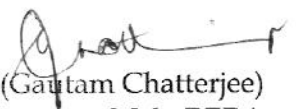


COMPLAINT NO. CC006000000100465

3. Time was given for parties to settle the matter amicably. Thereafter, on the next date of hearing, none appeared for the Complainant, despite service of notice.
4. The learned counsel for the Respondent submitted that in the note of the said application form and clause 4 of the said allotment letter, the parties had agreed that the date on which procurement of the occupancy certificate has been communicated to the Complainant shall be the date of offer of possession. Further, he submitted that the Complainant is under a 20:75:5 deferred payment scheme and has made only 20% payment till date and that balance amount is part of the subvention scheme whereby the Respondent is bearing the pre-emi interest on behalf of the Complainant. He also submitted that under clauses 10, 26 and 27 of the said application forms, the Complainant has consented to change of plans expressly. Therefore, he prayed that the Complainant be directed to execute and register the agreement for sale, failing which the Complainant would be subjected to a refund after applicable deductions and forfeiture as per the terms of the said application form and allotment letter.
5. The prayer of the Complainant seeking compensation and interest in the instant case does not become payable under the relevant provisions of the *Act* as the Complainant is yet to enter into a registered agreement for sale in accordance with Section 13 of the *Act*.
6. In view of the above facts, the parties are directed to execute and register the agreement 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.
7. In case, the Complainant is still firm on his decision to cancel his bookings and intends to withdraw from the said project, then refund, if any, shall be guided by the terms and conditions of the said application form and allotment letter.
8. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA