

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

1. COMPLAINT NO. CC006000000023959
Kishor Kokate and Yogita Kokate
 2. COMPLAINT NO. CC006000000023963
Ashok Jadhav and Geeta Jadhav
 3. COMPLAINT NO. CC006000000023965
Nanasaheb Jadhav and Kavita Jadhav ... Complainants
- Versus
- Kuber Abhiraj Infra
MahaRERA Regn. No. P51700008998 ... Respondent

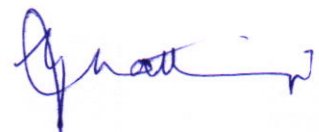
Corum:
Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants were themselves present.
Respondent was represented by Mr. Vinaya Sakpal, Adv.

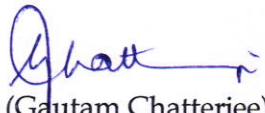
Order

July 4, 2018

1. The Complainants have purchased apartments in the Respondent's project 'KUBER GANRAJ' situated at Titwala, Thane via registered agreements for sale. The Complainants stated that they have paid substantial amount towards the consideration of the apartments and that pursuant to the said agreements the Respondent was to handover possession of the apartments by May, 2016. Therefore, they prayed that the Respondent be directed to pay them interest, on delay, as per the provisions of section 18 of the Real Estate (Regulation and Development) Act, 2016 (*hereinafter referred to as the said Act*) and handover possession of the said apartment at the earliest.



2. The Learned Counsel for the Respondent submitted that the project could not be completed for reasons beyond the Respondent's control. Specifically, he submitted that there were issues pertaining to land and obstructions were created by the adjoining land owner. Further, he submitted that the Respondent is now committing to handover possession of the apartments by December 31, 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 view of the above facts, the Respondent shall, therefore, handover the possession of the apartments to the Complainants before the period of December 31, 2018. The 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.
5. Consequently, the matters are hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA