

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000012658

Sudha and Sonia Kedia ... Complainants

Versus

T Bhimjyani Realty Pvt.Ltd.
MahaRERA Regn. No. P51700004591 ... Respondent

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants were themselves present along with advocates of Regis Chambers.
Respondent was represented by Mr. Harshad Badbade, Adv.

Order

June 20, 2018

1. The Complainants have purchased an apartment bearing no. 304-C in the Respondent's project 'Neelkanth Woods Olivia' situated at Majiwade, Thane via a registered agreement for sale dated December 31, 2014. The Complainants alleged that the date of possession as stipulated by the said agreement was December, 2017 and that the Respondent has failed to handover possession of the said apartment, till date. Therefore, they prayed that the Respondent be directed to pay them interest for the delay in handing over possession and commit to a timeline for handing over possession of the said apartment.
2. The learned Counsel for the Respondent explained how the construction work of the project could not be completed because of mitigating circumstances, which are well stipulated for in the said agreement for sale. Further, he submitted that the Respondent is now committing to handover possession of the said apartment by May, 2019 which is much ahead of the time of November, 2020 given in the registration webpage. The Complainants also accepted the revised date for receiving possession of their apartment.

3. In view of the above facts, the Respondent shall, therefore, handover the possession of the apartment, with Occupancy Certificate, to the Complainants before the period of May 31, 2019, failing which the Respondent shall be liable to pay interest to the Complainants from June 1, 2019 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. Parties have amicably agreed on the revised payment terms for the balance amount to be paid by the Complainants.
4. Consequently, the matter is hereby disposed of.

(Gautam Chatterjee)
Chairperson, MahaRERA