

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

**COMPLAINT No: CC006000000055195**

Sanjiv Randhirsingh Rawal

Sangeeta Sanjiv Rawal

..... Complainants

**Versus**

Sanvo Resorts Private Limited

... Respondent

MahaRERA Registration No. **P52000000658**

**Coram: Hon'ble Dr. Vijay Satbir Singh, Member-1**

Adv. Bhoumick Vaidya a/w Adv. Harshal Dedhia appeared for the complainants.

Adv. Rubin Vakil a/w Adv. Ranjit Nayar appeared for the respondent.

**ORDER**

(4<sup>th</sup> July, 2019)

1. The complainants are allottees in the project **MARATHON NEXZONE ZENITH -1** being developed by the respondent at Kolkhe Taluka Panvel, Dist. Raigarh. He purchased a residential unit bearing No. 2605 admeasuring 123.57 sq. mtrs. As the project got delayed and the respondent failed to deliver the possession in accordance with the stipulated in the agreement for sale i.e. December 2015, the complainants have filed this complaint under Section-18 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred as RERA) claiming interest for the delay.
2. The complaint was heard in the presence of concerned parties on various dates. Time was also given to them for the written submissions.
3. The respondent argued that, the project has completed up to the 24<sup>th</sup> floor and he has got part occupancy certificate from CIDCO (NAINA) on 26<sup>th</sup> March, 2018. The respondent also submitted that; the project was



being developed in a phase wise manner. The date of possession in the agreement for sale was December 2015. However, the respondent is entitled to have an extension of 6 to 9 months as per the provisions of the said clause. The District Collector, Raigarh had granted commencement certificate to develop the building up to 27<sup>th</sup> floor. On 10<sup>th</sup> January, 2013, the Government of Maharashtra notified the entire area of Raigarh District including the current project and designated CIDCO (NAINA) to grant development related permissions. The respondent got commencement certificate issued by the new planning authority for construction up to 27<sup>th</sup> floor on 7<sup>th</sup> May, 2014. On 17<sup>th</sup> May, 2014, the respondent sought permission of the planning authority to increase the height of the building from 27 to 33 floors. CIDCO approved the amended plan proposed by the respondent on 9<sup>th</sup> January 2018. According to the respondent, the time taken by CIDCO (NAINA) to approve the plans caused delay in completion of the project.

4. The complainants also submitted a rejoinder on the written submissions made by the respondent and argued that, the concerned authority had issued commencement certificate to the respondent to construct the building up to 27<sup>th</sup> floor covering their flat situated at 26<sup>th</sup> floor. Further extension in the height of the building sought by the respondent was meant for maximizing the profits of the developer which cannot be at the expense of the complainants.
5. The respondent also blamed planning authority for delay in giving various permissions including permission to have access to the highway and permission for laying water pipeline. The civil aviation authority delayed the NOC for proposed height of the building. The respondent submitted that award of interest to a large number of allottees for delay will adversely impact the project.

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6. The aforesaid facts of this case make it clear that the project got delayed and the respondent could not hand over the possession of the residential unit to the complainants in accordance with the provisions of the agreement for sale. Here, it is pertinent to note that the respondent had received commencement certificate to construct the building up to 27 floors by the Distr. Collector, Raigarh which was revalidated by the new planning authority i.e. CIDCO (NAINA) in May 2014. The flat purchased by the complainants was located at the 26<sup>th</sup> floor. Hence, there was no reason for delay in completing the building according to the commencement certificate up to 27 floors and handover possession to concerned allottees. However, the respondent wanted to increase the height of building from 27 to 33 floors with a view to maximize their profits. The delay happened primarily due to amendments in the plans to construct additional floors to the building. The respondent cannot do so at the expense of the allottees who had paid money from time to time in accordance with the schedule of payment. This has also been discussed in detail in the orders passed by MahaRERA on identical complaints relating to this project. There was adequate time available to the respondent to overcome all the constrains such as permission to have water supply, access to the highway etc. and complete the project well before the provisions of RERA came into effect.
7. In view of above discussion, the respondent is directed to pay interest to the complainants on the money paid by them from 1<sup>st</sup> may 2017 till the actual date of possession by the complaints at the rate prescribe by MahaRERA i.e. MCLR of SBI + 2% under section 18 of RERA.
8. Consequently, the complaint stands disposed of.



(Dr. Vijay Satbir Singh)  
**Member-1/MahaRERA**