

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

1. COMPLAINT NO CC006000000054566  
Rajesh Sharma
2. COMPLAINT NO CC006000000023600  
M Kranthi Kumar
3. COMPLAINT NO CC006000000023868  
Pournima Sagar Juikar
4. COMPLAINT NO CC006000000023389  
Abhishek Vijay Mokal
5. COMPLAINT NO CC006000000023710  
Murugadass Ganeswaran
6. COMPLAINT NO CC006000000044537  
Vinod Yashwant Chavan
7. COMPLAINT NO CC006000000054579  
Majid Ayub Duste
8. COMPLAINT NO CC006000000044541  
Satish Ganpati Jagdale
9. COMPLAINT NO CC006000000055069  
Rahul Bandekar
10. COMPLAINT NO CC006000000044495  
Bimla Sandeep Devadiga
11. COMPLAINT NO CC006000000044409  
Pankaj Sharma

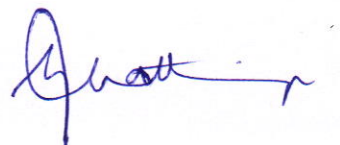
... Complainants

Versus

Vinay Agarwal  
MahaRERA Regn. No. P52000001043

... Respondent

Corum:  
Shri. Gautam Chatterjee, Chairperson, MahaRERA



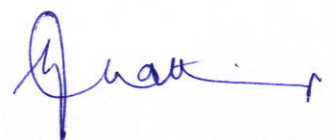
Complainants were themselves present.

Respondent was represented by Ms. Ritika Agarwal, Adv. a/w Ms. Sanjana Sudhakaran, Adv. and Mr. Salaman Balbale, Adv.

**Order**

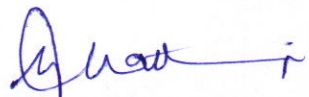
July 20, 2018

1. The Complainants have purchased apartments in the Respondent's project 'Balaji Symphony' situated at Panvel, Raigad via registered agreements for sale (*hereinafter referred to as the said agreements*). The Complainants have alleged that the dates of possession as stipulated by the said agreements have got over and that the Respondent has failed to handover possession of their apartments, till date. Therefore, they prayed that the Respondent be directed to pay them interest for the delay in handing over possession and commit to a reasonable timeline for handing over possession.
2. Learned Counsel for the Respondent submitted that the project could not be completed for reasons beyond the Respondent's control but well stipulated in the agreements for sale. Specifically, she submitted that there were delays in receiving approvals from the competent authority due to change in planning authority from the district Collector to the new authority NAINA. Further, she informed that the Respondent has already applied for obtaining the occupation certificate and that the Respondent is now committing to handover possession of the apartments by August 31, 2018.
3. The Complainants accepted the revised timeline but stated that the Respondent is yet to complete the construction work of the amenities. Further, they prayed the Respondent be directed to not charge them now for the amenities in the larger layout that are yet to be completed and handed over. They also requested that the Respondent be directed to provide them acknowledgement copies of the taxes paid by him to the Government Authorities, on behalf of the Complainants. The representative of the Respondent accepted the above points made by the Complainants.
4. In view of the above facts, the Respondent shall, therefore, handover the possession of the apartments to the Complainants before the period of August 31, 2018, failing which the Respondent shall be liable to pay interest to the Complainants from September 1,



2018 till the actual date of possession, on the entire amount paid by the Complainants 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. The respondent shall, therefore, not demand charges for facilities/amenities that are not being provided at the time of handing over possession and until such time the said facilities/amenities are provided for. If such amount has already been collected along with the consideration price of the apartment, then such amount should be adjusted in the balance payments payable. The respondent shall provide the Complainants with acknowledgment copies of the government taxes and charges paid by the Respondent on behalf of the Complainants.

5. Consequently, the matters are hereby disposed of.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA