

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC00600000023534

Samit Raut and Anr

... Complainants

Versus

Incline Realty Private Limited
MahaRERA Regn. No. P51800003582

... Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant were represented by Ms. Shweta Merchat, Adv. (i/b Solicis Lex)
Respondent was represented by Mr. Rajeevan Nair, Adv. and Ms. Richa Singh, Adv.

Rectified Order

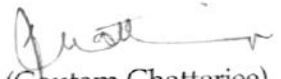
June 24, 2019

(Rectification has been made in the final order passed on May 9, 2018 wherein the Complainants have submitted an application u/s 39 of the Real Estate (Regulation and Development) Act, 2016 stating that they have not consented to the revised timeline for handing over possession)

1. The Complainants had booked an apartment bearing No. 4005-C in the Respondent's project 'Sky City Towers A to D' situated at Borivali, Mumbai through an allotment letter in the year 2010. The Complainants alleged that at the time of booking the said apartment, the Respondent had promised that possession of the said apartment will be handed over by December, 2021 but the Respondent has now put the revised completion date for the said project as December, 2022 in the MahaRERA registration webpage. Therefore, they prayed that the Respondent be directed to execute and register the agreement for sale for the said apartment with the timeline of December, 2021 for handing over possession of the said apartment.



2. The learned counsel for the Respondent stated that they are willing to execute and register the agreement for sale with the Complainants by advancing the timeline to June, 2022 for handing over possession of the said apartment.
3. During the course of the hearing, it was observed that the Respondent has put December, 2022 as the revised proposed date of completion in their MahaRERA registration, 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.
4. In view of the above facts, the parties are directed to execute and register agreement for sale as per the provisions of section 13 of the Real Estate (Regulation and Development) Act, 2016 and the rules and regulations made thereunder within 30 days from the date of this Order with a possession date on or before the period of June 30, 2022.
5. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA

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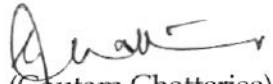
Order

May 9, 2018

1. The Complainants had booked an apartment bearing No. 4005-C in the Respondent's project 'Sky City Towers A to D' situated at Borivali, Mumbai through an allotment letter in the year 2010. The Complainants alleged that at the time of booking the said apartment, the Respondent had promised that possession of the said apartment will be handed over by December, 2021 but the Respondent has now put the revised completion date for the said project as December, 2022 in the MahaRERA resistration webpage. Therefore, they prayed that the Respondent be directed to execute and register the agreement for sale for the said apartment with the timeline of December, 2021 for handing over possession of the said apartment.
2. The advocate for the Respondent stated that they are willing to execute and register the agreement for sale with the Complainants by advancing the timeline to June, 2022 for handing over possession of the said apartment. The Complainant accepted the timeline suggested by the Respondent.



3. In view of the above facts, the parties are directed to execute and register agreement for sale as per the provisions of section 13 of the Real Estate (Regulation and Development) Act 2016 and the rules and regulations made thereunder within 30 days from the date of this Order with a possession date on or before the period of June 30, 2022.
4. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA