

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000001543

Modern Abodes Pvt.Ltd. ... Complainant


Versus

M/s. Kavya Mira Realty ... Respondent
MahaRERA Regn.No. P51700010584

Order


17th November 2017

1. The complainant has filed this complaint, stating that they have entered into registered agreement for sale vide 28th February 2013 to purchase an apartment bearing No. B-803 of Kavya Residency in Respondent's above mentioned Project. The complainant has paid 95% of the total consideration to the respondent. The date of possession was on or before December 2013, but till date the complainant has not received possession. Moreover, the Respondent has put a revised date of completion of the project on MahaRERA website as 31st December 2019, even though the construction of project is nearing completion. The complainant is not ready to wait till that time and requested for directions to the Respondent for handing over early possession of the apartment and interest on the money paid to the Respondent.
2. During the hearing held on 16th November 2017, Shri Vinod Kashid, Advocate, for Complainant and Ms. Aruna H. Ghadge, Advocate, for Respondent, appeared.
3. The Respondent stated that the construction work of the project is completed and the process for application for Occupancy Certificate is going on. The respondent further stated that High Court had ordered that without water connection and other necessary amenities which are to be provided by the local authorities, the local authorities should not issue Occupancy Certificate. It will take 4 to 6 months to obtain Occupancy Certificate and thereafter the respondent can hand over the possession to the complainant.
4. The complainant has paid 95 % of the total consideration and the construction work too, carried out at site, is commensurate with the amount paid. The revised date of possession for an ongoing project has to be commensurate with the extent of balance development as per 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 respondent shall, therefore, handover the possession of the said apartment to the complainant before the period of 31st March 2018, failing which the respondent shall be liable to pay interest to the complainant from 1st April 2018 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 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. Further, we direct that Respondent shall not demand the balance 5% consideration amount till the actual possession of the said apartment.
6. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA

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