

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000012387

Tushar Shetty

... Complainant

Versus

Bhupeshbabu Nilliparambil
MahaRERA Regn: P52000010454

... Respondent

Coram

Hon'ble Shri Gautam Chatterjee, Chairperson

Complainant was himself present.

Respondent was represented by Mr. Mahesh Deshpande, Authorised Representative.

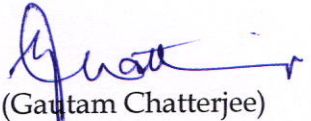
April 17, 2018

Order

1. The Complainant has purchased an apartment bearing no. 302 in the Respondent's project 'Enkay Garden - Lavender - Tulip' in 2010. The Complainant has alleged that though he was promised possession of his apartment in 2014, the Respondent has failed to handover possession till date. He added that, though other allottees have taken possession of their apartments a long time back, he has refused to take possession of his apartment until the building gets completion/occupancy certificate. Further, he stated that the Respondent has been raising demands for maintenance charges from him though he is not residing in the building and has also levied penalty of 21% interest on the Complainant for non-payment of such dues.
2. Therefore, the Complainant prayed the Respondent be directed to obtain completion certificate from the concerned competent authority at the earliest and to not demand maintenance charges till the time he obtains the completion certificate for the said project and hands over proper possession.



3. The advocate for the Respondent submitted that the said project is complete in all respect and that the building is already occupied; however, the Complainant has not taken possession of his apartment. Further, he submitted the Respondent is committing to obtain the completion certificate from the concerned competent authority by June 2018.
4. In view of the above facts, the Respondent is directed to handover possession of the said apartment, to the Complainant before the period ending June, 2018, failing which the Respondent shall be liable to pay interest to the Complainant from July 1, 2018 till the actual date of obtaining the occupancy certificate, on the entire amount paid by the Complainant to the Respondent. The said interest shall be, 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. Further, the Complainant shall be required to pay the maintenance charges (principal amount only) only after receiving possession of his apartment.
5. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA