

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO. CC006000000056923

Sanjay Rane and Sayali Rane

... Complainants

Versus

Nisar Properties Pvt. Ltd
MahaRERA Regn. No. P51800002139

... Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants were represented by Ms. Miloni Sanghvi, Adv. (i/b. M/s. Solicis Lex).
Respondent was represented by Mr. Jenil Nisar, Authorised representative.

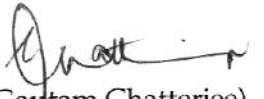
Order

January 22, 2020

1. The Complainants have stated that they have booked an apartment bearing no. 1202 via an allotment letter dated December 16, 2014, in the Respondent's project "Rajal" situated at Jogeshwari (East), Mumbai Suburban- 400060. The Complainants have stated that the Respondent has failed to complete the construction of the said project by December, 2016 as stated in the said letter of allotment. Therefore, opting to quit from the project, they have prayed, inter alia, to direct the Respondent to refund the principal amount with interest under the provisions of section 18 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the *said Act*).
2. The authorised representative for the Respondent submitted that the Complainants had sought withdrawal from the project in April, 2017 i.e. before the said Act came into existence. Hence, the Complainant has ceased to be an allottee in this MahaRERA registered project.



3. During the course of the hearing, it was explained to the Complainant that no order for refund with interest as per section 18 of the said Act can be passed since no agreement for sale has been executed and registered between the parties. Moreover, the cause of action of cancelling the booking has taken place prior to the Act coming into effect.
4. In view of the above facts, no directions are warranted under the provisions of the Act or rules or regulations made thereunder.
5. Consequently, matter is hereby disposed of


(Gautam Chatterjee)
Chairperson, MahaRERA