

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,  
BANDRA, MUMBAI

COMPLAINT NO: CC006000000000724

Mr. Ravi Nair

.. .... Complainant

Versus

M/s. Nirmal Lifestyle (Kalyan) Pvt. Ltd.,

..... Respondent

**MahaRERA Registration No - P51700006342**

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

Date- 10<sup>th</sup> October 2017

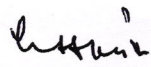
**Order**

- 1) The complainant has filed this complaint for claiming interest for delayed possession from the respondent in respect of Flat No. 303 on 3<sup>rd</sup> floor in building known as 'Glory' admeasuring about 600 Sq. ft. in MahaRERA registered project bearing No. P51700006342 at Village Vadavali, Kalyan. The complainant had purchased the flat vide registered agreement for sale dated 22-02-2013, for a consideration amount of Rs 22,09,320/-, out of which he has paid Rs. 20 lacs by obtaining loan of Rs 17 lacs . As per the agreement, the date of possession was June 2016 with grace period of 6 months. However, till date the possession has not been given by the respondent. Hence the complainant has prayed for interest for the alleged delayed possession.
- 2) This matter is heard today i.e. on 10-10-2017. During the hearing the complainant appeared in person and Mr. Rohit Chavan appeared on behalf of the respondent. The complainant reiterated his demand for the

payment of interest. However, the representative of the respondent replied that he is ready to settle the matter amicably as per the provisions of RERA Act, 2016 as he has already settled with the other allottees and therefore, he requested for an adjournment. The complainant refused to the said offer of the respondent.

3) Considering the rival submissions made by both the parties and after perusing the record of this Authority, particularly the registered agreement for sale dated 22-02-2013, it is clear that the possession of the flat has been delayed in this case. Hence the respondent is directed to pay an interest equal to the State Bank of India highest Marginal Cost of Lending Rate plus 2% as prescribed in Rule 18 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 from May 2017 onwards till the date of possession. The respondent shall pay the interest within a period of thirty days from the date on which such Interest, becomes due and payable to the complainant and shall also submit the compliance report before this Authority within a period of 30 days from the date of payment.

4) With the above directions, the complaint stands disposed of.

  
(Dr. Vijay Satbir Singh)  
**Member-1**