

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000012194

Zaheed Shamsuddin Shaikh
& 3 others

... Complainants

Versus

Damji Hari Constructions
MahaRERA Regn.No. P51700010871

... Respondent

Coram:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants were themselves present.

Respondent was represented by Mr.Dhamal Bhanushali

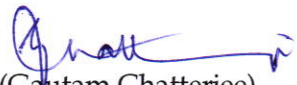
Order

01st March 2018

1. The Complainants have purchased apartments bearing No. 1207 and 1208 in the Respondent's project 'Pentagon Heights' located at Bhiwandi, Dist.Thane through registered agreements for sale executed on 18th June 2016 with possession date on or before June 2017. The Respondent, through discussion with the Complainants, had thereafter extended the date of possession from June 2017 to October 2017 and then to March 2018. However, since there is no possibility of completion of the said project till March 2018, the Complainants want to withdraw from the Project and have approached this Authority to direct the Respondent to refund the money under section 18 of the Real Estate (Regulation and Development) Act, 2016.
2. The Respondent explained how the delay in completion of the project and handing over possession of the said apartments has been due to mitigating circumstances beyond his control and which are already mentioned in the said agreement and also explained to the Complainants from time to time.



3. The Respondent further stated that the date of possession put on the MahaRERA website is 30th November 2018. However, he is ready to handover possession, with OC, to the Complainants on or before 31st May 2018. He further committed that, if the Complainants want, to relieve the burden of rent which they are paying at present, the Respondent is ready to immediately provide temporary alternate accommodation in another wing of the project which has been completed with OC, till the date of handing over the possession of Complainant's apartments.
4. The Complainants agreed to reconsider their prayer and continue in the project.
5. In view of the above facts and as agreed by the parties, the Respondent shall handover possession of the purchased apartments to the Complainants on or before the period ending May 2018, with OC, failing which the Respondent shall be liable to pay interest to the Complainants from 1st June 2018 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 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.
6. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA