

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC00600000022815

Ajit Bapardekar ... Complainant

Versus

Kamran Livestock & Real Estate Pvt. Ltd.
MahaRERA Regn. No. P51700001164 ... Respondent

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was himself present.

Respondent was represented by Mr. Aditya Zantye, Authorised representative.


Order

September 14, 2018

1. The Complainant has purchased an apartment bearing no. 904 in the Respondent's project 'IMPERIAL HEIGHTS S1 S2' situated at Thane via registered agreement for sale. The Complainant has alleged that the date of possession as stipulated by the said agreement is long over and therefore he prayed that since the Respondent has failed to hand over the possession of the apartment within the stipulated period, they be directed to pay interest, on delay, as per the provisions of section 18 of the Real Estate (Regulation and Development) Act, 2016 (*hereinafter referred to as the said Act*).
2. The authorised representative for the Respondent explained that the construction work of the project could not be completed because of reasons which were beyond the Respondent's control. Specifically, he submitted that there were delays in receiving sanctions and approvals from the concerned local authority, this being a redevelopment project. Further, he submitted that the Respondent as on date has collected amounts from the Complainant only to the extent of the project work completed and that the Respondent is now committing to handover possession as per the timelines mentioned in their MahaRERA registration which is December, 2019.



3. The Complainant submitted that at this stage, he is interested in having the project completed and will therefore not insist that the Respondent pay him interest for the delayed possession as on date, provided, the Respondent completes the project by revised timeline. Further, he submitted that if they do not see the efforts of the Respondent towards the completion of the project, he should be at liberty to demand interest as per the provisions of section 18 of the Real Estate (Regulation and Development) Act, 2016 and the rules and regulations made thereunder, from the Respondent.
4. In view of the above facts, the Respondent shall, therefore, handover the possession of the apartment, with Occupancy Certificate, to the Complainant before the period of December 31, 2019. The Complainant shall be at liberty to demand interest at an appropriate stage, as per the provisions of section 18 of the Real Estate (Regulation and Development) Act, 2016 and the rules and regulations made thereunder, from the Respondent for the delay in completing the said project.
5. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA