

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,  
MUMBAI  
Complaint No. CC00600000057595**

Salman Usman Kazi

..... Complainant

**Versus**

Palava Dwellers Private Limited

..... Respondent

MahaRERA Registration No. P51700000142

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

The complainant is present with his Advocate A. S. Ovhal.

Adv. Akshay Parte for the respondent present.

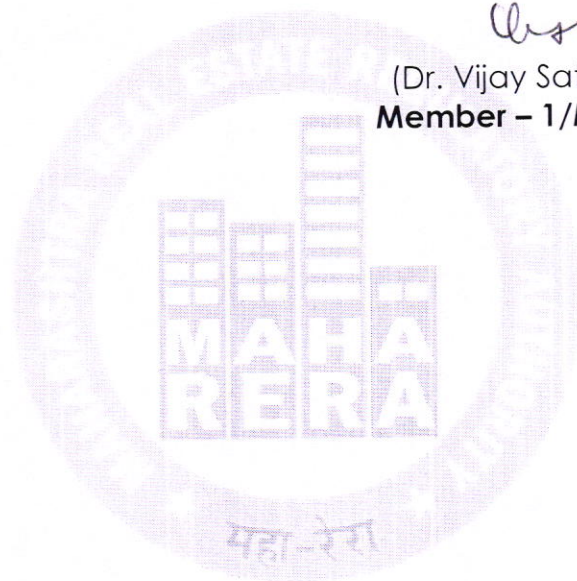
**ORDER**

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

1. This complaint is filed for seeking interest on the booking amount of the flat No. 505, "O" wing, Casa Uno Cluster of the Lakeshore Greens project of the respondent for delay in giving possession to him. This complaint was heard in the presence of concerned parties.
2. The respondent has filed his reply to the complaint taking the objections to this complaint including the preliminary objections regarding the maintainability of the present complaint on the ground that occupation certificate for the said project had been received in December, 2017, and the complainant in spite of repeated requests had failed to take possession since then. It is also contended by the respondent that the complainant himself has failed in his duties u/s 19(10) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as 'the said Act'). The respondent has also taken a plea in its reply that there is no delay in handing over the possession to the complainant in view of clauses 11.1 and 11.2 of the agreement of sale.

*OSM*

3. Considering the above position and fact that, the occupation certificate is received on 20<sup>th</sup> December, 2017, and possession offered to the allottee. The complainant is not entitled to get any interest since the present complaint is not maintainable.
4. With the aforesaid directions, the complaint is dismissed.



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