

**MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL,  
MUMBAI**

**APPEAL No. 006000000010658**

Sanvo Resorts Private Limited  
702, Marathon Max,  
Mulund Goregaon Link Road  
Mulund West, Mumbai 400080  
MahaRERA Regn. PS20000000670

Appellant  
(Promoter)

Vs.

1] Rahul Harish Ghole  
2] Shruti Rahul Ghole  
85, Indira Villa, Vatsalya Co-op.  
HSB Society, 3<sup>rd</sup> Lane, Hindu Colony,  
Dadar West, Mumbai 400080

Respondents  
(Allottees)

*Advocate Sonam Mhatre i/b Dhaval Vussonji &  
Associates for Appellant.*

*Mr. C. Kapure C.A. for Respondents.*

**CORAM : SUMANT KOLHE, MEMBER (J)**

**S. S. SANDHU, MEMBER (A)**

**DATE : 31<sup>st</sup> JANUARY, 2020.**

**JUDGMENT [ PER : SUMANT KOLHE, MEMBER (J) ]**

Appeal is directed against the order dated 29<sup>th</sup> August, 2018 passed by the learned Member and Adjudicating Officer in complaint No. 54694 whereby the promoter is directed to refund the amount with interest and costs.

2. Appellant is promoter and respondents are allottees. In the project namely "Marathon Nexzone Acrux" situated at village Kolkhe, Taluka Panvel, District Raigad launched by the promoter, allottees agreed to purchase and promoter agreed to sell flat No.702. The promoter and allottees executed registered agreement for sale on 02.09.2015. Promoter agreed to hand over possession of the flat on or before December 2019. Project was incomplete on 01.05.2017 when Real Estate (Regulation and Development) Act, 2016 (the RERA) came into force. Project is governed by the RERA. Allottees filed complaint No. 54694 against promoter under Sec. 31 of the RER Act, 2016 before the MahaRERA and prayed for refund of entire amount paid to promoter along with interest.

3. Promoter and allottees were heard by learned Member and Adjudicating Officer of MahaRERA in complaint No. 54694. The impugned order dated 29.08.2018 came to be passed in complaint No. 54694.



4. Feeling aggrieved by the impugned order, promoter has preferred this appeal. Promoter challenged correctness, legality and propriety of the impugned order in this appeal.

5. Heard learned counsel for the promoter at length. Heard Learned C. A. for respondents. Perused the impugned order. Perused the documents such as agreement for sale etc. filed on record.

6. Following points arise for determination

1] Whether the allottees are entitled for refund along with interest from the promoter?

2] What order?

7. My findings on the above points for the reasons stated below are as under -

1] Affirmative.

2] As per following order.

### **REASONS**

8. The project is governed by the RERA. Promoter has duly registered the project with MahaRERA as it was incomplete on 01.05.2017. Allottees agreed to purchase the flat in the project of promoter. Allottees and promoter executed registered

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