

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000023126

Jayesh Parekh and others

...

Complainants

Versus

Hemant Parikh

...

Respondent

MahaRERA Regn.No. P51800012841

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants were themselves present.

Respondent was present on the first date of hearing, but failed to appear on 18th April 2018.

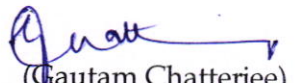
Exparte Order

April 20, 2018

1. The Complainants have purchased apartments in the Respondent's project 'Adora Enclave Residency/Commercial' situated at Ghatkopar, Mumbai through registered agreements for sale. The Complainants alleged that pursuant to the said agreements for sale, the Respondent was to handover possession of the said apartments within a reasonable time period but has failed to do so. Therefore, they prayed the Respondent be directed to commit to a reasonable timeline for handing over possession of their apartments and pay them interest for the delay.
2. During the hearing held on March 12, 2018, the Respondent argued that the construction work of the project is delayed because of reasons which were beyond the Respondent's control. Further, he submitted the said project is now complete and that some of the complainants have also taken possession of their apartments. He added that he has been unable to obtain the occupation certificate for the said project, because some of the Complainants have made internal changes in their apartments. Finally, he submitted that he is making all efforts to procure the Occupation certificate for the said project.



3. On the next date of hearing on April 18, 2018, the Respondent was not present.
4. On review of the respondent's MahaRERA registration it is observed that the respondent has put January, 2021 as the revised proposed date of completion which is an unreasonable 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.
5. In view of the above facts, the Respondent shall, therefore, handover the possession of the apartments, with Occupancy Certificate, to the Complainants before the period of June 30, 2018, failing which the Respondent shall be liable to pay interest to the Complainants from July 1, 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