

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000001119

Lakhmendra Khurana
M/S Excel Realty N Infra Ltd
Versus

...

Complainants

Samarth Erectors and Developers
MahaRERA Regn: P51800010790

...

Respondent

Coram

Hon'ble Shri Gautam Chatterjee, Chairperson

10th November 2017

Order

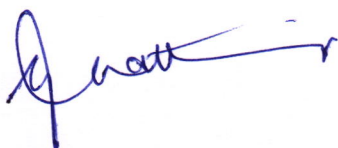
Complaint was pleaded by the complainant himself.

Respondent was represented by Mr. Mahesh Chavan, representative.

In 2009, the Complainant had booked six apartments in the respondent's project 'Samarth Enclave, F And G Wing Andheri Chhaya CHS' under draft agreements for sale and has paid substantial amount to the respondent towards consideration of the said apartments. The complainants alleged that despite several reminders the respondent has failed to register the agreements for sale and to handover possession of the said apartments even after eight years since having paid the said amount. Further, they argued there is a huge difference in the carpet area as promised in 2009 and that is stated by the respondent in their MahaRERA registration.

After hearing both the sides, the following directions are hereby given:


- 1) The respondent is directed to register the agreements for sale for the six apartments as per the provisions of Section 13 of the Real Estate (Regulation and Development) Act



2016 and the rules and regulations made thereunder within 45 days from the date of this order.

- 2) No escalation charges to be levied by the respondent on the agreed per square feet rate mentioned at the time of booking for the remaining amounts to be paid by the complainants.
- 3) In case the variation in the carpet area now offered is more than 3% than what was agreed to between the complainant and respondent, the respondent should allot additional apartment to the complainant in lieu of the carpet area thus decreased.
- 4) Finally, though the revised proposed date of completion mentioned in the MahaRERA website is 31/12/2022, the respondent shall handover the possession of the said apartments to the complainant before the period ending July 2019, which MahaRERA feels is commensurate with the extent of development already completed as per the provisions of 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, failing which the respondent shall be liable to pay interest to the complainants which shall be at the rate of the State Bank of India highest Marginal Cost of lending Rate plus two percent prevailing at such time 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 for the period of April 2018 till the actual date of possession.

Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA