

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000022855

Sonia Chibber
Vivek Chibber

... Complainants

Versus

RNA Corp Pvt. Ltd
MahaRERA Regn.No. P51700004482

... Respondent

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants were themselves present.

Respondent was represented by Ms. Neha Joshi, Adv., (i/b. Vidhii Partners).


Order

March 21, 2018

1. Complainants have purchased an apartment bearing No. F-803 in the Respondent's project 'RNA VIVA' situated at Mira Road, Thane via a registered agreement for sale dated August 29, 2012. Complainants alleged that at the time of booking the said apartment, Respondent had promised to handover possession of the said apartment by March, 2013 and that in spite of the project work being completed by 94% in April 2015, Respondent has failed to handover possession till date. Further, they alleged the Respondent had vide his letter dated May 21, 2016 informed them that the possession of the said apartment will be handed over by December, 2016 failing which interest at the rate of 10% per annum will be given starting from January, 2017. Complainants also alleged the Respondent has not displayed the sanctioned plans, layout plans, along with specifications, approved by the competent authority, at the project site.
2. Complainants therefore prayed the Respondent be directed to handover possession of the said apartment to them at the earliest and pay them interest as per the provisions of section 18 of the Real Estate (Regulation and Development) Act, 2016 (*hereinafter referred to as the said Act*). Further, they prayed the Respondent be directed to initiate the process of formation of Co-operative Housing Society as more than 51% of the bookings have been done in the said project.



3. Advocate for the Respondent argued the construction work of the project is delayed because of reasons which were beyond the Respondent's control. Further, she submitted the Respondent will hand over possession of the said apartment to the complainants by July, 2019 as stated in their registration web page.
4. As per the provisions of the Rule 4 of the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017 the revised date of possession for an ongoing project has to be commensurate with the extent of balance development. Accordingly, the timeline for handing over possession as stated by the Respondent is unreasonable, considering 94% of the project work was already completed in April 2015.
5. In view of the above facts, the respondent shall, therefore, handover the possession of the said apartment along with the amenities as registered, with Occupancy Certificate, to the complainants before the period of December 31, 2018, failing which the respondent shall be liable to pay interest to the complainant from January 1, 2019 till the actual date of possession, on the entire amount paid by the Complainants to the Respondent. Both parties agreed to the revised timeline of handing over possession of the said apartment. The said interest shall be at the rate as prescribed under Rule 18 of the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rate of Interest and Disclosures on Website) Rules, 2017. Further, if the Respondent has already executed and registered the agreements for sale for more than 51% of the apartments in the said project, the Respondent shall initiate the process for formation of the Co-operative Housing Society within 30 days from the date of this Order. Respondent shall also display sanctioned plans, layout plans, along with specifications, approved by the competent authority, at the project site as required under the said Act and rules and regulations made thereunder.
6. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA