

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO. CC00600000000882

Sanjeev Kapur and Others ... Complainants

Versus

Monarch and Querish Builders
MahaRERA Regn.Nos. P51800010967 ... Respondent

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants were themselves present along with M/s. Lakshmi Murali and Associates.
Respondent was represented by Mr. Makarand Raut, Adv.

Order

April 26, 2018

1. The present complaints have been filed by allottees who have purchased apartments either via registered agreement for sale or allotment letters in the Respondent's projects 'GAURAV LEGEND' situated at Oshiwara, Mumbai. The Complainants, in their complaint, have alleged that even though the said projects were started in 2009, the Respondents have failed to execute agreements, complete the construction of the said projects and handover possession of their apartments till date.
2. The Complainants have, inter-alia, prayed that the Respondent be directed to pay interest to them 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. The advocate for the Respondent stated the said project is under the SRA scheme and the construction for the sale component could not be started due to delay in obtaining the Commencement Certificate (CC). Further, he submitted that the Respondent is committing to obtain the said CC by April, 2018 and that he will execute the




committing to obtain the said CC by April, 2018 and that he will execute the agreements for sale with the Complainants with whom he is yet to execute the agreements and shall handover possession of the apartments within 18 months from the date of obtaining the said CC.

4. On the next date of hearing on April 25, 2018, the Complainants submitted that the Respondent has not yet obtained the said CC. The advocate for the Respondent accepted that the said CC has been delayed due to technical reasons. Specifically, he submitted that the said CC could not be obtained due to delay in making the required payments to SRA, on the part of the Respondent. However, he submitted that the Respondent is at an advanced stage of discussion with an investor and in every likelihood the funds will be received at the earliest. He further reiterated that, irrespective of the delay in obtaining CC, the Respondent commits to handover possession of the apartments by December 2019.
5. The Complainants submitted that their primary concern is getting possession of their apartments. Therefore, they are more interested in having a definite time period for the project's completion from the Respondent and will not press for delayed interest under Section 18 of the Act, at this stage. Further, they submitted that the Respondent should not only commit to a timeline for completing the said project, but also some milestone to be achieved in between. If they do not see the efforts of the Respondent towards the completion of the project, they should be at liberty to withdraw from the said project or demand interest as per the provisions of section 18 of the Real Estate (Regulation and Development) Act, 2016 and the rules and regulations made thereunder, from the Respondent.
6. The advocate for the Respondent submitted that the Respondent has as on date completed the building up to the 9th floor slab. While he commits to complete the project by December 31, 2019, he also commits to complete the 15th floor slab for the said building by December 31, 2018.
7. On review of the Respondent's registration webpage it is observed that the Respondent has put December, 2022 as the revised proposed date of completion which is an unreasonable time period for completion of the project, as per the provisions of Rule 4 of the 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.

8. The Respondent is directed to execute and register the agreements for sale with the Complainants with whom he is yet to execute the agreements for sale, as per the provisions of section 13 of the Real Estate (Regulation and Development) Act, 2016 and the rules and regulations made thereunder, within 90 days from the date of this Order.
9. Additionally, in view of the commitments of a reasonable timeline made by the Respondent, the Respondent is directed to complete the 15th slab of the building by December 31, 2018 and the project by December 31, 2019. Since, the Complainants have not pressed for directions for delayed interest under Section 18 of the Act, at this stage, and sought liberty to raise the same at an appropriate stage, no orders are being made with respect to the said prayer.
10. Consequently, the matters are hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA