

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO: CC006000000078438

Avanish Gupta and Shankar Gupta ... Complainants

Versus

Right Channel Construction Pvt. Ltd.  
MahaRERA Regn. No. P51800009510 ... Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant, Mr. Avanish Gupta was himself present.  
Respondent was represented by Mr. Neil Trelawnex, authorised representative.

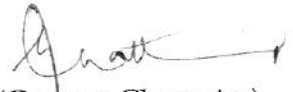
**Order**

April 24, 2019

1. The Complainants had booked an apartment bearing no. 702 in the Respondent's project 'Vrindavan' situated at Borivali, Mumbai via agreement for sale dated February 3, 2017. The Complainants stated that the date of handing over possession as per the agreement for sale is long over but the Respondent is yet to handover possession of the apartment till date. Therefore, the Complainants prayed that the Respondent be directed to handover possession at the earliest and pay them interest for the delay.
2. The authorised representative of the Respondent submitted that the Respondent has already applied for the occupancy certificate. Further, he submitted that there are balance payments pending on part of the Complainants.
3. In a previous Complaint no: CC006000000023902 and other subsequent Complaints filed against the said project, MahaRERA has already directed the Respondent to handover possession by August 31, 2018.



4. In view of the above facts and as decided in the earlier complaints, the Respondent will be liable to pay interest to the Complainant from September 1, 2018 till the actual date of possession, on the entire amount paid by the Complainants to the Respondent. 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 and shall be payable/set-off at the time of handing over possession.
5. The interest as stipulated at para 4 above to be adjusted/set off against any balance payments to be made by the Complainants, at the time of handing over possession.
6. Consequently, the matter is hereby disposed of.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA