

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

1. COMPLAINT NO: CC006000000055882  
Santosh Sabaji Sawant
2. COMPLAINT NO: CC006000000055905  
Rupesh Dhananjay Naik
3. COMPLAINT NO: CC006000000055907  
Anil Daulat Shirke
4. COMPLAINT NO: CC006000000055875  
Ramdas Shrirang Sanap
5. COMPLAINT NO: CC006000000055917  
Ravina Ravikant Pawar
6. COMPLAINT NO: CC006000000055919  
Santosh Shankar Waje
7. COMPLAINT NO: CC006000000055920  
Hanumant Dharmaji Katkar
8. COMPLAINT NO: CC006000000055921  
Kamini Krishna Bhosale
9. COMPLAINT NO: CC006000000055922  
Rupesh Subhash Shinde
10. COMPLAINT NO: CC006000000055924  
Shweta Shankar Karpe
11. COMPLAINT NO: CC006000000055953  
Santosh Sitaram Divekar
12. COMPLAINT NO: CC006000000055954  
Milind Krushna Kachare
13. COMPLAINT NO: CC006000000056046  
Abhay Ghatge
14. COMPLAINT NO: CC006000000056051  
Ganesh B Bhosale



15. COMPLAINT NO: CC006000000056192  
Himanshu Soni
16. COMPLAINT NO: CC006000000056193  
Swapnil Rajput
17. COMPLAINT NO: CC006000000056219  
Ashish Kumar
18. COMPLAINT NO: CC006000000056218  
Chandra Shekhar Azad
19. COMPLAINT NO: CC006000000056236  
Arun Kumar
20. COMPLAINT NO: CC006000000056238  
Subodh Kumar
21. COMPLAINT NO: CC006000000056246  
Sandeep Kumar
22. COMPLAINT NO: CC006000000056295  
Subhash Sampat Walave

... Complainants

Versus

Kuber Abhiraj Infra  
MahaRERA Regn. No. P51700008998

... Respondent

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants were themselves present.

Respondent was represented by Mr. Kundan Mhatre, authorised representative.

### Order

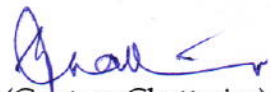
October 19, 2018

1. The Complainants have purchased apartments in the Respondent's project 'KUBER GANRAJ' situated at Titwala, Thane via registered agreements for sale. The Complainants stated that they have paid substantial amount towards the consideration of the apartments and that pursuant to the said agreements the Respondent was to handover possession of the apartments by May, 2016. Therefore, they prayed that the Respondent be directed to pay them interest, on delay, as per the provisions of section 18 of the Real Estate (Regulation and



Development) Act, 2016 (*hereinafter referred to as the said Act*) and handover possession of the said apartment at the earliest.

2. The authorised representative for the Respondent submitted that the project could not be completed for reasons beyond the Respondent's control. Specifically, he submitted that there were issues pertaining to land and obstructions were created by the adjoining land owner. Further, he submitted that in Complaint nos: CC006000000023959, CC006000000023963 and CC006000000023965, MahaRERA has already directed the Respondent to handover possession of the apartments by December 31, 2018 and that similar Orders be passed in these complaints too.
3. The Complainants submitted a declaration dated October 17, 2018 that at this stage, they are interested in having the project completed and will therefore not insist that the Respondent pay them interest for the delayed possession as on date, provided, the Respondent completes the project by committing to a reasonable timeline. Further, they submitted that if they do not see the efforts of the Respondent towards the completion of the project, they should be at liberty to demand interest 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 for the delay in completing the said project.
4. In view of the above facts, the Respondent shall, therefore, handover the possession of the apartments to the Complainants before the period of December 31, 2018. The Complainants shall be at liberty to demand interest at an appropriate stage, 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 for the delay in completing the said project.
5. Consequently, the matters are hereby disposed of.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA