

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

1. COMPLAINT NO: CC006000000023695  
Krishna Dixit
2. COMPLAINT NO: CC006000000055590  
Pravin and Darshak Patel
3. COMPLAINT NO: CC006000000055963  
Divya and Vinesh Kumar

... Complainants

Versus

Ravi Developments  
MahaRERA Regn. No. P51700003472

... Respondent

**Corum:** Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant (1) was himself present.

Complainant (2) was represented by Adv. Ayushi Doshi.

Complainants (3) were represented by Adv. Arun (i/b. W.S. Kane and Co.).

Respondent did not appear.

**Order**

March 04, 2020

1. The Complainants have filed the present applications for noncompliance of the MahaRERA Order dated September 14, 2018 in Complaint no: CC006000000012478, MahaRERA Order dated October 24, 2018 in Complaint no: CC006000000055590, MahaRERA Order dated September 28, 2018 in Complaint no CC006000000055963 (hereinafter referred to as *the said Complaints*) by the Respondent.
2. In the said Complaints, the Respondent was directed to handover possession of the apartments to the Complainants before the period of October 31, 2019. Further, the Complainants were granted liberty to demand interest at an appropriate stage, which may even be after completion of the project, under 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

3. None appeared on behalf of the Respondent, despite service of Notice.
4. The learned counsel for the Complainants in Complaint no: CC006000000055963 submitted that since the Respondent has failed to complete the project on time, they would now like to withdraw from the said project.
5. The Complainants in Complaint nos: CC006000000023695 and CC006000000055590 submitted that they want possession of their apartments and the interest on delay in handing over possession.
6. Since the Respondent has failed to complete the project in the stipulated time and has also failed to comply with the orders passed by MahaRERA and the statutory provisions of the Real Estate (Regulation and Development) Act, 2016, the only way forward in order to complete the project would be to protect the right of the allottees, enable them to form an Association of Allottees (AOA) and the AOA to proceed under the provisions of section 7/8 of the said Act to complete the project. Allowing payment of interest on delay for a project at this stage, at a stand-still, will put pressure on the RERA designated Account, which needs to be judiciously managed by the AOA for project completion.
7. Therefore, the Respondent is directed to handover the list of allottees of the said project to the Complainants and the other allottees, along with their contact details, within 30 days from the date of the Order, to enable them to form an association of allottees (AOA) who may thereafter take an informed decision pertaining to the way forward in the said project, by invoking the provisions of Section 7 of the Real Estate (Regulation and Development) Act, 2016. Further, the Respondent is directed to upload the Annual Audit Report of Statutory C.A. - Form 5 for F.Y. 17-18 and F.Y. 18-19 within 30 days from the date of this Order.
8. It is also observed that on various occasions the Respondent fails to remain present before the Authority when the Complaints are listed for hearing and also does not



comply with the directions of MahaRERA. In view of the same, a token penalty of INR One lakh (1,00,000/-) is imposed on the Respondent under the provisions of the Real Estate (Regulation and Development) Act 2016.

9. Consequently, the present applications are hereby disposed of.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO: CC006000000023695

Krishna Dixit

... Complainant

Versus

Ravi Developments  
MahaRERA Regn. No. P51700003472

... Respondent

Coram:

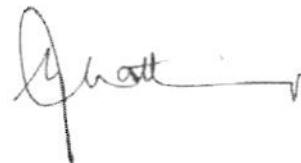
Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was himself present a/w Mr. Yash Jain, Adv. (i/b M/s. Halai & Co.).  
Respondent was represented by Ms. Jinal Shah and Ms. Aruna Chourasi; authorised representatives.

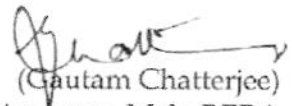
Order

September 14, 2018

1. The Complainant has purchased an apartment in the Respondent's project 'GAURAV SAFFRON' situated at Mira-Bhayandar, Thane via registered agreement for sale (*hereinafter referred to as the said agreements*). The Complainant has alleged that the date of possession as stipulated by the said agreement is long over and that the Respondent has failed to handover possession of the said apartment, till date. Therefore, he prayed that the Respondent be directed to pay him interest for the delay in handing over possession and commit to a reasonable timeline for handing over possession.
2. The authorised representative for the Respondent submitted that the project could not be completed for reasons beyond the Respondent's control. Specifically, she submitted that there were delays in receiving sanctions and approvals from the concerned local authority and that the Respondent has already taken up the matter pertaining to the same before the Hon'ble High Court of Bombay, which is yet pending.



3. The Complainant submitted that at this stage, he is interested in having a reasonable time line fixed for the completion of the project and will therefore not insist that the Respondent pay them interest for the delayed possession, immediately. Further, he submitted that if he does 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 for the delay in completing the said project.
4. In Complaint no: CC006000000023079, MahaRERA has already directed the Respondent to handover possession by before the period of October 31, 2019.
5. In view of the above facts, the Respondent shall, therefore, handover the possession of the apartment to the Complainant] before the period of October 31, 2019. The Complainants 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.
6. Consequently, the matter is hereby disposed of.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA