

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO: CC006000000012088

Mr Koimavalappil V Madhusudhan  
Mrs Koimavalappil M Harsha

... Complainants

Versus

Sri Harsh Developers  
MahaRERA Regn.No. P51900012304

... Respondent

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants represented themselves.

Respondent was represented by Mr. Vijay Kamdar, Partner along with Advocate from M/s. Divya Shah Associates

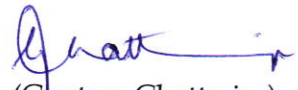
**Order**

March 15, 2018

1. The Complainants have purchased an apartment bearing no. 704(E) in the Respondent's project 'LE PALAZZO' situated at Girgaon, Mumbai via a registered agreement for sale dated July 21, 2008. The Complainants alleged that the date of possession as stipulated by the said agreement was February 21, 2009 and that in spite of having paid considerable amount for the said apartment, the Respondent has failed to handover possession of the said apartment. Therefore, they prayed that the Respondent be directed to pay them interest for the delay in handing over possession.
2. The advocate for the Respondent submitted that construction work of the project, which is a redevelopment project, was delayed because of reasons which were beyond the Respondent's control. However, the project now is nearing completion and he will be able to handover possession of the said apartment by September 2018. The Complainant accepted that there were mitigating factors due to which the project completion has got delayed. He, further, accepted the revised date of possession of September 2018.



3. In view of the above facts, Respondent shall, therefore, handover possession of the said apartment, with Occupancy Certificate, to the complainant before the period of September 30, 2018, failing which the respondent shall be liable to pay interest to the Complainant from October 1, 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 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.
4. The parties further agreed on the future balance payments to be made by the Complainant, only at the time of possession.
5. Consequently, the matter is hereby disposed of.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA