

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

Complaint No. CC006000000056975

Vishwajit A Gaikwad

..... Complainant

Versus

Emmanuel Patten

..... Respondent

Project Registration No. **P52000012402**

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

Complainant present in person a/w Adv. Mayur Shikhare.

Respondent present in person.

ORDER

(29th May, 2019)

1. The complainant is a developer of the project "**Avaj Residency**" at village Vichumbe, Taluka Panvel, District Raigad. He has filed this complaint against the allottees of the project claiming they were not making the payments as required for the project in accordance with the agreement.
2. The complaint was heard in the presence of concerned parties on 27th May, 2019. The complainant submitted that, he had almost completed the project and allottees are supposed to make payment of 98% of their consideration value according to the payment schedule in the agreement. They have paid varying amounts mostly between 80% to 90% till the date.
3. The respondent at the time of hearing pointed out that, they had already paid 90% of the payment. In earlier complaint bearing No. CC00600000000826 made by the allottees, MahaRERA had already directed the respondent

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(present complainant) to pay interest for delayed possession, however, he failed to comply with the directions. He further submitted that, the allottees were ready to pay balance amount.

4. After hearing the arguments of rival parties and documents submitted by them, it is clear that most of the allottees had paid 90% of the consideration value of their respective units. According, to the payment schedule in the agreement, they have to pay 98% before possession.
5. At the same time, the complainant/ developer has been directed to pay interest for the period of delay to the complainants. The amount of interest can be adjusted against the outstanding payment of the allottees and balance amount can be recovered / paid at the time of possession.
6. In view of the above facts, the parties are directed to take appropriate action. The complainant should handover possession after getting the occupancy certificate from the competent authority within a period of one month. Balance outstanding dues can be recovered from the allottees after providing set-off towards the outstanding amount. The complainant to pay remaining dues (if any) provided the complainant gets occupancy certificate for the project. The complainant stats that he will get the occupancy certificate within a period of one month.
7. In view of the above directions, the complaint stands disposed of.



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