

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO: CC006000000056368

Subhash Enterprises Private Limited ... Complainant

Versus

Lucina Land Development Limited  
MahaRERA Regn. No. P52000000835 ... Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was represented by Mr. Aditya Deolekar, Adv. (i/b Trsna Legal).  
Respondent was represented by Mr. Abir Patel, Adv. (i/b Wadia Gandhi & Co.).


**Order**

November 29, 2018

1. The Complainant had booked an apartment bearing no: ROSE 5C-2402 in the Respondent's project 'Indiabulls Park 2' situated at Panvel, Raigad. The Complainant stated that thereafter in 2015, the Respondent had promised to refund the amounts paid by the Complainant without levying any cancellation charges. The Complainant stated that the Respondent is yet to refund the amount paid and therefore, prayed that the Respondent be directed to refund the entire amount paid as agreed between the parties.
2. The learned counsel for the Respondent submitted that the Respondent had not made any commitments to refund the amounts paid by the Complainant without levying any cancellation charges. Further, he submitted that if the Complainant intends to continue in the said project, the Respondent is willing to execute and register the agreement for sale. Alternatively, he submitted the Respondent is willing to refund the amounts paid by the Complainant in terms of the booking letter.



3. In view of the above facts, if the Complainant intends to continue in the said project, the parties are directed to execute and register the agreement for sale, as per the provisions of section 13 of the Real Estate (Regulation and Development) Act 2016 and the rules and regulations made thereunder within 60 days from the date of this Order.
4. Alternatively, if the Complainant intends to withdraw from the said project, the refund shall be in accordance with the terms and conditions of the booking letter.
5. Consequently, the matter is hereby disposed of.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA