

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC00600000012599

Rupali and Sunil Zankar ... Complainants
Versus
CCI Projects Private Limited
MahaRERA Regn. No. P51800003067 ... Respondent

Corum:
Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants were themselves present.
Respondent was represented by Mr. Abir Patel, Adv., (Wadia Gandhi & Co.).

Order


June 1, 2018

1. The Complainants have purchased an apartment bearing No. 11B-F in the Respondent's project 'Wintergreen' situated at Borivali, Mumbai via registered agreement for sale dated August 3, 2014. The Complainants have alleged that the date of possession as stipulated by the said agreement was February 28, 2016 and therefore they prayed that since the Respondent has failed to hand over the possession of the said apartment within the stipulated period, he be directed to pay interest, on delay, as per the provisions of section 18 of the Real Estate (Regulation and Development) Act, 2016 (*hereinafter referred to as the said Act*).
2. The learned Counsel for the Respondent explained that the construction work of the project could not be completed because of reasons which were beyond the Respondent's control. Parties then sought time to resolve the matter amicably.
3. On the next date of hearing, Complainants informed that the parties have amicably agreed to a revised schedule of payment for the balance amounts to be paid by the Complainant. The learned Counsel for the Respondent submitted that the Respondent



commits to handover possession of the said apartment by December, 2019. The Complainant accepted the revised schedule of payment for the balance amounts to be paid and the revised timeline for delivery of possession of the said apartment.

4. In view of the above facts, the Respondent shall, therefore, handover the possession of the said apartment, with Occupancy Certificate, to the Complainants before the period of December 31, 2019, failing which the Respondent shall be liable to pay interest to the Complainants from January 1, 2020 till the actual date of possession, on the entire amount paid by the Complainant 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. Payment of balance payment to be as agreed between the parties.
5. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA