

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO: CC006000000012528

Rajesh Talekar

... Complainant

Versus

Evalia Projects & Development Private Ltd  
MahaRERA Regn.No. P52000005298

... Respondent

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant represented Adv. Anwar Landge

Respondent was represented by Mr. Deepak Gosain, Representative

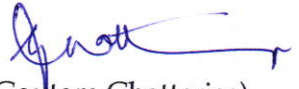
**Order**

January 30, 2018

1. The Complainant has booked an 2BHK apartment via a 'Letter of Intent' dated September 24, 2014 in the Respondent's project 'VIDA BUILDING B-1' situated at Ambarnath, Thane and though they have already paid the total consideration amount for the said apartment, no agreement for sale has been executed till date. The Complainant prayed that the Respondent be directed to refund the entire amount paid by the Complainant in respect of the said apartment and be permitted to withdraw from said project in terms of section 18 of the Real Estate (Regulation and Development) Act 2016.
2. The advocate for the Respondent explained how the construction work of the project has been delayed because of reasons which were beyond the Respondent's control. However, the Respondent expressed his willingness to execute the agreement for sale immediately. The Complainant too agreed to reconsider his decision to continue in the project if the possession is handed over in a reasonable time period.



3. On review of the Respondent's MahaRERA registration it is observed that they have put March 31, 2020 as the revised proposed date of completion which is an unreasonable time period for completion of the project. As per the provisions of the 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 the revised date of possession for an ongoing project has to be commensurate with the extent of balance development.
4. In view of the above facts and as agreed upon by both the parties, the parties are directed to execute 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 30 days from the date of this Order, which shall mention handing over possession of the said apartments, with Occupancy Certificate, to the Complainant on or before June 30, 2019. Further, if the Respondent fails to hand over possession of the said apartment within the stipulated time, the respondent shall be liable to pay interest to the complainant from July 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