

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NOS:

Yobu Joseph	CC006000000022918	
Kashinath Shirwadka	CC006000000022989	
Gopal Kawali	CC006000000023008	
Dinesh Bhalekar	CC006000000023016	
Raghunath Sawant	CC006000000022931	
Shivajyothi Yobu	CC006000000023034	
Prasad Dagle	CC006000000022960	
Prashant Mungekar	CC006000000023142	... Complainants

Versus

Samarth Krupa Developer		
MahaRERA Regn. No. P51800008706	...	Respondent

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

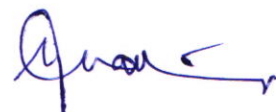
Complainants were themselves present along with Mr. Tejas Vaidya, Adv.

Respondent was represented by Mr. Chintan Savla, Partner along with Mr. M.K. Tanna, Adv.

Order

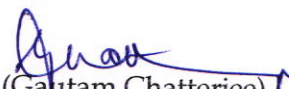
May 11, 2018

1. The present complaints have been filed by allottees who have purchased apartments via registered agreements for sale in the Respondent's projects 'ANAND MANGAL' situated at Kurla, Mumbai. The Complainants, in their complaints, have alleged that the Respondent has failed to handover possession of their apartments till date, though pursuant to their respective agreements for sale, the Respondent was required to handover possession of the apartments in 2016.
2. The Complainants, who are interested in getting possession of their completed apartments, have, inter-alia, prayed that the Respondent be directed to pay interest, on delay, as per the provisions of section 18 of the Real Estate (Regulation and



Development) Act, 2016 and to commit to a reasonable timeline for handing over possession of their apartments.

3. The advocate for the Respondent stated how in the said project, which is under the SRA scheme, the construction work could not be completed for reasons beyond the control of the Respondent. Further, he submitted that the Respondent is committing to hand over possession of the said apartments by September, 2018.
4. The Complainants submitted that their primary concern is getting possession of their completed apartments. Therefore, for the present moment they are more interested in having a definite time period for the project's completion from the Respondent and will not press for delayed interest under Section 18 of the Act, at this stage. Further, they submitted that if they do not see the efforts of the Respondent towards the completion of the project or otherwise at an appropriate stage, they should be at liberty to withdraw from the said project or demand interest, on delay, as per the provisions of section 18 of the Real Estate (Regulation and Development) Act, 2016 and the rules and regulations made thereunder, from the Respondent.
5. In view of the above facts, the Respondent shall, therefore, handover the possession of the apartments, with Occupancy Certificate, to the Complainant before the period of September 30, 2018.
6. Since, the Complainants have not pressed for directions for delayed interest under Section 18 of the Act, at this stage, and sought liberty to raise the same at an appropriate stage, no orders are being made with respect to the said prayer.
7. Consequently, the matters are hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA