

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

Complaint No.CC006000000057947

Mr. Sunil Sakharam Gurav

.... Complainant

Versus

Mr. Hemendra Pranjeevan Bosmiya

..... Respondent

Project Registration No. **P51700011990**

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

None appeared for the complainant.

Mrs. Vaishali Nangre appeared for the respondent.

ORDER

(2nd January 2020)

1. The complainant has filed this complaint seeking directions from the MahaRERA, to the respondent, to pay interest for delayed possession and early possession, under section-18 of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred to as "RERA") in respect of booking of his flat bearing No. 903 in the respondent's project known as "**Rashmi Sarvesh**" bearing MahaRERA registration No. P51700011990 situated at Thane (West).
2. The complaint was heard finally today, when the respondent appeared through his representative. However, the complainant failed to appear before the MahaRERA even though the notice of hearing was served upon him in advance.
3. It is the case of the complainant that, he had booked the said flat in the respondent's project in the year 2016. The complainant and the respondent have also executed a registered agreement for sale. According to the agreement for sale, the respondent was liable to hand over the possession of the flat to the complainant on or before December, 2017. However, the respondent has failed to do so. Hence, the complainant sought interest for the delayed possession.



4. During the course of hearings, It came to the notice of the MahaRERA that, by virtue of an order dated 14th December 2018 in CP (IB)-3119/I & BP/MB/2018 passed by the National Company Law Board Tribunal (NCLT), Mumbai bench, the respondent is under an insolvency resolution process and that an insolvency resolution professional has already been appointed by the said order.
5. Pursuant to section-7 (2) of the Insolvency and Bankruptcy Code, 2016, the National Company Law Board Tribunal (NCLT) has already imposed a moratorium against institution or continuation of any suits or proceedings against the respondent till the Insolvency Resolution Process is completed.
6. Para 10 (1V) of the said Order dated 14th December 2018 reads as thus:

...The order of moratorium shall have effect from 14.12.2018 till the completion of the corporate insolvency resolution process or until this Bench approves the resolution plan under sub-section (1) of section 31 or passes an order for liquidation of Corporate Debtor under section 33, as the case may be....

7. In view of the above facts, since the insolvency petition pending before National Company Law Board Tribunal (NCLT) may take some time, it is not justified to keep this complaint pending till final disposal of the said process. Therefore, the present complaint stands disposed of. However, the complainant is at his liberty to approach the MahaRERA after final disposal of the insolvency resolution process.
8. Consequently, the complaint stands disposed of with liberty to the complainant to file the complaint afresh.



(Dr. Vijay Satbir Singh)
Member- I, MahaRERA