

**THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI.**

COMPLAINT NO: CC006000000055646.

Kunhal Shah

... Complainant.

Versus

The K.T. Group Ujjwala
(Dahisar Ujwal CHSL)

... Respondents.

MahaRERA Regn: P51800003743

Coram: Shri B.D. Kapadnis,
Hon'ble Member & Adjudicating Officer.

Appearance:

Complainant: Adv. Nikhil S.Rajeshirke.

Respondents: Exparte.

FINAL ORDER

17th October 2018.

The complainant has booked flat no. 902, A-wing of the respondents' registered project, Dahisar Ujwal CHSL situated at Village Dahisar, Taluka Borivali. The respondents failed to hand over the possession of the flat within 24 months from the agreement for sale dated 28.01.2016. Hence, the complainant seeks interest on his investment for every month of default under Section 18 of RERA, as he wants to continue in the project.

2. The respondents have failed to appear despite the notice marked Exh.'A'. Hence, the complaint proceeds exparte.

3. The complainant has shown me the copy of the agreement for sale executed by the respondents in his favour in respect of flat no. 902 in their registered project wherein they have contended that the possession of it would be handed over within 24 months from the date of agreement. The



agreement for sale has been executed on 28.01.2016 and therefore, respondents were bound to hand over the possession of the flat on or before 27th January 2018. They have failed to hand over the possession on agreed date. In such a situation Section 18 of RERA allows an allottee to continue in the project and claim interest on his investment from the date of respondents' default in handing over the possession. The complainant has produced the statement of payment marked Exh. 'B' showing that he paid Rs. 54,95,000/- towards consideration and Rs. 5,000/- towards TDS to the respondents. The complainant is therefore entitled to get the interest at prescribed rate on his amount from 28.01.2018. The prescribed rate of interest is 2% above the SBI's highest MCLR which is currently 8.55%. The complainant is also entitled to get Rs. 10,000/- towards the cost of the complaint. Hence, the order.


ORDER

The respondents shall pay the complainant simple interest at the rate of 10.55% per annum on the complainant's investment of Rs. 55,00,000/- from 28.01.2018 till handing over the possession of the booked flat.

The respondents shall pay Rs. 10,000/- to the complainant towards the cost of the complaint.

Mumbai.

Date: 17.10.2018.



17.10.18
(B. D. Kapadnis)
Member & Adjudicating Officer,
MahaRERA, Mumbai.