

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,
MUMBAI**

COMPLAINT No. CC005000000011759

Sayed Azizul Hassan

.... Complainant

Versus

HDIL

.... Respondent

MahaRERA Registration No. P51800016598

Coram: Hon'ble Dr. Vijay Satbir Singh, Member-1.

The complainant appeared in person.

Adv. Madan Mohan appeared for the respondents.

(ORDER)

(12TH September 2018)

1. The complainant has filed this complaint seeking directions from MahaRERA to the Respondent to obtain occupation certificate to the building known as Premier Exotica II at Kurla bearing MahaRERA Registration No. P51800016598. The complainant has also prayed for directions to the respondent to provide all the amenities including community hall, garden parking etc., in the said building and to pay all the taxes payable to the concerned authorities.
2. The matter was heard finally today. During the hearing, the Complainant has argued that he has booked the said flat in the respondent's project and the respondent had agreed to hand over possession of the said flat by December 2013. However, the respondent has not given the possession of the said flat and in the month of January 2016, the respondent has given "fit out possession" to him without obtaining the Occupation Certificate.

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3. In the said building, the respondent has not provided all the amenities agreed upon and also not provided water connection, firefighting equipment and even the pipeline connection that is provided has several leakage problems. The respondent has also not paid the requisite charges due and payable to the authorities like property taxes, water bills etc., which has resulted in concerned authorities issuing notice to the complainant.
4. The respondent has disputed the claim of the complainant and argued that they have completed the said building in time and applied for occupation certificate and the same is awaited. The respondent further argued that the complainant himself on his own, has taken the "fit out possession" and same was given with specific condition that it is for "fit out purposes" and not for residential use. Respondent further argued that they have revised the completion date of the project in the MahaRERA website as 31 December, 2018 by which time they expect to obtain the occupation certificate.
5. MahaRERA has examined the arguments made by both the parties. In the present case, it is an admitted fact that the complainant has been residing in his flat and said building has no occupation certificate. Even the amenities agreed upon by the respondent have not been provided. The respondent has revised the date of possession of the said project as 31.12.2018 by which time the respondent is bound to provide all basic amenities to the occupants of the said building.
6. In view of these facts, MahaRERA directs the respondent to obtain the Occupation Certificate for the said building within a period of two months from the date of this order and provide all amenities including potable water connection, firefighting equipment etc., as agreed upon under the registered agreement for sale. The respondent is also directed



to take steps for formation of the society of the flat/unit purchasers of the said building.

7. With these directions the Complaint stands disposed off.



Dr. Vijay Satbir Singh

(Member-I, MahaRERA)