

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,
MUMBAI**

Complaint No. CC0060000000057022

1. Mrs. Akashda Mohan Bandivadekar,

2. Mr. Mohan Ramakant Bandivadekar

.....Complainants

Versus

M/s. Amar Enterprises

....Respondent

Coram: Hon'ble Dr. Vijay Satbir Singh, Member – 1

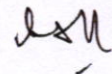
The complainant Mr. Mohan Bandivadekar along with one Sumit Kate and Adv. Mrs. Mrunalini Warunjikar present for the complainant. The authority letter in favour of Mrs. Warunjikar taken on record.

Adv. Abir P for M/s. Wadia Gandhi & Co. is present for the respondent

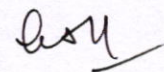
Order

(25th February, 2019)

1. The complainants by filing this complaint claim the interest on delayed possession from the respondent for the flat No. 603 on the 6th floor of the respondent's project known as Borivali Sahakar Niketan (Anuradha) CHSL at Eksar Road, Borivali (W), Mumbai-400 092. The complainants are seeking directions from this authority to award an amount of interest to the extent of Rs. 17,10,000/- for a period 31/3/2017 up to 31/3/2018 on the entire consideration amount i.e. Rs. 97,42,850/- paid to the respondent.



2. The advocate for the respondent disputes the claim of the complainants and submits that they are not at all entitled for payment of any interest as the delay in handing over the possession was due to circumstances beyond the control of the respondents. Paragraph 19 of the registered agreement for sale executed by the parties clearly stipulates that the respondent is not liable to pay any interest for the delay for the reasons, beyond their control as per the provisions of Section 8 of Maharashtra Ownership of Flats Act, 1963. He also submits that since the occupation certificate was already received for the project and the complainants had already taken the possession of the said flat, they are not entitled for any interest as per the provisions of section 18 of the Real Estate (Regulation and Development) Act, 2016.
3. After hearing, the learned advocate for complainants came seeks leave to withdraw this compliant with liberty to file a fresh compliant before the appropriate forum. She files the application for withdrawal duly signed by the complainant no. 2, the advocate for respondent has no objection to withdraw this complaint with liberty as prayed for by the complainant.
4. This complaint is disposed of as withdrawn with liberty to approach the appropriate forum.



(Dr. Vijay Satbir Singh)
Member – 1/MahaRERA