

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO: CC00600000023419

Kapil Kapadia ... Complainant

Versus

Ashwin Kumar Jain

MahaRERA Regn. No. P51700014458 ... Respondent

Complainant was himself present.

Respondent was himself present.

**Order**

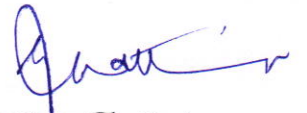
June 20, 2018

1. The Complainant has booked two apartments bearing nos. 6001 and 6002 in the Respondent's project 'GEBI PRERNA' situated at Bhiwandi through Letter of Allotment/MOU dated January 1, 2016. The Complainant alleged that even after having paid substantial amount towards the consideration price, the Respondent has failed to execute and register the agreement for sale. Further, he stated that the Respondent had promised that possession of the said apartments will be handed over in 12 months but has failed to do so till date. Therefore, the Complainant prayed that the Respondent be directed to refund the amount paid by him.
2. The Respondent submitted that the project could not be completed for reasons beyond his control. Further, he submitted that he is willing to execute and register the agreement for sale and handover possession of the said apartments within 18 months from the date of the agreement for sale. The Complainant reconsidered his stand and



showed his willingness to continue in the said project and accepted the date for receiving possession of his apartment.

3. In view of the above facts, the parties are directed to execute and register the agreement 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 45 days from the date of this Order with a timeline of 18 months for handing over possession of the said apartment.
4. Consequently, the matter is hereby disposed of.



Gautam Chatterjee

(Chairperson, MahaRERA)