

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000001499

Shreeram Chaurasia

...

Complainant

Versus

NHK Developers LLP
MahaRERA Regn.No. P51800007399

...

Respondent

Corum:

Shri Gautam Chatterjee, Chairperson, MahaRERA

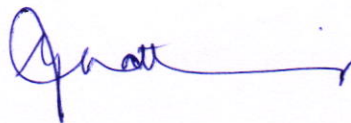
Complainant was himself present

Respondent was represented by Mr.Bhaves D.Vora, Manager

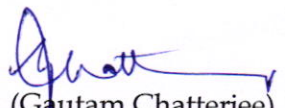
Order

January 22, 2018

1. The Complainant has purchased an apartment bearing No. 402-A in the Respondent's project 'Vastukalp Project' situated at, Bhandup (West), Taluka Kurla, Mumbai via agreement for sale dated August 10, 2014. The Complainant has alleged that he was promised possession of the said apartment within 2.5 years from the date of the said agreement but the Respondent has failed to do so. Further, he stated that the Respondent has put out the revised project completion date as December 31, 2024 in their MahaRERA registration and therefore he does not intend to continue in the said project and prays that the entire amount paid by them along with interest and compensation be refunded as per the provisions of section 18 of the Real Estate (Regulation and Development) Act 2016.
2. The advocate for the Respondent stated that no date of possession has been mentioned in the said agreement for sale. He further said that a fixed date of possession was never promised to the Complainant because of the risks involved in the redevelopment project.



3. During the course of the hearing the complainant was explained that relief for delay under section 18 cannot be granted to them as no specific date of possession has been mentioned in the said agreement executed and registered between the parties. The Complainant agreed to reconsider his decision regarding continuing in the project if a reasonable possession date is ordered.
4. On review of the respondent's MahaRERA registration it is observed that the respondent has put December, 2024 as the revised proposed date of completion which is an unreasonable time period for completion of the project. 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 the revised date of possession for an ongoing project has to be commensurate with the extent of balance development.
5. Therefore, the respondent shall handover possession of the said apartment, with Occupancy Certificate, to the complainants before the period ending December 31, 2020, failing which the respondent shall be liable to pay interest to the complainant from January 1, 2021 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