

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000000637

Praful Prakash Pawar ... Complainant
Versus
Ekta Praksville Homes Pvt. Ltd. ... Respondent
MahaRERA Regn: P99000000115

Coram

Shri Gautam Chatterjee, Hon'ble Chairperson

Order

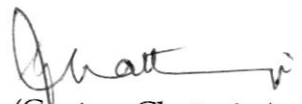
28th November 2017

1. The complainant had booked an apartment in June 2016, in above said project of Respondent and had paid certain booking amount. Both the parties have entered into registered agreement for sale in August, 2016. As per the registered agreement, the fit out date was 30th April 2017. However, till this date the complainant has not received the fit out possession of the said apartment. Moreover, the Respondent has put a revised proposed completion date of the said project as 31st December, 2020 in the MahaRERA website. Therefore, the Complainant has approached MahaRERA to direct the Respondent for early possession.
2. Heard both the parties on 17th November 2017 when complainant himself and for the Respondent Shri Abir Patel, Advocate, Wadia Ghandy & Co. were present.
3. The advocate for the Respondent stated that, in RERA, there is no provision of giving possession before Occupancy Certificate(OC), for fit out. He further said that the respondent will hand over the possession of the said apartment to the Complainant on the committed date of possession as per the registered agreement, which is 30th April, 2019. The Respondent further stated that the Complainant's complaint is premature, and therefore, need to be dismissed.
4. The Complainant agreed that, as per the registered agreement, the date of possession with OC, is 30th April 2019.
5. Therefore, we direct the Respondent to adhere to the date of possession as mentioned in the registered agreement i.e. 30th April 2019, without seeking any extension. For failure to handover possession with OC by 30th April, 2019, the respondent shall be liable to pay interest to the complainant from 1st May 2019 till the actual date of



possession, on the entire amount paid by the complainant to the respondent. The said interest shall be at the rate as prescribed under Rule 18 of the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rate of Interest and Disclosures on Website) Rules, 2017.

6. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA