

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO: CC006000000023278

Kanchan Roy ... Complainant

Versus

JSB Buildcon LLP ... Respondent  
MahaRERA Regn.No. P99000005051

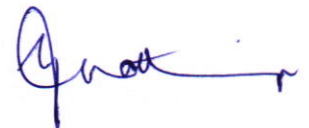
Corum:  
Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was herself present.  
Respondent was represented by Mr. Nilesh Gala, Adv., (i/b Lawsquare).

**Order**

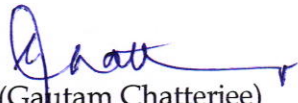
May 2, 2018

1. The Complainant has purchased an apartment bearing no. 6A - 307 in the Respondent's project 'Nakshatra Greens' situated at Vasai, Thane via a registered agreement for sale (*hereinafter referred to as the said agreement*) dated March 19, 2015 and the date of possession as stipulated by the said agreement was June 2017. The Complainant has stated that the Respondent issued a final demand letter dated October 11, 2017 for possession, without the supporting Architect's Certificate of completion of the building. Therefore, she alleged that her financier refused to disburse the amount for want of the Architect's Certificate of completion of the building. The Complainant prayed that the Respondent be directed to handover possession of the said apartment at the earliest along with the Occupation certificate and also to pay interest for the delay.
2. The advocate for the Respondent submitted that the said project has been physically completed and that some of the allottees have already taken possession of their apartments. However, he submitted that the Respondent has not been able to obtain the Occupancy Certificate for the said project due to a public interest litigation filed in



the Hon'ble Bombay High Court pertaining to the wetland issue and the matters incidental thereto. Therefore, he argued that even though the project is complete in all respects, the Respondent cannot commit to a timeline for obtaining the Occupancy Certificate at this stage. He further, submitted that the Respondent is taking back the final demand raised in October, 2017 and will not raise any demands for the balance payment towards the consideration price of the said apartment till the Occupancy Certificate is obtained. The Complainant agreed for the same.

3. In view of the above facts, the Respondent shall, therefore, endeavour to obtain the Occupancy Certificate for the said project at the earliest. Further, since the project is going through mitigating circumstances, the Respondent shall not raise any demands for the balance payments towards the consideration price of the said apartment till the Occupancy Certificate is obtained.
4. Consequently, the matter is hereby disposed of.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA