BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY MUMBAI

COMPLAINT NO. CC00600000055841

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Komal Rander ... Complainant

Versus

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Abhishek Lodha Palava Dwellers Private Limited

Respondent

MahaRERA Registration no. P51700000269

Complainant was herself present. Respondent was represented by Mr. Sunilraja Nadar, Adv. a/w Ms. Akansha Ughade, Adv. and Ms. Tarunima Singh, Adv.

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

ORDER

(June 27, 2019)

1. The complainant has purchased an apartment bearing no. 1703/G in the Respondent's project 'PALAVA - PASEO - D to H' situated at Khoni, Thane via a registered agreement for sale dated January 13, 2015 (hereinafter referred to as the said agreement). The complainant has alleged that she has paid a substantial amount towards the consideration price. She further stated that, pursuant to the said agreement, the respondent was to handover possession of the said apartment by March 2017, which did not happen. She has further alleged that there is a discrepancy in the carpet area as per the said agreement, and moreover the respondent is wrongfully demanding additional charges, thereby violating the terms of the said agreement. Therefore, the complainant has prayed for directions to be issued to the respondent to raise demands which are in consonance with the terms and conditions of the said agreement.

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- 2. The learned counsel for the Respondent submitted that the Complainant had filed the complaint after the 'part occupancy certificate' has been procured on July 26, 2018. He further submitted that the date of possession as stipulated by the said agreement was February 28, 2019 (including the grace period). Moreover, the Complainant vide letter dated February 23, 2019, duly signed by the Complainant, took peaceful possession of the said apartment. Therefore, he submitted that the cause of action ceased to exist.
- 3. The Complainant did not appear on the last two dates of hearing, despite service of notice.
- 4. In view of the above, since the Complainant has already taken possession of the said apartment, the cause of action ceases to operate. Moreover, she has failed to point out any contravention or violation of the provisions of the Real Estate (Regulation and Development) Act, 2016 or the rules or regulations made there under.
- 5. Consequently, the complaint is hereby dismissed.

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