

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000023252

Nihit Mathur ... Complainant

Versus

Ekta Parksville Homes Pvt. Ltd. ... Respondent
MahaRERA Regn.No. P99000000109

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was himself present along with Ms. Yasmin Tavaría, Adv.

Respondent was represented by Mr. Abir Patel, Adv., (Wadia Gandhi & Co.).

Order


April 10, 2018

1. The Complainant has purchased an apartment bearing No. 1104-K in the Respondent's project 'EKTA PARKSVILLE PHASE III' situated at Virar, Thane via a registered agreement for sale (*hereinafter referred to as the said agreement*) on June 13, 2014. The complainant has alleged that the date of possession as stipulated by the said agreement was December 2016 but the Respondent has delayed the possession and now put June, 2020 as the revised project completion date in their registration. He, therefore, intends to withdraw from the project as per the provisions of section 18 of the Real Estate (Regulation and Development) Act, 2016 (*hereinafter referred to as the said Act*).
2. The advocate for the Respondent argued that the construction work of the project is delayed because of mitigating circumstances which were beyond the Respondent's control. He added that the Respondent will be able to handover possession of the said apartment by October 31, 2018. Further, he offered to look into the issues raised by the Complainant pertaining to payment of pre-EMI by the Complainant. Both the parties agreed to arrive at a mutual settlement regarding the payment of pre-EMI. The



Complainant, thereafter, reconsidered his decision to withdraw from the project and accepted the possession date of October 31, 2018.

3. In view of the above facts, the Respondent shall, therefore, handover the possession of the said apartment, with Occupancy Certificate, to the Complainant before the period of October 31, 2018, failing which the respondent shall be liable to pay interest to the complainant from November 1, 2018 till the actual date of possession, on the entire amount paid by the complainant 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.
4. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA