

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

COMPLAINT No: CC006000000054592

Sachin Chandrakant Khokrale

.....Complainant

Versus

M/s. Nirmal Lifestyle (Kalyan) Private Limited

MahaRERA Registration No. P51700005583

..... Respondent

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

The complainant appeared in person.

Mr. Rohit Chavan a/w. Mrs Vaishali Mohite appeared for the respondent.

Order

(13th June, 2018)

1. The complainant has filed this complaint seeking directions from this Authority to the respondent to pay interest under Section-18 of the Real Estate (Regulation & Development) Act, 2016 for the delayed possession in respect of booking of a flat bearing Flat No. 1104, having carpet area of 474 sq.ft., on 11th floor of the building in the project known as "Platano-A", bearing MahaRERA registration No. P51700005583 at Shahad, Taluka Kalyan, Dist. Thane.
2. During the hearing, the complainant stated that he has purchased a flat bearing No.1104, in the respondent's project by executing an agreement for sale dated 06-06-2010 duly registered. As per clause No. 16 of the said agreement, the respondent was liable to handover possession of the flat to the complainant in December, 2014 with grace period of 6 months i.e. by 30th June, 2015. However, till date the possession is not handed over to the complainant; hence, the complainant has filed this complaint seeking interest for the delayed

dsr

possession from the committed date of possession till the actual date of possession.

3. The respondent has stated that he could not hand over the possession of the flat to the complainant for the reasons which were beyond their control. However, he is ready to pay interest to the complainant from 1st May, 2017 as per the provisions of Real Estate (Regulation & Development) Act, 2016 and the Rules made there under till the actual date of possession i.e. 31st July, 2018. Accordingly, the respondent has submitted a written undertaking and the complainant has accepted and confirmed the said undertaking. The same is taken on record.
4. Considering the undertaking submitted by the respondent and his readiness to pay interest from 1st May, 2017, nothing survives in this complainant. Therefore, the complaint stands disposed of.

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