

**THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI.**

COMPLAINT NO: CC0060000000023476.

Babji Munagala

... Complainant.

Versus

* ~~Vinay~~
Vijay Shrivankumar Agarwal.
(Balaji Symphony)

... Respondents.

MahaRERA Regn: P52000001043

Coram: Shri B.D. Kapadnis,
Hon'ble Member & Adjudicating Officer.

Appearance:

Complainant: In person.

Respondents: Absent (exparte).

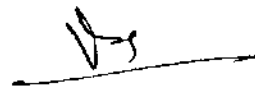
FINAL ORDER

27th July 2018.

The complainant has filed this complaint under Section 18 of Real Estate (Regulation and Development) Act, 2016 because the respondents have failed to deliver the possession of the flat no. J- 602 in respondents' registered project 'Balaji Symphony' situated at Panvel on the agreed date, September 2017. He wants to continue in the project and therefore, he claims interest on his investment from the date of the default made by the respondents in handing over the possession of the flat.

2. Despite the notices sent to the respondents, they failed to appear on 28.06.2018 and today on 27.07.2018 in the matter. Therefore, this matter proceeds exparte against them.

3 The complainant has produced the copy of the agreement for sale which shows that the respondents agreed to deliver the possession of the booked flat in March 2017 with the grace period of six months. So in any



circumstance, the respondents were to hand over the possession of the flat by the end of September 2017. The possession is not delivered till the date of the complaint.

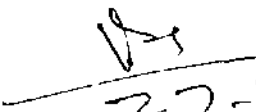
4. Under Section 18 of RERA, the complainant is entitled to get the interest at prescribed rate on his investment from the date of default till the possession of the flat is handed over. The prescribed rate of interest is 2% above the SBI's highest MCLR which is currently 8.5%. The complainant is also get Rs. 10,000/- towards the cost of the complaint. Hence, the order.

ORDER

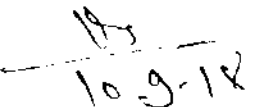
1. The respondents shall pay the complainant interest at the rate of 10.5% from 01.10.2017 till handing over the possession of the flat on his investment of Rs. 32,01,521/-.
2. The respondents shall pay the complainant Rs. 10,000/- towards the cost of the complaint.

Mumbai.

Date: 27.07.2018.


27.7.18

(B. D. Kapadnis)
Member & Adjudicating Officer,
MahaRERA, Mumbai.

* corrected ver 33 of RERA.

10.9.18