

**THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI.**

COMPLAINT NO: CC006000000057064

Sunil Surti

... Complainant.

Versus

Godrej Properties
(Godrej Emerald Thane)

... Respondents.

MahaRERA Regn: P51700000120.

Coram: Shri B.D. Kapadnis,
Hon'ble Member & Adjudicating Officer.

Appearance:

Complainant: In person.

Respondent: Absent.

FINAL ORDER

12th March 2019.

The complainant contends that he booked flat no. 1 in respondents' registered project 'Shamrock T-3, Godrej Emerald' situated at Ghodbunder Road, Thane and paid to the respondents Rs. 50,000/- towards the booking amount on 19.08.2018. The respondents themselves realised that the said flat was already sold to some other buyer, therefore, the complainant on being informed about it, asked the respondents to refund his amount. The respondents asked him to wait for 3-4 days but even after passing of seven months, the respondents have failed to refund the amount. Hence, the complainant claims it with interest.

2. The respondents have failed to appear even after service of notice marked Exh.'A'. Therefore, the complaint proceeds exparte against them.

3. The only point that arises for my consideration is, whether the respondents have indulged in unfair practice by not refunding the booking



amount of flat no. 1 which was already sold. My answer is affirmative for the following reasons.

4. The complainant has filed his Affidavit wherein he has reiterated the above mentioned facts. He has relied upon the extract of his Bank Account which clearly shows that on 19.08.2018, Rs. 50,000/- have been deducted from his account and credited to Godrej Emerald, Mumbai. The respondents have not ventured to oppose his claim. Hence, I hold that the complainant has proved that he paid Rs. 50,000/- to the respondents for booking of flat no. 1. The respondents failed to refund the same even after their realisation that the said flat was already sold to the other buyer. More than seven months have passed and therefore, this act of the respondents amounts to unfair practice within Section 7 of RERA.

5. The complainant is entitled to get refund of Rs. 50,000/- together with interest at prescribed rate. The prescribed rate of interest is 2% SBI's highest MCLR which is currently 8.55%. The respondents are liable to pay Rs. 15,000/- towards the cost of the complaint. Hence, the order.

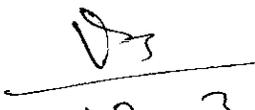
ORDER

The respondents shall refund Rs. 50,000/- to the complainant with simple interest at the rate of 10.55% from 19.08.2018 till its payment.

The respondents shall pay the complainant Rs. 15,000/- towards the cost of the complaint.

Mumbai.

Date: 12.03.2019.


12-3-19
(B. D. Kapadnis)
Member & Adjudicating Officer,
MahaRERA, Mumbai.

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ORDER ON THE RECOVERY APPLICATION FILED IN THE COMPLAINT.

In this application filed by the complainant for execution of the order dated 12.03.2019, the complainant has failed to appear, despite the notice. Mr. Ruchir Mehrotra, Deputy General Manager of the respondents appears to submit that the claim of the complainant has been ^{Satisfied} ~~complied~~ with and therefore, the complainant has not appeared.

2. In view of this submission and the document showing the payment of Rs. 69,000/- to the complainant, I am convince that his claim is fully satisfied.
3. Hence, the execution proceeding stands disposed off.

Mumbai.
Date:01.07.2019.


(B.D. Kapadnis)
Member & Adjudicating Officer,
MahaRERA, Mumbai.