

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,
MUMBAI**

Complaint No. CC00600000079255

Mr. Adesh Tamatta

.... Complainant

Versus

M/s. K.M. Developers.

.... Respondent

Project Registration No. P99000012568

Coram: Hon'ble Dr. Vijay Satbir Singh, Member – 1/MahaRERA

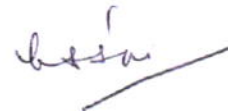
Heard the complainant in person.

Mr. Sunil Mehta appeared for the respondent.

ORDER

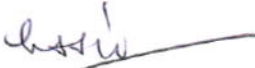
(18th October, 2019)

1. The complainant has filed this complaint seeking direction from MahaRERA to the respondent to handover possession of flat No. 1304 to the complainant along with occupancy certificate in the respondent's project known as "Narmada Mohan" bearing MahaRERA registration No. P99000012568 at Naigaon (East), Vasai-Virar City, Dist-Palghar.
2. This matter was heard finally today. During the hearings, both the parties appeared and made their submissions. It is the case of the complainant that he purchased the said flat No. 1304 by executing registered agreement for sale with the respondent for a total consideration amount of Rs. 22,80,000/-. The complainant has paid an amount of Rs. 21,69,000/- +1,00,000/- = Rs. 22,69,000/- . According to the said agreement, the respondent was liable to handover possession of the said flat to the complainant on or before 31st July, 2018. However, till date the respondent has not handed over possession of the same. Hence, the present complaint has been filed.
3. The respondent appeared in person and informed the MahaRERA that the project has completed on site and he has applied for occupancy certificate. The



possession of the flat got delayed due to the project land is affected by the “wetlands” as per the Wetlands Atlas prepared by Central Government. Therefore, the competent authority is not granting occupancy certificate. There are 100 other buyers who have already taken possession.

4. The respondent further stated that as per the agreement for sale dated 23-1-2018, the flat was to be handed over to the complainant by July, 2018 and the same was also ready within 7 months. Further, the complainant is yet to pay an amount of Rs. 12,000/- towards the cost of the said flat and other charges and he can pay the same and can take possession as soon as possible.
5. The MahaRERA has examined the arguments advanced by both the parties as well as the record. In the present case, the complainant is seeking possession of his flat along with occupancy certificate. The respondent has alleged that though the project is completed on site, the occupancy certificate could not be obtained, since the project land was affected by the Wetlands notification issued by the Central Government. In such circumstances, the MahaRERA feels that there are mitigating circumstances due to which the occupancy certificate is withheld.
6. In view of the said facts, the MahaRERA directs the respondent to approach the appropriate authorities for necessary compliance and get the occupancy certificate in terms of the directions issued by the Hon’ble High Court.
7. With these directions, the complaint stands disposed of.


(Dr. Vijay Satbir Singh)
Member – 1/MahaRERA