

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,  
MUMBAI**

COMPLAINT No: CC005000000011455

Miss. Anuradha Madhukar Kulkarni

..... Complainant

Versus

M/s. D. S. Kulkarni Developers Ltd & 5 Ors

MahaRERA Registration No. P52100005572

..... Respondent

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

The complainant appeared in person.

None appeared for the respondent.

**Order**

(15<sup>th</sup> June, 2018)

1. The complainant has filed this complaint seeking directions from this Authority to the respondents to give early possession of her flat and to pay interest for the delayed possession in respect of booking of a flat bearing No. 707 in Wing 'B' of the building known as "DSK Nandanvan", bearing MahaRERA registration No. P52100005572 at Pune.
2. The complainant has argued that she had booked the said flat for a total consideration amount of Rs. 45 Lakhs. Out of which, she has paid an amount of Rs. 11 Lakhs till date. The respondents have executed registered agreement for sale with her on 7<sup>th</sup> January 2017. As per clause No. 12 of the said agreement, the respondents were liable to hand over the possession of the flat to the complainant by 30<sup>th</sup> June, 2017. However, till

date the respondents have failed to hand over the possession of the flat to the complainant. Hence the present complaint has been filed.

3. This matter was heard on 18-05-2018, 29-05-2018 and same was finally heard today. Though the hearing notice was duly served upon the respondents, they did not bother to appear before this Authority for hearing. It shows that the respondents are not willing to contest this matter. Hence, this Authority has no other alternative but to proceed with ex-parte against the respondents.
4. In this case, admittedly the respondents have executed registered agreement for sale with the complainant allottee and committed date of possession of the flat was 30<sup>th</sup> June, 2017. However, till date the possession of the flat has not been handed over to the complainant. Therefore, this Authority feels that the respondents have breached the provision of section 18 of the Real Estate (Regulation & Development) Act, 2016 and hence, he is liable to pay interest to the homebuyers.
5. This Authority also feels that the payment of interest on the money invested by the home buyer is not the penalty, but a type of compensation for delay as has been clarified by the Hon'ble High Court of Judicature at Bombay in above cited judgment dated 6<sup>th</sup> December, 2017 passed in W.P. No. 2737 of 2017. The respondents are liable to compensate the home buyer accordingly.
6. In the above facts and circumstances of this case, this Authority directs the respondents to pay interest to the complainant for the delayed possession at the prescribed rate under RERA Act, 2016, and the Rules made there under from 1<sup>st</sup> July, 2017 till the actual date of possession on the total amount paid by the complainant. The said interest shall be payable for

every month of delay as prescribed under the Real Estate (Regulation & Development) Act, 2016 and Rules made there under.

7. With these directions, the complaint stands disposed of.

(Dr. Vijay Satbir Singh)  
**Member-1, MahaRERA**