

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NOS: CC006000000012227

Firoz Merchant

...

Complainant

Versus

Monarch and Querish Builders  
MahaRERA Regn.No. P51800010967

...

Respondent

Corum:

Shri Gautam Chatterjee, Chairperson, MahaRERA

Complainant was represented by Adv. Shashikant Kadam

Respondent was represented by Adv. Makrand Raut

**Order**

January 31, 2018

1. The Complainant had booked an apartment bearing No. 1904-A in the Respondent's project 'GAURAV LEGEND' situated at Andheri, Mumbai through an allotment letter dated August 20, 2010. Complainant alleged that the Respondent has failed to execute and register the agreement for sale and handover possession of the said apartment, even after the passage of 5 years. Therefore, he prayed the Respondent be directed to register the agreement for sale, handover possession in a stipulated time and pay him interest as per the provisions of section 13 and 18 of the Real Estate (Regulation and Development) Act 2016 (*hereinafter referred to as the said Act*).
2. The advocate for the Respondent stated the Respondent is yet to obtain the commencement certificate for the said part of the project and that he is likely to obtain the same before April 2018. Further, he stated that he is willing to execute the agreement for sale after obtaining the commencement certificate and handover possession of the said apartment within 18 months from the date of the registered agreement.



3. During the course of the hearing the complainant was explained that relief under section 18 of the said Act cannot be granted to him as there is no registered agreement for sale executed between the parties. The Complainant agreed to executing and registering the agreement for sale within 3 months provided the possession of the apartment is made available in 18 months from the date of executing the agreement for sale.
4. In view of the above facts, the parties are directed to execute the agreement for sale as per the provisions of section 13 of the said Act and the rules and regulations made thereunder within 90 days from the date of this Order failing which the Respondent shall be liable to refund the amounts collected from the complainant with interest, 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. The date of possession of the said apartments, with Occupancy Certificate, shall be within 18 months of date of executing the registered agreement for sale.
5. Consequently, the matter is hereby disposed of.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA