

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO: CC001000000000029

Rajkumar Mishra ... Complainant

Versus

Prashant Kantilal Lathia ... Respondent  
MahaRERA Regn.No. P51600012427

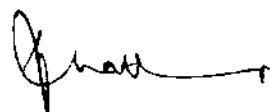
Coram:  
Shri Gautam Chatterjee, Chairperson, MahaRERA

Complainant represented himself.  
Respondent was represented by Shri Umesh Bhavsar, Director & Project Engineer


**Order**

26<sup>th</sup> December 2017

1. The Complainant has booked an apartment bearing No. C1-601 in the Respondent's joint venture project 'Maitreya Greens' located at Nashik through a registered agreement for sale executed on 30<sup>th</sup> December 2013. The date of possession, with grace period, was December 2016, which was extended various times by the Respondent in the meeting held with buyers and during the last meeting in April, 2017 it was extended till October, 2017. Till date, the Respondent has not handed over the possession of the said apartment to the Complainant. Therefore, the Complainant approached this Authority to direct the Respondent to hand over the possession at the earliest.
2. During the hearing, the Respondent stated that the construction work of the said project is completed 90 % and due to the revision in DC Rules and delay in giving approvals by the Competent Authority, the completion of the project has got delayed, which was beyond their control. The respondent further stated that they are ready to hand over possession of the said apartment to the complainant on or before 31<sup>st</sup> October 2018 i.e. the revised proposed date put on MahaRERA website.



3. The revised date of possession for an ongoing project has to be commensurate with the extent of balance development as per 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. For the balance work completion and obtaining of Occupancy Certificate, seven months is a reasonable period of time. Therefore, the Respondent shall handover the possession of the said apartment, with Occupancy Certificate, to the Complainant before the period of 31<sup>st</sup> July 2018, failing which the Respondent shall be liable to pay interest to the Complainant from 1<sup>st</sup> August 2018 till the actual date of possession, on the entire amount paid by the Complainant to the Respondent. The said interest shall be 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. Both the parties have agreed to this.
4. With the above directions, the matter is hereby disposed of.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA