

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000023079

Diwakar Prasad

...

Complainant

Versus

Ravi Developments

MahaRERA Regn. No. P51700003472

...

Respondent

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

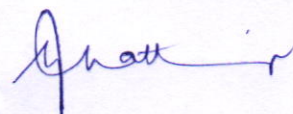
Complainant was himself present.

Respondent failed to appear.


Ex-parte Order

June 29, 2018

1. The Complainant has purchased an apartment bearing No. A/702, in the Respondent's project 'GAURAV SAFFRON' situated at Mira-Bhayandar, Thane via registered agreement for sale (*hereinafter referred to as the said agreements*) dated February 14, 2011. 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.
2. On the first date of the hearing, Authorised representative/Learned Counsel for the Respondent submitted that the project could not be completed for reasons beyond the Respondent's control. Specifically, he 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. He sought an adjournment to apprise MahaRERA, the outcome of the said pending matter, on the next date of hearing



3. Respondent, however, failed to appear on the next two dates of hearing.
4. 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.
5. On review of the respondent's MahaRERA registration it is observed that the Respondent has put December, 2021 as the revised proposed date of completion which is an unreasonable time period for completion of the project. As per the provisions of the Rule 4 of the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017 the revised date of possession for an ongoing project has to be commensurate with the extent of balance development.
6. In view of the above facts, the Respondent shall, therefore, handover the possession of the said apartment to the Complainant before the period of October 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.
7. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA