

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000001977

Devendra K Agrawal ... Complainants
Pushpa D Agrawal

Versus

Hemant Bhanushankar Vyas ... Respondents
Nandraj Developers Pvt Ltd
MahaRERA Regn: P51900012122

Coram

Hon'ble Shri Gautam Chatterjee, Chairperson

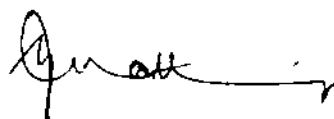
Order

3rd January, 2018


Complainants were represented by Adv. Neolle-Ann, Kanika Gupta (Park Legal Advocates)

Respondents were represented by Adv. Shashikant Kadam (Randive and Kadam Associates)

1. The Complainants have filed this complaint stating that they have entered into a registered agreement for sale dated August 28, 2008 to purchase an apartment bearing No. C/101 of Royal Residency in Respondents' above mentioned Project.
2. First, the Complainants alleged that they have paid some consideration to the Respondents for one stilt car parking area, however details of the project on the MahaRERA website shows no closed parking facility available or booked. Second, they alleged that the Respondents have also taken Rs 25000 towards allotment of an open parking slot, though it is not permitted under the Real Estate (Regulation & Development) Act, 2016 (RERA). Third, they alleged that the Respondents have not initiated the process of society formation as directed vide MahaRERA Order dated November 23, 2017. Finally, they alleged that the Respondents have mortgaged the said apartment and that the same be vacated at the time of handing over possession.



3. The advocate for the Respondents stated that information regarding availability and booking of closed parking are displayed on the website. Regarding the consideration amount collected, prior to RERA coming into effect, for allotment of open parking, he agreed to refund the said amount forthwith. He further stated that the Respondents have already initiated the process of society formation as directed by MahaRERA.
4. In view of the above facts, the Respondents are directed to handover possession of the said apartment, with the mortgage charges vacated, to the Complainants before the period ending January 31, 2018, failing which the Respondents shall be liable to pay interest to the Complainants from February 1, 2018 till the actual date of possession, on the entire amount paid by the Complainants to the Respondents. The said interest shall be, 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.
5. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA

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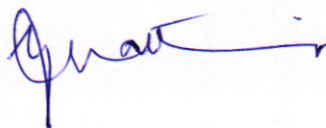
Amendment to Order dated January 3, 2018

February 5, 2018

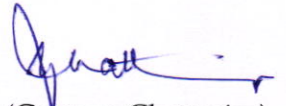
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Respondents were represented by Adv. Shashikant Kadam (Randive and Kadam Associates)

1. In view of the application dated January 22, 2018, received from the Complainant, it is observed that the complaint was filed pertaining to two apartments and matters connected therewith, however the Order dated January 3, 2018 inadvertently refers to only one apartment. Hence, the said Order as amended pursuant to section 39 of the Real Estate (Regulation and Development) Act 2016 is as follows:
2. The Complainants have filed this complaint stating that they have entered into registered agreements for sale dated August 28, 2008 to purchase two apartments bearing No. C/101 and C/601 of Royal Residency in Respondents' above mentioned Project.
3. First, the Complainants alleged that they have paid some consideration to the Respondents for two stilt car parking area, however details of the project on the MahaRERA website shows no closed parking facility available or booked. Second, they alleged that the Respondents have also taken Rs 50,000 towards allotment of two open parking slots, though it is not permitted under the Real Estate (Regulation & Development) Act, 2016 (RERA). Third, they alleged that the Respondents have not initiated the process of society formation as directed vide MahaRERA Order dated November 23, 2017. Finally, they alleged that the Respondents have mortgaged the said apartments and that the same be vacated at the time of handing over possession.



4. The advocate for the Respondents stated that information regarding availability and booking of closed parking are displayed on the website. Regarding the consideration amount collected, prior to RERA coming into effect, for allotment of open parking, he agreed to refund the said amount forthwith. He further stated that the Respondents have already initiated the process of society formation as directed by MahaRERA.
5. In view of the above facts, the Respondents are directed to handover possession of the said apartments, with the mortgage charges vacated, to the Complainants before the period ending January 31, 2018, failing which the Respondents shall be liable to pay interest to the Complainants from February 1, 2018 till the actual date of possession, on the entire amount paid by the Complainants to the Respondents. The said interest shall be, 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.
6. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA