

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

COMPLAINT NO: CC006000000001474

Mr. Jignesh Burmekar

.... Complainants

Versus

M/s. Sapphire Space Infracon Pvt Ltd
MahaRERA Registration No. P99000011436

..... Respondent

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

Mr. Rajendra Bhurmekar father of the complainant appeared in person.

Advocate Ms. Deepa Pahuja appeared for the respondent

Order

(20th December 2017)

1. The complainant has filed this complaint seeking directions of this Authority to the respondent to give early possession of the row house booked by him the MahaRERA registered project bearing No. P99000011436.
2. This matter was heard today. During the hearing the representative of the complainant has stated that since the respondent has delayed the possession of the row house, he wants to withdraw from the project and he requested for refund of the amount paid to the respondent.
3. The respondent has stated that due to the following reasons the project got delayed and same was beyond their control.
 - a. Imposition of blanket ban by the Hon'ble High Court at Bombay on dredging of river sand in or about September 2010 and consequent shortage in the supply of river sand. It had effected on whole real estate industry and the work came to a standstill and the constructions work got adversely impacted. The first contractor appointed by the respondent was running beyond schedule. The said fact was informed to the complainants to pay balance installment amount to be paid by them on completion of the construction milestone only. The respondent brought this to the notice of allottees and allowed them to pay the balance money on



the completion of construction. The shortage of sand resulted in price rise and cost escalation.

- b. In the meantime due to amendments in DCR in the year 2012 which resulted in the plans/ permissions being held up for prolonged period, the project got delayed.
- c. After termination of the first contractor the respondent appointed 2nd contractor in Jan 2012 to complete the pending construction work @ Rs 1054.5 per sq.ft. Even he failed to complete the construction work due to increase in construction cost and therefore his service was also terminated in Jan 2013.
- d. Thereafter due to business loss, the dispute arose between Shriram and Conglome. Then, the project got delayed.

However, the respondent stated that the row house of the complainant will get ready by January 2018 and he will hand over the possession of the same to the complainant by that time.

- 4. Considering the rival submissions made by both the parties, this Authority feels that in the complaint filed before this Authority, the complainant has sought directions to the respondent to give early possession of the row house booked by him and no prayer for refund or interest has been made by him. Hence the complainant cannot claim any relief which is not prayed for in this complaint. Moreover, the respondent has agreed to handover possession of the row house to the complainant by January 2018. Since the project is almost complete, this Authority directs the respondent to handover the possession of the row house to the complainant by 31st January 2018, failing which he shall be liable to pay interest as per the RERA Act and Rules made there under from 1st February 2018.
- 5. With these directions, the complaint stands disposed of.


(Dr. Vijay Satbir Singh)
Member-1