

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

1. COMPLAINT NO. CC006000000054777
Hemal Naik

2. COMPLAINT NO. CC006000000054956
Poonam Punkshe

... 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., (i/b Wadia Gandhi & Co.).

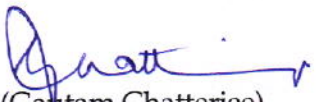
Order

September 6, 2018

1. The Complainants have purchased apartments in the Respondent's project 'Wintergreen' situated at Borivali, Mumbai via registered agreements for sale. The Complainant has 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 apartments within the stipulated period, they 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. However, he added, that the construction work was now progressing well and would be completed before the revised completion date set out in the registration webpage.



3. The Complainants submitted that at this stage, they are interested in having the project completed and will therefore not insist that the Respondent pay them interest for the delayed possession as on date, provided, the Respondent completes the project by committing to a reasonable timeline. Further, they submitted that if they do not see the efforts of the Respondent towards the completion of the project, they 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.
4. In Complaint no: CC006000000012599, the Respondent has already committed to complete the project by December, 2019.
5. In view of the above facts, the Respondent shall, therefore, handover the possession of the apartments, with Occupancy Certificate, to the Complainants before the period of December 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 matters are hereby disposed of.


(Gauntam Chatterjee)
Chairperson, MahaRERA