

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO: CC006000000012457

Sandesh Sawant ... Complainant

Versus

Adcon Infrastructure ... Respondent  
MahaRERA Regn.No. P51800012085

Corum:  
Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was himself present.  
Respondent was represented by Adv. Jawahar Prajapati


Order

January 15, 2018

1. The Complainant has claimed that he entered into a registered agreement for sale on 20<sup>th</sup> April 2014 to purchase an apartment bearing No. 501, in the Respondent's project 'ADCON RESIDENCY' situated at, Malad, Mumbai. The complainant further alleged that the tentative date of possession was December 2014 and maximum delay upto March 2015.
2. The Complainant alleged that the respondent has failed to hand over the possession of the said apartment within the stipulated period and therefore he is eligible to seek interest as per the provisions of section 18 of the Real Estate (Regulation and Development) Act, 2016 (*hereinafter referred to as the said Act*).
3. The advocate for the Respondent argued that the parties have executed a subsequent registered agreement dated 30<sup>th</sup> June 2017 pursuant to which both the parties had agreed that the possession of the said apartment will be handed over by December 31, 2017. Further, he argued that the Complainant has also defaulted in making timely payments. However, he is willing to handover possession of the said apartment by July, 2018.



4. The Complainant accepted the revised date of possession given by the Respondent, provided he is given time till April 2018 to make payments of the arrears of the due consideration amount, without any delayed interest. Respondent accepted the same.
5. In view of the above facts, the Respondent shall, therefore, handover the possession of the said apartment, with Occupancy Certificate, to the Complainant before the period of July 31, 2018, failing which the Respondent shall be liable to pay interest to the Complainant from August 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.
6. Consequently, the matter is hereby disposed of.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA