

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY,
MUMBAI**

Complaint No. **CC006000000171696**

Mr. Amit Ghugare ..Complainant

Versus

Mr. Diwakar Yadav ..Respondent

MahaRERA Project Registration No. P51700001031

Coram: Dr. Vijay Satbir Singh, Hon'ble Member – I/MahaRERA

The complainant appeared in person.

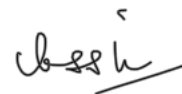
None appeared for the respondent.

ORDER

(25th May, 2021)

(Through Video Conferencing)

1. The complainant has filed this complaint seeking directions from MahaRERA to the respondent to refund the booking amount paid by him to the respondent under the provisions of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred to as 'RERA') in respect of the booking of his flat in the respondent's registered project known as "**Lodha Amara - Tower 26, 27, 28, 30, 34, 35**" bearing MahaRERA registration No. **P51700001031** at Thane.
2. This complaint was transferred to this bench on 22/04/2021 by the Hon'ble Member-2, MahaRERA. Accordingly the same was scheduled for hearing today as per the Standard Operating Procedure dated 12-06-2020 issued by MahaRERA for hearing of complaints through Video Conferencing. Both the parties have



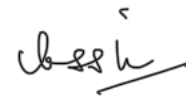
been issued prior intimation of this hearing and they were also informed to file their written submissions, if any. Accordingly, the complainant appeared for the hearing and made his submissions. However, despite the notice, the respondent neither appeared nor filed any reply on record of MahaRERA. Hence the MahaRERA heard the arguments advanced by the complainant and also perused the available record.

3. It is the case of the complainant that he has booked the said flat in this project in the year 2016 and paid an amount of Rs. 54,000/- towards the booking amount. At the time of booking the respondent has assured him that if the booking was not finalised the money paid by him would be refunded. Based on the said assurance he paid the said money. However, subsequently, he realised that the flat shown to him was different from the flat which was allotted to him. Hence he sought cancellation of the said booking and requested the respondent to refund the booking amount paid by him. But the respondent has failed and neglected to refund the said amount. Hence he has filed this complaint seeking reliefs as sought in this complaint.

4. The respondent, who is a real estate agent could not be served with the notice of this virtual hearing as the complainant has filed this complaint in the MahaRERA registered project of the promoter M/s. Macrotech Developers Ltd. The record further shows that the complainant has grievance against the respondent who is a real estate agent and hence he should have filed this complaint against the respondent by mentioning his MahaRERA Registration

No. A52000014329. These facts clearly shows that the complainant has wrongly filed this complaint in this MahaRERA registered project seeking relief against the respondent, who is a real estate agent. Hence, the MahaRERA is of the view that the present complaint cannot be entertained by MahaRERA in this project. Moreover, the complainant has not sought any relief against the promoter and even he has made payment of Rs. 54,000/- to one "Ishwar Realty and Technologies Pvt Ltd". Hence this complaint cannot be entertained by MahaRERA in this project.

5. In view of these facts, the present complaint is dismissed as not maintainable in this project. However, the complainant would be at liberty to file fresh complaint against the present respondent by mentioning proper MahaRERA registration number.
6. The certified copy of the order will be digitally signed by concerned Legal Assistant of MahaRERA and it is permitted to send the same to both the parties by e-mail.



(Dr. Vijay Satbir Singh)
Member – 1/MahaRERA