

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

1. COMPLAINT NO: CC006000000012475
Santosh Pawar
2. COMPLAINT NO: CC006000000023680
Santosh and Seema Vaidya
3. COMPLAINT NO: CC006000000012483
Kiran Dhamapurkar
4. COMPLAINT NO: CC006000000023967
Santosh Kable ... Complainants

Versus

Geetai Developers Private Limited
MahaRERA Regn. No. P51800008680 ... Respondent

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

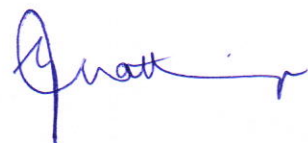
Complainants were themselves present.

Respondent was represented by Mr. Vinayak Gawade, Partner a/w Mr. Rahul Shelar, Adv.

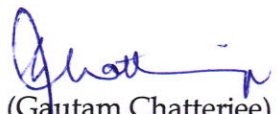
Order

June 15, 2018

1. The Complainants have purchased apartments in the Respondent's project 'BBJ Siena' situated at Kurla, Mumbai via registered agreements for sale. The Complainants have alleged that even though they have paid a significant amount to the Respondent, pursuant to the said agreements, the Respondent has failed to hand over possession of the apartments till date. Therefore, they prayed the Respondent be directed to hand over possession of the apartments at the earliest, by fixing a specified reasonable timeline.



2. Authorised representative for the Respondent explained that the construction work of the project could not be completed because of reasons which were beyond the Respondent's control. He stated that he is willing to handover possession of the apartments by December 31, 2018. The Complainants accepted the reasons forwarded by the Respondent and agreed to the timeline of December, 2018.
3. The Complainants submitted that at this stage, they are interested in having the project completed and will therefore not insist that the Respondent pay them interest for the delayed possession as on date, provided, the Respondent completes the project by committing to a reasonable timeline. Further, they submitted that if they do not see the efforts of the Respondent towards the completion of the project, they should be at liberty to 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 for the delay in completing the said project.
4. In Complaint No: CC006000000000572, Respondent was directed to handover possession of the apartments with Occupancy Certificate before the period of March 31, 2018. However, the Respondent submitted that he could not adhere to the said timeline due to various mitigating circumstances.
5. In view of the above facts, the Respondent shall, therefore, handover possession of the apartments, with Occupancy Certificate, to the Complainants before the period of December 31, 2018. Complainants shall be at liberty to demand interest at an appropriate stage, 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 for the delay in completing the said project.
6. Consequently, the matters are hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA