

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC00600000023462

Lachhman Rajai and Others ... Complainants

Versus

Ravi Developments
MahaRERA Regn. No. P51700009724 ... Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants were themselves present.

Respondent was represented by Ms. Jinam Shah, Authorised representative.

Order

March 27, 2019

1. The Complainants have filed the present application for noncompliance of the MahaRERA Order dated July 10, 2018 in Complaint no: CC00600000023462 (hereinafter referred to as *the said Complaint*) by the Respondent.
2. In the said Complaint, the Respondent was directed by MahaRERA to pay interest to the Complainants for the period beginning from November 1, 2018 till the handing over of possession of the apartments, on the total consideration amounts paid by the Complainants to the Respondent, as per the provisions of Section 18 of the said Act. Further, the Respondent was directed to initiate the process of society formation within 30 days from the date of the said Order. Further, the Respondent was directed to demand the balance payments (principal amount only) as per the terms and conditions of the agreements for sale, only at the time of handing over possession.
3. The authorised representative of the Respondent submitted that the Respondent is yet to complete the project work and obtain the occupancy certificate for the said project. Further, she submitted the Respondent shall adhere to the directions passed in the said



Complaint at the time of handing over possession. She also submitted that the process of society formation has already been initiated and that the Respondent will handover possession of the apartment by March, 2019.

4. The Complainants submitted that the Respondent is demanding certain additional charges and is not allotting parking to them. The authorised representative of the Respondent submitted that the Respondent is only demanding monies for government taxes etc and that parking letters will be issued at the time of handing over possession.
5. In view of the above, no fresh directions are needed at this stage. The Respondent shall make adjustments/ pay interest at the time of handing over possession. The Respondent shall endeavour to complete the project work at the earliest and adhere to the directions passed in the said Complainant.
6. Consequently, the present application is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA

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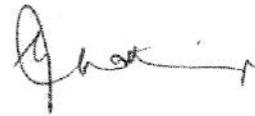
Respondent was represented by Ms. Jinam Shah, Authorised representative.

Order

July 10, 2018

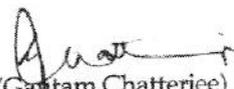
1. The Complainants have purchased apartments in the Respondent's project 'GAURAV SAMRUDDHI' situated at Mira-Bhayandar, Thane via registered agreements for sale (*hereinafter referred to as the said agreements*). The Complainants have alleged that the date of possession as stipulated by the said agreements is long over and that the Respondent has failed to handover possession of the apartments, till date. They have also alleged that the Respondent have collected money for allotment of open parking. Therefore, they prayed that the Respondent be directed to commit to a reasonable timeline for handing over possession, pay them interest for the delay in handing over possession and not demand from them interest and penalty for delay in payment of consideration price. They also prayed the Respondent be directed to initiate the process of society formation.
2. The authorised representative for the Respondent submitted that the project could not be completed for reasons beyond the Respondent's control. Further, she added that that the agreements do not have a specified date of possession. Specifically, she submitted that there were delays in receiving sanctions and approvals from the

1/2



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. Further, she submitted the Respondent is trying to resolve the matter with these authorities and that the Respondent is now committing to handover possession of the apartments by October 31, 2018. Regarding allotment of parking, she stated that the Complainants who have paid for their parking shall be allotted closed parking.

3. In view of the above facts, the Respondent shall, therefore, handover the possession of the apartments to the Complainants before the period of October 31, 2018, failing which the Respondent shall be liable to pay interest to the Complainants from November 1, 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. Further, the Respondent shall be entitled to demand the balance payments (principal amount only) as per the terms and conditions of the agreements for sale, only at the time of handing over possession. The Respondent shall initiate the process of society formation within 30 days from the date of this Order.
4. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA