

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000012760

Olivia Buyers Association ... Complainant

Versus

T Bhimjyani Realty Pvt Ltd
MahaRERA Regn. No. P51700004591 ... Respondent

Corum:

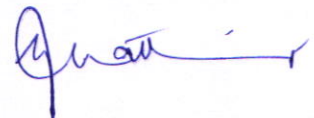
Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant were themselves present a/w Ms. Amita Chaware, Adv.
Respondent was represented by Mr. Harshad Badbade, Adv. a/w Mr. Anwar Landge, Adv.
and Ms. Sonam Singh, Adv.

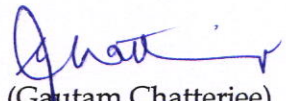
Order

July 24, 2018

1. The Complaint is filed by association of allottees who have booked/purchased apartments in Respondent's project 'Neelkanth Woods Olivia' situated at Majiwade, Thane; via either allotment letters or registered agreements for sale in the period ranging from 2014 to 2016. It is alleged that the Respondent has wilfully delayed the completion of the said project with the intention of maximising profits. Therefore, they prayed that the Respondent be directed to pay interest, on delay, as per the provisions of section 18 of the Real Estate (Regulation and Development) Act, 2016 and to commit to a reasonable timeline for handing over possession.
2. The learned counsel for the Complainant also submitted the Respondent has collected payments towards terrace slab and external plastering much earlier than the starting of the actual work. Further, she submitted the Respondent is yet to execute and register the agreements for sale for two of the allottees who have also paid substantial amount towards the consideration price of their apartments. She also submitted that the Respondent has levied interest on delayed payment for one of the allottees.



3. The Learned Counsel for the Respondent submitted the project could not be completed for reasons beyond the Respondent's control. Further, he submitted that the Respondent in Complaint no: CC00600000012658 filed against the said project has already committed to handover possession by May 2019 and that the same timeline for delivery of possession be made applicable to the present complaint too. He accepted that the Respondent had collected payments towards terrace slab prematurely.
4. In view of the above facts:
 - i. the Respondent shall handover possession of the apartments to the allottees before the period of May 31, 2019, failing which the Respondent shall be liable to pay interest to the allottees, as per MahaRERA rules, from June 1, 2019 till the actual date of possession, on the entire amount paid by the allottees to the Respondent.
 - ii. for those allottees, with whom the agreement for sale is yet to be executed and registered, the parties are hereby directed to execute and register the agreements 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.
 - iii. the Respondent is liable to pay interest to the allottees (part of this complaint) for the payments not due, yet collected, from the date on which such payments were collected. The said interest shall be till May 31, 2019 and shall be setoff/adjusted towards the balance money payable by the allottees.
 - iv. allottees shall make the balance payments (principal amount only) as per the payment schedule as agreed between the parties.
5. Consequently, the matter is hereby disposed of with the above directions.


(Gautam Chatterjee)
Chairperson, MahaRERA