

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,  
MUMBAI**

COMPLAINT No: CC006000000043995

Mr. Sadanand Nayak & Radhika Nayak

.....Complainants

Versus

M/s. Nirmal Lifestyle (Kalyan) Private Limited

MahaRERA Registration No. P51700005234

..... Respondent

Coram: Hon'ble Dr. Vijay Satbir Singh, Member -1

The complainant appeared in person.

Mr. Rohit Chavan a/w. Mrs Vaishali Mohite appeared for the respondent.

**Order**

(11<sup>th</sup> June, 2018)

1. The complainants have filed this complaint seeking directions from this Authority to the respondent to pay interest and compensation under Section-18 of the Real Estate (Regulation & Development) Act, 2016 for the delayed possession in respect of booking of a flat bearing No. 108, in the building known as "Spirit A", bearing MahaRERA registration No. P51700005234 at Shahad, Taluka Kalyan, Dist. Thane.
2. During the hearing, the complainant stated that they have purchased a flat bearing No. 108, in the respondent's project by executing an agreement for sale dated 05-07-2013 duly registered. As per clause No. 16 of the said agreement, the respondent was liable to handover possession of the flat to the complainants in 30<sup>th</sup> June, 2016 with grace period of 6 months i.e. by 31<sup>st</sup> December 2016. However, till date the possession is not handed over to the complainants; hence, they have filed this complaint seeking interest and

compensation for the delayed possession from the committed date of possession till the actual date of possession.

3. The respondent has stated that he could not hand over the possession of the flat to the complainants for the reasons which were beyond their control. However, he is ready to pay interest to the complainant from 1<sup>st</sup> May, 2017 as per the provisions of Real Estate (Regulation & Development) Act, 2016 and the Rules made there under till the actual date of possession i.e. 31<sup>st</sup> July, 2018. Accordingly, the respondent has submitted a written undertaking and the complainant No.1 has, accepted the said undertaking. The same is taken on record.
4. Considering the undertaking submitted by the respondent and his readiness to pay interest from 1<sup>st</sup> May, 2017, nothing survives in this complaint. Hence, the complaint stands disposed of.

(Dr. Vijay Satbir Singh)  
**Member -1, MahaRERA**