancelled the said booking in October 2017 but the Respondent is deducting 10% of the consideration amount of the apartment as cancellation charges and not refunding the balance amount too. Therefore, the Complainant prayed that the Respondent be directed to refund the total amount paid along with TDS.
2. On the first date of hearing, the learned counsel for the Respondent submitted that the Respondent is willing to refund the amounts paid as per the terms and conditions of the allotment letter. Further, she submitted the Respondent has also offered an

alternative apartment in a project nearing completion. Accordingly, time was given for amicable settlement.

3. On the final date of hearing on November 11, 2020, hearing was held through video conference as per MahaRERA Circular no: 27/2020.
4. The Complainant submitted that the Respondent has not come forward for any settlement talks and prayed that the Respondent be directed to refund the balance amount with interest.
5. The learned counsel for the Respondent submitted the Respondent will refund the amount as per the terms and conditions of the allotment letter.
6. It is observed that the cancellation was initiated by the Complainant in October, 2017 and the Respondent has failed to refund the said amount. Therefore, the Respondent shall refund the amount paid by the Complainant as per the terms and conditions of the said Allotment Letter along with interest from November, 2017 till the date of refund of amount. The said interest shall be at the rate as prescribed under Rule 18 of the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rate of Interest and Disclosures on Website) Rules, 2017.
7. Consequently, the matter is hereby disposed of.

Gautam Chatterjee Digitally signed by Gautam
Chatterjee
Date: 2020.11.11 13:37:01 +05'30'
Gautam Chatterjee
(Chairperson, MahaRERA)