

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC00600000000461

Prasenjit Halder ... Complainant

Versus

Ekta Parksville Homes Pvt Ltd ... Respondent
MahaRERA Regn.No. P99000000115

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was himself present

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

Order

January 31, 2018

1. The Complainant had booked an apartment bearing No. 704-D in the Respondent's project 'EKTA PARKSVILLE PHASE II' situated at Virar, Thane through an application form dated December 19, 2010. Complainant alleged that he was promised possession of the said apartment by December 2013 but the Respondent has failed to do so. Therefore, he prayed that the Respondent be directed to refund the entire amount paid by him along with interest and compensation as per the provisions of section 18 of the Real Estate (Regulation and Development) Act 2016.
2. The advocate for the Respondent stated that they are willing to execute the agreement for sale. Further, he added that the Respondent is committing to handover the possession of the said apartment by December 31, 2018 as directed by MahaRERA in an earlier Order passed in the said project.
3. During the course of the hearing the complainant was explained that relief under section 18 cannot be granted to them as there is no registered agreement for sale executed between the parties. The complainant also expressed his willingness to consider continuing in the said project.



4. In view of the above facts, if the complainant intends to continue in the said project, the parties are directed to execute and register 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 60 days from the date of this Order. Thereafter, the respondent shall handover possession of the said apartment, with Occupancy Certificate, to the complainant before the period ending December 31, 2018, failing which the respondent shall be liable to pay interest to the complainant from January 1, 2019 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