

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

**Complaint No. CC006000000078275**

Sanket Prabhakar Yadav

..... Complainant

**Versus**

Laabh Buildwell

..... Respondent

Project Registration No. P51700011246

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

Mr. Mukesh Pabori appeared for the complainant

Adv. Rohan Mane appeared for the respondent.

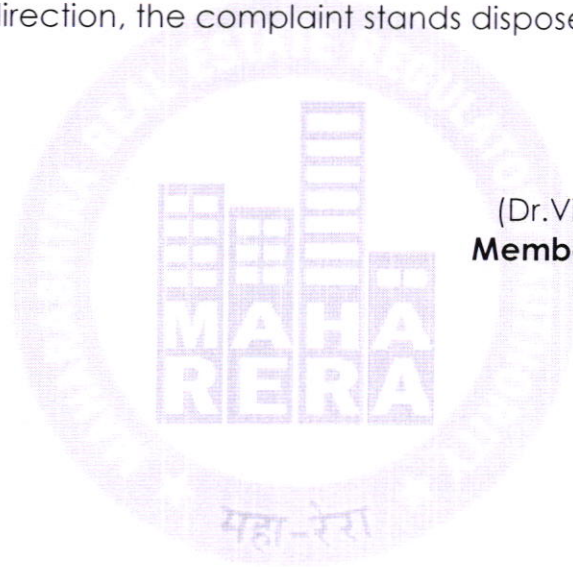
**ORDER**

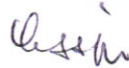
(10<sup>th</sup> May, 2019)

1. The complainant is an allottee in the project being developed by the respondent named "**Laabh Gloria**" at Thane. He has filed this complaint seeking interest for the delayed possession under section 18 of the Real Estate (Regulation and Development) Act, 2016.
2. The complaint was heard in the presence of concerned parties. The complainant submitted that according to the agreement for sale executed between the parties, the respondent was supposed to handover the possession of his flat on or before 30<sup>th</sup> September, 2017. However, the respondent failed to fulfil the complainant's obligation.
3. The respondent argued that after the change in TDR policy of the Maharashtra Government he wanted to get additional TDR from the planning authority and due to which the project could not be completed on time and therefore, got delayed. The respondent also cited an order of the Hon'ble High Court, Mumbai in which the permissions were stayed for a period of 6 months citing water shortage.

*Qrewi*

4. The arguments advanced by the respondent are not relevant for this case, as he already had the necessary permissions to construct up to the 6<sup>th</sup> floor which also includes the complainant's floor being on 2<sup>nd</sup> floor. Although, he wanted to have additional floors added to the building, he cannot do so at expense of the buyers who had already bought the flats and were waiting for the possession. The complainant is entitled to claim interest for delay.
5. It is therefore directed to the respondent to pay interest for delayed possession starting from 1<sup>st</sup> October, 2017 till the actual date of possession at the rate prescribed by MahaRERA i.e. MCLR + 2%.
6. With the above direction, the complaint stands disposed of.



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