

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,
MUMBAI
COMPLAINT No: CC006000000054830**

Mr. Krushna Bhangare

..... Complainant

Versus

AMKB Builders & Devlopers.

.... Respondent.

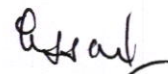
MahaRERA Registration No. P51700010153

Coram: Hon'ble Dr. Vijay Satbir Singh, Member-1

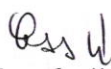
Complainants present in person.
None appeared for respondent.

ORDER
(8TH May, 2019)

1. The complainant had filed this complaint under section 18 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as RERA) seeking directions from MahaRERA to the respondent, mainly to pay interest for the delayed possession and to give possession of his flat no. D/201, in the respondent's project known as "**Rani Minnat Enclave**" bearing MahaRERA Registration No. P51700010153 at Dahanu, Palghar.
2. The complainant has argued that he had purchased the said flat in the respondent's project vide agreement for sale 28/12/2015 for a total consideration of Rs. 18,85,000/-. Out of this, the complainant had Total-4,00,000/-. The stipulate date of possession in the agreement was December 2016. However, the respondent failed to complete the project and handover the possession of the flat till date. The complainant has therefore claimed interest for delay under section 18 of RERA.



3. The respondent has filed the reply on record of MahaRERA and disputed the claims of the complainant, and submitted that the complainant has defaulted in payment to be made as per agreement. The date of possession of the said premises was subject to the full payment of purchase price and The complainant did not pay the taxes. He also stated that the project was delayed because of the unavoidable circumstances as electricity supply was not available and the sand was banned for 18 months. He further submitted that the project is complete and he has received the occupation certificate. He is ready to handover the possession on receipt of balanced amount.
4. The MahaRERA heard the arguments made by both the parties as well as their written submissions. In the present case, admittedly, the complainants have booked the flat in the respondent's project in the year 2015 and the agreed date of possession was December 2016. However, the project got delayed and the complaint could not get his flat till date.
5. The facts of this case show very clearly that the problems faced by respondents, as submitted in their reply, do not fall in the category of force Majeure. The complainant is therefore entitled to the interest for delay. The date of possession written in the agreement for sale is relevant to calculate the period of delay.
6. In view of above discussions, the respondent is directed to pay interest to complainant on the money paid by him at Marginal Cost Lending Rate (MCLR) plus 2 % interest for the period of delay till the date of actual possession under the provisions of Section 18 of the RERA and the Rules made there under. He can recover his date outstanding dues at the same rate for any default on the part of the complainant.
7. With the above directions, the case is disposed of.


(Dr. Vijay Sator Singh)
Member-1/MahaRERA

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,
MUMBAI
COMPLAINT No: CC0060000054830**

Mr. Krishna Bhangare

..... Complainant

Versus

M/s. AMKB Builders & Developers

..... Respondents

MahaRERA Registration No P99000012845

Coram: Hon'ble Dr. Vijay Satbir Singh, Member-1

Rectification of Order

(8th July, 2019)

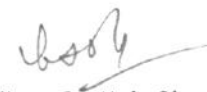
Rectification u/s 39 of the Real Estate (Regulation and Development) Act, 2016, MahaRERA21 regarding the order dated 8th May, 2019.

The complainant has brought into notice certain errors which have inadvertently occurred in the text.

After perusal of the order and an application by the complainant, following rectifications are allowed to be made:

1. In para number 1 the Project number corrected to the Project No.: P99000012845.
2. In para number 2 the project number is not mentioned hence no change in para 2.
3. In para number 3 the sentence "Out of this, the complainant had total- 4,00,000/- "is henceforth deleted.

No change in the operative part of the order or the nature of the reliefs provided.


(Dr. Vijay Satbir Singh)
Member-I /MahaRERA