

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000001763

Pooja Durgaprasad Tambulwadkar
Durgaprasad Gundopant Tambulwadkar

... Complainants

Versus

Gadkari Builders & Associates
MahaRERA Regn.No. P51900011095

... Respondent

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

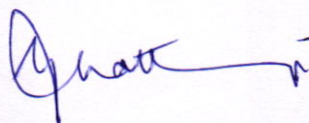
Complainant was himself present.

Respondent was represented by Adv. Manoj Harit (Manoj Harit & Co)

Order

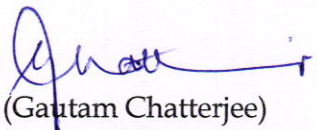
2 February 2018

1. The Complainants have entered into a registered agreement for sale (*hereinafter referred to as the said agreement*) on February 02, 2013 to purchase an apartment bearing No. 902, in the Respondent's project 'Srushti Enclave' located at Chembur, Mumbai. The date of possession, as stipulated in the said agreement, is on or about April 30, 2014 or when the Occupation Certificate is granted, whatever is later.
2. The Complainants alleged that the respondent has failed to hand over the possession of the said apartment till date period and therefore, they be directed to pay compensation and along with interest at 24% to the Complainants.
3. The advocate for the Respondent argued that the project could not get completed due to delay in obtaining permission for use of FSI on the floors above 9th floor. The Respondent has completed the building up to the 9th floor and applied for Part Occupation Certificate and he will be able to handover possession of the 9th floor apartment belonging to the Complainants, within the next six months.



4. Since the terms and conditions agreed upon between the parties in the registered agreement for sale stipulate that the date of handing over of the apartment shall be based on the date of obtaining OC and since the building is yet to obtain OC, the Complainants are not entitled to any interest on delay. However, keeping in view the balance work in the project, the respondent shall handover the possession of the said apartment, with Occupancy Certificate, to the Complainants before the period of June 30, 2018, failing which the Respondent shall be liable to pay interest to the Complainants from July 1, 2018 till the actual date of possession, on the entire amount paid by the Complainants 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. Both parties have agreed to the revised timeline of handing over possession of the said apartment.

5. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA