

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO: CC006000000000814

Hemant N. Gowda  
Renuka H. Gowda

... Complainants

Versus

Sheth Infraworld Private Limited  
MahaRERA Regn.No. P51800000882

... Respondent

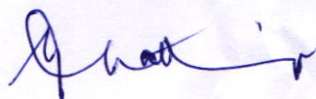
Coram: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant, Mr Gowda was himself present.  
Respondent was represented by Ms. Pragati Malle, Advocate.

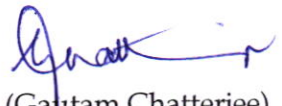
**Order**

21<sup>st</sup> March 2018

1. The Complainants have purchased an apartment bearing No. C-405 in the Respondent's project 'Sheth Midori' located at Borivali, Mumbai through a registered agreement for sale executed on 22<sup>nd</sup> May 2014 where the possession date was March 2016.
2. The Complainants have alleged that the Respondent has failed to hand over the possession of the said apartment within the stipulated period and therefore, they are entitled to be paid interest, for delay, by the Respondent 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 as per clause 32 of the said agreement the respondent is liable to hand over possession of the said agreement before March 2016 provided that there were no mitigating circumstances and that there is no default on the part of the allottee. Further, Respondent stated that the project is ready for handing over the possession and they have already applied for Occupation Certificate.



4. The parties, in the course of the hearing mutually agreed to a revised terms of payment of the balance consideration amount and a revised date of possession.
5. In view of the above facts, and as agreed by the parties, the Respondent shall handover the possession of the said apartment to the Complainants before the period ending May 2018, with OC, failing which the respondent shall be liable to pay interest to the Complainants from June 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