

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

Complaint No. CC006000000054859

Manjhusha Chaugule

..... Complainant

Versus

Housing Development and Infrastructure Ltd.

..... Respondent

Along with

Complaint No. CC006000000054862

Sayed Akhlaque Ahmed

..... Complainant

Versus

Housing Development and Infrastructure Ltd.

..... Respondent

Along with

Complaint No. CC006000000054863

Deepak Shankar Kamat

..... Complainant

Versus

Housing Development and Infrastructure Ltd.

..... Respondent

Along with

Complaint No. CC006000000054865

Dawood Abdullah Shah

..... Complainant

Versus

Housing Development and Infrastructure Ltd.

..... Respondent

Along with

Complaint No. CC006000000054988

Agnel Antonio Marian Pereira

..... Complainant

Versus

Housing Development and Infrastructure Ltd.

..... Respondent

Along with

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Complaint No. CC006000000001570

Melbourne B. Trinidade

..... Complainant

Versus

Housing Development and Infrastructure Ltd.

..... Respondent

Project Registration No. **P51800010758**

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

Mr. Suleiman Bhimani appeared for all the complainants.

Adv. Madan Mohan appeared for the respondent in all the above cases.

ORDER

(6th May, 2019)

1. The complainants are allottees in the project **Galaxy Apartments** being developed by the respondent. They have agreements for sale executed in the year 2011. As the respondent failed to handover the possession by the date stipulated in the agreement they have filed these complaints claiming interest under section 18 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred as RERA)
2. The complaints were heard in the presence of concerned parties. Written submission also filed by the respondent. The respondent argued that, this is the project of redevelopment having wings A to F of which A, B and E had completed and the possession was taken by the allottees. C wing had also completed and possession was given to the allottees and D wing is near completion.
3. The present complainants have their flats allotted in F wing which could not be completed so far because permissions by the Slum Rehabilitation Authority (SRA) have taken long time. The respondent has to complete the rehab component to get the permissions. The respondent pointed out that,

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the complainants have paid only 20% of the consideration value and he has completed 30% of the work and submitted that he would complete the remaining work immediately after getting the SRA approvals. There are 100 allottees in this project. Payment of interest to all these allottees can hamper the progress of the project and make it difficult for the respondent to handover the possession to the complainants.

4. The facts of this case clearly show that, F-Wing of the project could not be completed because of delay in getting the appropriate permissions from the concerned planning authorities. And there are no documents to show that he had diverted the money given to him for completion of the project. As the payment of interest to the complainants under section-18 of the RERA at this stage can adversely affect the construction work of the project, this issue can be considered when the project is near completion.
5. Consequently, the complaints stand disposed of.



(Dr. Vijay Satbir Singh)
Member – 1/MahaRERA