

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

COMPLAINT No: CC00600000023093

Mrs. Vidya Rajesh Kadam

..... Complainant

Versus

M/s. Nirmal Lifestyle (Kalyan) Private Limited

MahaRERA Registration No. P51700005234

..... Respondent

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

The complainants appeared in person.

Mr. Rohit Chavan appeared for the respondent.


**Order**

(21<sup>st</sup> March 2018)

1. The complainant is an allottee in the MahaRERA registered project bearing No. P51700005234 belonging to the respondent/promoter. She purchased a flat bearing No. 101 in Wing "A" admeasuring an area of about 4119 sq.fts. in the building known as "Spirit" at Kalyan Dist Thane. The said flat was purchased by her for a total consideration of Rs. 11,35,530/- vide registered agreement for sale dated 13<sup>th</sup> July 2013. As per the said agreement, the date of possession was 30-06-2016 with grace period of 6 months, i.e. 31<sup>st</sup> December 2016. On failure of the respondent to handover the possession of the said flat, he has filed this complaint, claiming interest and compensation under section 18 of the Real Estate (Regulation & Development) Act, 2016.
2. During the hearing, the complainant has claimed that despite making payment as required, the respondent/promoter had failed to handover the possession of the flat according to the registered agreement for sale.
3. However, the respondent has stated that as per the registered agreement for sale executed between them, the date of possession was

30-06-2016 with 6 months grace period i.e. 31-12-2016 and he is ready and willing to pay interest to the complainant as per the RERA Act, 2016 from 1<sup>st</sup> January 2017 till the actual date of possession.

4. Considering the above arguments of the parties and documents submitted by them, it is clear that there is delay on the part of the respondent in handing over of the possession of the flat to the complainant.
5. In view of the above facts, the respondent is directed to pay interest to the complainant from 1<sup>st</sup> January 2017 till the actual date of possession at the rate of Marginal Cost Lending Rate (MCLR) plus 2 % as prescribed under the provisions of Section 18 of the Real Estate (Regulation and Development) Act, 2016 and the Rules made there under.
6. With above directions, the complaint stands disposed of.



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