

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000012684

Poonam V Tiwari ... Complainants
Vijay R. Tiwari

Versus

Paresh Amrutlal Maru ... Respondent
Mahavir Developers
MahaRERA Regn.No. P99000010305

Coram:

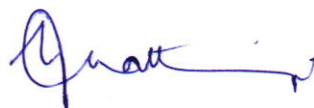
Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants were themselves present along with Mr. Santosh Kumar Singh, Adv.
Respondent was represented by Ms. Shipla Nair, Adv, Ms. Bella Lopes, Adv.


Order

2nd April 2018

1. The Complainants have purchased an apartment bearing No. 801 in the Respondent's project 'Mahavir Garden' located at Vasai, Dist. Palghar through a registered agreement for sale executed on 23rd July 2014. However, the agreement has not mentioned the date of possession of the apartment. The Complainants have claimed that the Respondent had separately mentioned that the possession of the said apartment would be handed over on or before 31st March 2015. However, the Respondent has as yet not handed over the possession and, moreover, has put a revised proposed date of completion on MahaRERA website as 31st December 2019. The Complainants have prayed for early possession of the said apartment with OC and interest on delayed possession.
2. The Respondent explained the delay in completion of the project which has been due to delay in getting environmental clearance and other mitigating circumstances beyond his control, due to which no specific date was committed in the agreement for sale. He further said that these facts have been explained to the Complainants from time to time. Therefore, he argued that that the interest on delay in accordance with section 18 of the Act is not applicable.



3. The Respondent further stated that the date of possession put on the MahaRERA website is 31st December 2019. However, now the project is nearing completion and he is ready to handover possession, with OC, to the Complainants on or before 31st August 2018. This date of possession was agreeable to the Complainant.
4. In view of the above facts and as agreed by both the parties, the Respondent shall handover possession of the purchased apartment to the Complainants on or before 31st August 2018, with OC, failing which the Respondent shall be liable to pay interest to the Complainants from 1st September 2018 till the actual date of possession, on the entire amount paid by the Complainants 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.
5. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA