

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO. CC006000000056504

Swati Aggarwal  
Bharat Bhushan Aggarwal

...

Complainants

Versus

Ruchi Priya Developers Private Limited  
MahaRERA Regn. No. P51800003977

...

Respondent

**Corum:** Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants: Present.

Respondent: Present.


**Order**

January 02, 2020

1. The Complainants have stated that they had booked an apartment bearing no. C-1608 in the Respondent's project 'Uptown Wing C' situated in Borivali, Mumbai via Letter of Allotment dated May 26, 2015. Further, they stated that due to delay in the project completion, they informed the Respondent, in 2016, that they would not want to continue in the said project and sought refund of the amount paid. Further, he has stated that pursuant to the said cancellation, the Respondent has already refunded part of the payment. Therefore, the Complainants prayed that the Respondent be directed to refund the balance amount along with interest.
2. The Respondent submitted that the cancellation has taken place in 2016 and that the Complainants are no longer allottees in the said project.



3. During the course of the hearing, it was explained to the Complainants/ counsel for Complainants 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, the matter is hereby disposed of.

  
Gautam Chatterjee  
(Chairperson, MahaRERA)