

**MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL,
MUMBAI**

APPEAL No. 006000000010751

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

**Appellant
(Promoter)**

Vs.

- 1] Mr. Ranveer Sharma
2] Mrs. Neha Dixit
1003B, Sterling Seaface,
Annie Besant Road,
Near Poonam Chambers, Worli,
Mumbai 400080

**Respondents
(Allottees)**

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

Ranveer Sharma Respondent in person.

CORAM : SUMANT KOLHE, MEMBER (J)

S. S. SANDHU, MEMBER (A)

DATE : 31st JANUARY, 2020.

167 - Initials
15 - Full Signatures

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

Appeal is directed against the order dated 31st August, 2018 passed by the learned Member-1, MahaRERA in complaint No. 55001 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.904. The promoter and allottees executed registered agreement for sale on 25.11.2013. Promoter agreed to hand over possession of the flat on or before December 2016. 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. 55001 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-1, MahaRERA in complaint No. 55001. The impugned order dated 31.08.2018 came to be passed in the said complaint.

4. Feeling aggrieved by the impugned order, promoter has preferred this appeal. Promoter challenged correctness,

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legality and propriety of the impugned order in this appeal.

5. Heard learned counsel for the promoter at length. Heard the Allottee Mr. Ranveer Sharma in person. 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 agreement for sale on 25th November, 2013. Agreed terms and conditions of the transaction between the parties are duly mentioned in the agreement for sale. Payment schedule of the