

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI
COMPLAINT NO: CC006000000023762

Barodawala Properties Pvt Ltd ... Complainant

Versus

Peninsula Land Limited
MahaRERA Regn. No. P51900005432 ... Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was represented by M/s. MDP Partners, advocates.
Respondent was represented by Ms. Rasika Waskar, authorised representative.

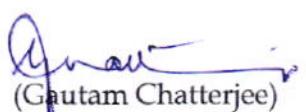
Order

May 24, 2018

1. The Complainant had booked apartments bearing No. 2301-A and 2601-A in the Respondent's project 'Celestia Spaces' situated at Sewri, Mumbai through an allotment letter dated March 27, 2015. The Complainants alleged that they were promised that the possession of the said apartment will be handed over to them by December, 2018 but has not put the proposed date of completion of the said project as 31st December 2020 in their MahaRERA registration webpage. Therefore, they prayed that the Respondent be directed to refund the entire amount paid by them along with interest and compensation as per the provisions of section 18 of the Real Estate (Regulation and Development) Act, 2016.
2. During the course of the hearing, the advocate for the Complainant submitted that they are willing to consider staying in the said project provided a reasonable timeline for delivery of handing over possession is mentioned in the agreement for sale.
3. The advocate for the Respondent stated that they are willing to execute the agreement for sale and that the apartments will be handed over by December 2020 as stated in

their MahaRERA registration webpage. Specifically, he submitted that the said project is a 63-storey tower and that a timeline of minimum two years is required for completion of the said project.

4. The advocate for the Complainant submitted that the payment plan executed between the parties stated that the last payment is to be done in December 2018 and therefore the Respondent had agreed to handover possession by December 2018. The advocate for the Respondent submitted the payment plan was devised based on cost negotiations that happened between the parties and was not related to the delivery for handing over possession.
5. 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 and accordingly the timeline proposed by the Respondent is reasonable.
6. In view of the above facts, the parties, if the Complainant is interested in continuing in the said project, 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. The Respondent shall handover possession of the said apartment, with Occupancy Certificate, to the Complainants before the period ending December 31, 2020, failing which the Respondent shall be liable to pay interest to the Complainant from January 1, 2021 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.
7. Consequently, the matter is hereby disposed of.



(Gautam Chatterjee)
Chairperson, MahaRERA

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC00600000023762

Application for clarification of Order dated May 25, 2018

Barodawala Properties Pvt. Ltd. ... Complainant

Vs

Peninsula Land Limited
MahaRERA Regn. No. P51900009720 ... Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was represented by advocates of M/s. MDP Partners.
Respondent was represented by Ms. Rasika Waskar, Authorised representative.

Order

July 30, 2018

1. Complainant has filed an application for clarification of Order dated May 25, 2018 (hereinafter referred to as the *said Order*) passed by MahaRERA in the present complaint.
2. Matter was kept for hearing on July 23, 2018. Heard both the parties.
3. It was explained to the Complainant that the operative part of the said Order in para 6 is to be read in consonance with para 2 of the same.
4. In view of the above, no clarification in the Order dated May 25, 2018 is required.


(Gautam Chatterjee)
Chairperson, MahaRERA