

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

COMPLAINT NO: CC0060000000023444.

Mr. Manojkumar Goyal

... Complainant.

Versus

Mr. N.K.Bhupeshbabu
(Enkay Garden - Orchid)

... Respondents.

MahaRERA Regn: **P52000012218**

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

Appearance:

Complainant: In person.

Respondents: Mr. Mahesh Deshpande.

FINAL ORDER

10th July 2018.

The complainant has filed this complaint to claim interest on his investment under Section 18 of Real Estate (Regulation and Development) Act, 2016 for respondents' failure to hand over the possession of his booked flat no. 102, Building No. 6, Orchid - Enkay Garden - Phase-II situated at Wavanje, Taluka Panvel, District Raigad on the agreed date 11.09.2017.

2. The respondents have not pleaded guilty. They have failed to file their reply, even after taking months' time for the same.

3. Following points arise for my determination and I record my findings thereof as under:

POINTS

1. Whether the respondents failed to hand over the possession of the booked flat on the agreed date?

FINDINGS

Affirmative.



2. Whether the complainant is entitled to get Affirmative.

Interest on his investment, on the respondents failure to deliver the possession of the flat on the agreed date?

REASONS

4. In order to support his contention the complainant has produced the agreement for sale dated 12.09.2016. It shows that respondents' agreed to hand over the possession of the booked flat within one year from the date of the agreement. The possession of the flat has not been handed over till the date of the complaint. Hence, I answer the point no. 1 in affirmative.

5. The complainant is entitled to claim interest on his investment on respondents' failure to hand over the possession of the booked flat on agreed date under Section 18 of RERA. Therefore, the complainant has filed payment format marked Exh. 'A' showing that he paid the respondents Rs. 25,42,419/- towards the consideration of the flat. So far as the last amount of Rs. 37,419/- deposited on 26.08.2017 is concerned, the complainant paid extra money for stamp duty and this extra amount of Rs. 37,419/- has been credited to his account by respondents by passing the receipt no.15089. Thus, I hold that the complainant is entitled to get simple interest at the prescribed rate which is 2% above SBI's highest MCLR, currently 8.5% on Rs. 25,42,419/-, from the date of default till receiving the possession of the flat. Complainant is entitled to get Rs. 20,000/- towards the cost of the complaint. Hence, the order.

ORDER

The respondents shall pay the interest at the rate of 10.5% on Rs. 25,42,419/- from 11.09.2017 till handing over the possession of the booked flat for every month of delay.



The respondents shall pay the complainant Rs. 20,000/- towards the cost of the complaint.

Mumbai.

Date: 10.07.2018.


10.7.18

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