

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO: CC006000000001204

Amit Ambekar and Group ... Complainants

Versus

Videocon Industries. ... Respondent  
MahaRERA Regn.No. P51700005281

Coram :

Complainants represented themselves.  
Respondent represented by Mr. Rohit Chavan, General Manager

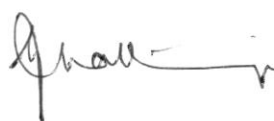
**Order**

15<sup>th</sup> January 2018

1. The Complainants are a group of 32 allottees who have approached MahaRERA seeking directions to the Respondent to hand over the legal, physical possession of their respective apartments that they have booked in the Respondent's above mentioned project or refund their entire amount, with interest from the date of payment.
2. The Complainant's bookings are in the Projects registered under MahaRERA with Registration Nos. (1) P51700010303 - 'A' Wing, (2) P51700005281 - 'B' Wing (3) P51700009993 - 'C' Wing (4) P51700009992 - 'E' Wing. The Complainants have booking letter/allotment letter issued between 2012 to 2015 in the Project named 'Nirmal Sports City' which was jointly launched by Modella Textiles Industries Ltd., Nirmal Lifestyle Ltd and Videocon Industries Ltd and have paid 10 % to 40 % of the total consideration at the time of booking. They have not yet entered into registered agreements for sale.



3. The Complainants alleged that the respondent has failed to register their agreements for sale even though they have paid 10 to 40 % of the consideration value and have failed to deliver possession of the respective apartments by December, 2016, as was committed during booking. The Complainants further stated that no construction work has been started till date and now the respondent has put a revised proposed date of completion as 31<sup>st</sup> December 2024. This was not acceptable to them and as a result some of the Complainants want to quit the project and want their money back with interest.
4. During hearings on 27<sup>th</sup> November 2017 and 15<sup>th</sup> December 2017, both the parties sought time to amicably settle the matter.
5. On the next date of hearing on 10<sup>th</sup> January 2018, both the parties stated that they are willing to execute the agreements of sale for their apartments on the basis of terms agreed between them.
6. During the hearing, the Respondent mentioned that due to inability to obtain Environment Clearance and Commencement Certificate, which were beyond his control, the project commencement has got delayed. The Respondent further stated that these difficulties were explained to the buyers in the past in several meetings. He further said that he is hopeful of obtaining the commencement certificate and starting the work before 30<sup>th</sup> June 2018.
7. In view of the above facts and as agreed between both the parties, the following directions are given:
  - (a) For those Complainants who want to continue in the project, the parties shall execute and register the agreements for sale as per the provisions of section 13 of the said Act and the rules and regulations made thereunder, up to 30<sup>th</sup> June 2018, failing which the Respondent shall return the entire booking amounts with interest as prescribed in MahaRERA rules.
  - (b) In the said agreements for sale, there will be no change in the per square feet rate, as mentioned in the booking letter/allotment letter.



(c) Taxes are to be paid by the Complainants, in addition to the agreed consideration price.

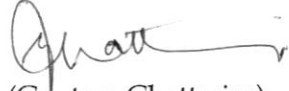
(d) Balance payments, in the future, will be made by the Complainants in accordance with the payment schedule as per the registered agreements for sale.

(e) GST input credit will have to be passed on by the Respondent to the Complainants.

(f) Respondent shall ensure that all the amenities, as mentioned in the Project disclosed on MahaRERA website, are provided to the Complainants along with the possession of apartments.

(g) The date of possession of the apartments to the Complainants shall be mentioned by the Respondent in the registered agreements as "on or before June 2022".

8. Consequently, the complaint is, hereby, disposed of with the above directions.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA