

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

(1) COMPLAINANT NO: CC00600000023684

Shankar Narayan Nair ... Complainant

(2) COMPLAINANT NO: CC00600000023853

Bharat Shah ... Complainant

Versus

Runwal Constructions
MahaRERA Regn. No. P51800012621 ... Respondent

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

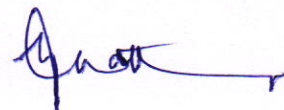
Complainant No. 1 was represented by Mr. Rajan Nair, authorised representative.
Complainant No. 2 was represented by Mr. Sachin Karia, Adv.

Respondent was represented by Mr. Saket Mone, Adv., a/w Mr. Subit Chakrabarty, Adv.,
a/w Ms. Neha Joshi, Adv (i/b. Vidhii Partners) a/w Ms. Kerban Ankelsaria.

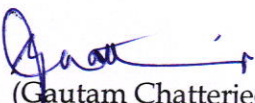
Order

May 21, 2018

1. The Complainants have entered into registered agreements for sale (*hereinafter referred to as the said agreements*) to purchase apartments in the Respondent's project 'Runwal Infinity' situated at Nahur Village, Mulund, Taluka Kurla, District Mumbai Suburban. The Complainants, in their complaints, have alleged that even though the said project was started in 2006, the Respondent has failed to complete the construction of the said project and handover possession of their apartments till date. They have also alleged that the Respondent has wilfully delayed the completion of the said project. Specifically, they submitted their apprehension that the Respondent may further delay the completion of the said project by making changes in the sanctioned plans and layout, with the intension of maximising profits.



2. The Complainants have, inter-alia, prayed that the Respondent be directed to pay interest, on delay, as per the provisions of section 18 of the Real Estate (Regulation and Development) Act, 2016 and to commit to a reasonable timeline for handing over possession of their apartments.
3. In Order dated April 2, 2018 passed by MahaRERA in various complaints filed against the said project, this Authority has already held that the reasonable time period which can be allowed to the Respondent for completion of the project in accordance with Rule 4 of 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, can only be established after the mitigating circumstances get over and the project work recommences. At present, the project work cannot be carried out due to the stop work notice issued by the BMC, pendency of the receipt of the environmental clearance and the status-quo Order issued by the Hon'ble Bombay High Court. Consequently, the time period which can be attributed to the Respondent for delay in handing over possession can neither be ascertained nor the date of handing over possession can be determined, at this stage.
4. In view of the above, the Respondent is hereby again directed to make serious efforts to expedite the process of obtaining the required sanctions/approvals for recommencing the project work at the earliest and to complete the construction work of the said project in a time-bound manner. Respondent shall also not unilaterally execute any cancellations in the said project, with respect to the Complainants in the present complaints.
5. Consequently, the matters are hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA