

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000044402

Dr. Prabhakaran Chetty
Nandhini P. Chetty

... Complainants

Versus

Patel Group & Co
MahaRERA Regn. No. P51700010242

... Respondent

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant, Mr. P. Chetty was himself present.

Respondent was represented by Mr. Abir Patel, Adv. (i/b Wadia Ghandy & Co.).

Order


August 31, 2018

1. The Complainants have purchased an apartment bearing no: 305 in the Respondent's project 'Patel Colossus Phase 1' situated at Kalyan, Thane via registered agreement for sale dated September 24, 2015. The Complainants stated that pursuant to the said agreement the Respondent was to handover possession of the apartment by December, 2017 but has failed to do so till date. Therefore, they prayed that the Respondent be directed to pay them 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*) and handover possession of the said apartment at the earliest.
2. The learned Counsel for the Respondent submitted that the project could not be completed for reasons beyond the Respondent's control. Specifically, he submitted that there was a stay order passed in a public interest litigation filed in the Honourable Bombay High Court restricting any kind of construction and the same was vacated in 2017. Thereafter, the Planning Authority has issued the Commencement Certificate



and the Respondent is now committing to handover possession of the apartment by June 30, 2021.

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 withdraw from the said project or 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 view of the above facts, the Respondent shall, therefore, handover the possession of the apartment to the Complainants before the period of June 30, 2021. The Complainants shall be at liberty to withdraw from the said project or 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.
5. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA