

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC00600000000294

Bivash Chandra Biswas & Others ... Complainants
Versus

Sir George P Joseph ... Respondent
MahaRERA Regn: P51800004236

Coram
Shri Gautam Chatterjee, Hon'ble Chairperson

11th October 2017

Order

Complaint was pleaded by the complainants themselves.

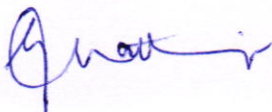
Respondent was represented by Mr. Asit Singh, Adv. The respondent promoter was also present.

The Complainants have booked apartments in the respondent's project 'Leo Heights' under registered agreements for sale executed in the year 2013 in which no definite date of possession is mentioned. The date of possession is mentioned as 3 years from the date of commencement certificate.

The project has obtained commencement certificate for the first few floors only. The further commencement certificates have been held up by the Competent Authority, due to a variety of reasons. The complainants now pray for peaceful and early possession of their respective apartments.

It is observed that the respondent has mentioned December 2022 as the revised proposed date of completion in their MahaRERA registration application for the said project.

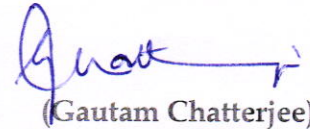
Since the date of possession cannot be kept open ended it was proposed that the parties mutually agree to a reasonable date of possession which should be earlier than the revised proposed date as mentioned by the respondent in their MahaRERA registration.



After long deliberation, the parties have mutually agreed to a possession date of December 2020. They have also agreed that the payment schedules, as detailed in the respective agreements for sale, shall be adhered to.

In view of the aforesaid facts, the respondent is directed to handover the possession of the said flats to the complainants before the period ending December 2020, failing which the respondent shall be liable to pay interest to the complainants from January 2021 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 of the State Bank of India highest Marginal Cost of Lending Rate prevailing at such time plus two percent, as prescribed under Rule 18 of the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017.

Consequently, the matter is hereby disposed off.



(Gautam Chatterjee)
Hon'ble Chairperson, MahaRERA