

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI  
COMPLAINT NO: CC006000000055427

Umesh Nehete

... Complainant

Versus

Tycoons Avanti Projects LLP  
MahaRERA Regn. No. P51700009933

... Respondent

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was himself present.

Respondent was represented by Ms. Sonam Singh, Adv.

Order

September 06, 2018

1. The Complainant had booked an apartment bearing no: C-1301 in the Respondent's project 'Tycoons Codename Goldmine Avenue I C' situated at Kalyan, Thane via booking letter in August, 2016. The Complainant stated that the Respondent is yet to execute and register the agreement for sale and that the Respondent had promised to handover possession of the apartment by February, 2020 but has now put the revised proposed date of completion as March, 2022 in their MahaRERA registration webpage. Therefore, he prayed that the Respondent be directed to refund the entire amount paid by him.
2. The learned counsel for the Respondent submitted that the Respondent is willing to execute and register the agreement for sale with the Complainant, if the Complainant reconsiders his stand and continues in the project.
3. On review of the Respondent's MahaRERA registration it is observed that they have put March 31, 2022 as the revised proposed date of completion which is an unreasonable time period for completion of the project. As per the provisions of the

Rule 4 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 the revised date of possession for an ongoing project has to be commensurate with the extent of balance development.

4. In view of the above facts, if the Complainant agrees to continue in the project, the parties are directed to execute the agreement for sale, as per the provisions of section 13 of the Real Estate (Regulation and Development) Act 2016 and the rules and regulations made thereunder within 30 days from the date of this Order, which shall mention handing over possession of the said apartments, with Occupancy Certificate, to the Complainant on or before September 30, 2021. Further, if the Respondent fails to hand over possession of the said apartment within the stipulated time, the respondent shall be liable to pay interest to the complainant from October 1, 2021 till the actual date of possession, on the entire amount paid by the complainant to the respondent. The said interest shall be at the rate 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