

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC005000000010973

Shailesh Shyam More
Shyam Jagannath More ... Complainants

Versus

Omega Promoters Pvt Ltd
MahaRERA Regn. No. P52100011411 ... Respondent

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants were themselves present.


Respondent was represented by Mr. Rajendra Kale, Adv. (i/b kale & Shinde Associates).

Order
June 05, 2018

1. The Complainants have purchased an apartment bearing No. 701/L in the Respondent's project 'OMEGA PARADISE' situated at Mulshi, Pune via registered agreement for sale dated December 30, 2015. The Complainants have alleged that even though they have paid a significant amount to the Respondent, pursuant to the said agreement the Respondent was to hand over possession of the said apartment on or before 18 months of the said agreement i.e. June 2017, but has failed to do so, till date. Therefore, they prayed the Respondent be directed to hand over possession of the said apartment at the earliest, by fixing a specified reasonable timeline.
2. The advocate for the Respondent explained that the construction work of the project could not be completed because of reasons which were beyond the Respondent's control and which are well stipulated in the terms and conditions of the agreement for sale. He stated that in order to complete the project, he has entered into a joint venture with 'Grave Buildcon' which has a 28% revenue share. He further submitted that he

has further transferred construction rights to 'Garware Builders' for construction of the top floors. Finally, he submitted that he is willing to handover possession of the apartment of the Complainant as per the stipulated period mentioned in the Respondent's webpage by December 31, 2018. The Complainant accepted the reasons forwarded by the Respondent and agreed to the timeline of December 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 December 31, 2018, failing which the respondent shall be liable to pay interest to the Complainant from January 01, 2019 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. The complainant is directed to pay outstanding dues to the Respondent only at the time of handing over possession of the apartment.
4. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA