

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC00600000078377

Anand Binani ... Complainant

Versus

Agile Real Estate Pvt. Ltd.
MahaRERA Regn. No. P51700001040 ... Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was himself present.
Respondent was represented by Ms. Jayshree Ramachandran, Adv.

Order

April 24, 2019

1. The Complainant had booked an apartment bearing no. C-28 in the Respondent's project 'Immensa C' situated at Kolshet, Thane through a booking application dated April 25, 2016. The Complainant stated that since the Respondent failed to adhere to the delivery timelines as promised at the time of booking, he initiated the cancellation of the said booking and sought refund. Further, he stated that Respondent via letter dated February 2, 2019 has informed him that 5% of the total agreement value will be deducted as cancellation charges. Therefore, the Complainant prayed that the Respondent be directed to levy 5 % cancellation charge on the payments made by him and not on the total agreement value and refund the remaining amount paid.
2. The learned counsel for the Respondent submitted that the Complainant has signed a Letter of Intent (LOI) dated May 7, 2016 which clearly states that in case the Complainant cancels the said booking, 5% of the total agreement value will be deducted as cancellation charges and that the Respondent will adhere to the same.



3. In view of the above facts, if the Complainant reconsiders his stand and desires to continue in the project, the parties should execute and register the agreements 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 30 days from the date of this Order.
4. Alternatively, in case the Complainant wants to withdraw from the said project then such withdrawal shall be guided by the terms and conditions of the LOI executed between the parties.
5. Consequently, the matter is hereby disposed of.



Gautam Chatterjee
(Chairperson, MahaRERA)