

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,
MUMBAI**

Complaint No. CC006000000078938

Mr. Satish Chandra Gupta

..... Complainant

Versus

M/s. L& T Realty Ltd

..... Respondent

Project Registration No. P51900010178

Coram: Hon'ble Dr. Vijay Satbir Singh, Member – 1/MahaRERA

None appeared for the complainant.

Adv. Manish Gala appeared for the respondent.

ORDER

(10th December, 2019)

1. The complainant has filed this complaint seeking directions to the respondent to pay interest for the delayed possession under section-18 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as "RERA") in respect of booking of a flat in the respondent's project known as "**Crescent Bay- T2**" bearing MahaRERA registration No. P51900010178 at Lower Parel, Mumbai.
2. This complaint is finally heard today. During the hearings, the complainant remained absent though the notice for hearing has been duly served upon the complainant.
3. The respondent appeared through their advocate and informed MahaRERA that as per the agreement for sale it was liable to handover possession of the said flat to the complainant on or before April, 2018 plus 6 months grace period. Accordingly, it has obtained occupancy certificate on 12-03-2019 for this project including the flat of the complainant and the possession of the said flat is also handed over to the complainant vide letter dated 12-04-2019, which is duly signed by the

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complainant. The complaint is filed after taking possession of the said flat. Hence, the same is not maintainable and prayed for dismissal of the same.

4. The MahaRERA has examined the arguments advanced by the respondent as well as the record. In the present case, the complainant in his online complaint filed before MahaRERA, has admitted that he has taken possession of the said flat in the month of April, 2019. The respondent has obtained occupancy certificate from the competent authority on 12-03-2019. The present complaint under section-18 is filed on 20-04-2019 i.e. after taking possession of the flat.
5. In the light of these facts, MahaRERA is of the view that since the project is completed and occupancy certificate has already been obtained on 12-03-2019 and also the present complaint is filed after occupancy certificate, the provision of section 18 of the RERA ceased to apply in this case. Moreover, the complainant has taken possession of his flat in the month of April, 2019 and also he remained absent for this hearing. It shows that he is not willing to contest this matter.
6. In the light of these facts, the MahaRERA do not find any merits in this complaint. Hence, the complaint stands dismissed for want of merits.


(Dr. Vijay Satbir Singh)
Member – 1/MahaRERA