

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000022858

Tufail Ahmed Abdul Quddus ... Complainant

Versus

Hindustan Builder ... Respondent
MahaRERA Regn.No. P51800013658

Coram:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant represented by Mr. Rohit Pandey, Adv. (V.T.Dubey & Associates)

Respondent was represented by Ms. Manjula Kotwal, Adv.

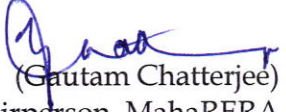
Order

19th March 2018

1. The Complainant has purchased an apartment bearing No. A-301 in the Respondent's project 'Minnat Apartment' located at Kurla via a registered agreement for sale dated 30th November 2012. However, the agreement for sale document does not mention a date of possession. The Complainant alleged that the date of possession was orally communicated as 31st December, 2014. However, till date the Respondent has failed to hand over the possession of the said apartment to the Complainant. The Respondent has now put a revised proposed date of possession as 31st December 2022 while registering the project with MahaRERA. The Complainant has, therefore, approached this Authority to direct the Respondent for early possession and delayed interest on the total consideration paid up to the physical possession of the said apartment.
2. The advocate for the Respondent explained the reasons due to which the project could not be completed till date. He also stated that no date of possession was mentioned in the agreement due to the uncertainties in the project which are well stipulated for in the said agreement and therefore, the question of delayed interest does not arise. He added that the consideration amount collected till now is commensurate to the progress of work in the project.



3. On review of the respondent's MahaRERA registration it is observed that the respondent has put December, 2022 as the revised proposed date of completion which is an unreasonably long time period. As per the provisions of the Rule 4 of the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017, the revised date of possession for an ongoing project has to be commensurate with the extent of balance development.
4. In view of the above facts, the respondent is directed to handover the possession of the said apartment to the complainant before the period ending September 2019, with Occupation Certificate, failing which the Respondent shall be liable to pay interest to the Complainant from 1st October 2019 till the actual date of possession, on the entire amount paid by the complainants to the respondent. The said interest shall be at the rate of the State Bank of India highest Marginal Cost of Lending Rate prevailing at such time plus two percent, 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.
5. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA