

**MAHARASHTRA REAL ESTATE**  
**APPELLATE TRIBUNAL UNDER RERA Act**

**No.AT006000000000153**

M/s. Gagan Horizon Venture.  
15B Wellesley Court, 2<sup>nd</sup> floor,  
Above BMW Showroom,  
Camp Pune 411 001.

.. Appellant/s

**V/s.**

Sunil Nathuram Uttekar  
C-213 University of Pune,  
Behind Ganeshkhind Post Office,  
Pune 411007

.. Respondent/s

Shri Alnesh Somji, Partner of Appellant was present.

Respondent Sunil Uttekar present.

CORAM :Hon'ble Shri K. U. CHANDIWAL, J.

Heard on : 17<sup>th</sup> April, 2018

Dictated/Pronounced on: 17<sup>th</sup> April, 2018

Transcribed on : 17<sup>th</sup> April, 2018

**:-ORAL JUDGMENT:-**

Heard finally.

1. The appellant has challenged legality and correctness of order dated 14.12.2017 recorded by Ld. Adjudicating Officer, MahaRERA whereby refund in terms of original complainant / allottee was directed with interest.
2. The appellant / promoter has put up his grievance as to what is the reasons that occasioned in delaying the project. He has clarified, the Environmental Clearance Committee did not clear the project in time and the Authority had asked to stop the construction activities and ultimately he got the Certificate on 21.10.2015. Now he says he got clearance but Certificate is yet awaited.



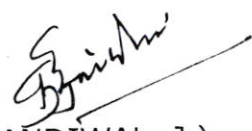
3. The Ld. Adjudicating Officer in para 7 of the Order has explained the situation as to carrying the risk by the promoter having sufficient experience in the open market, the promoter is expected to have a fair assessment of the time required for completing the project.
4. Today, the promoter had even offered payment of rentals or payment of Rs.8 to 10,000/- per month and an assurance to hand over the flat by end of June 2018. However, these offers are declined to be honoured by the allottee.
5. In the fact situation, different view cannot be expressed.
6. In the light of spirit indicated in Sec. 18 of RERA Act, it is initial desire of the allottee, which is paramount and hence at this stage no consolation can be extended to the appellant though the appellant says that the fault was with the Environmental Committee. Hence no interference in the order dated 14.12.2017.

**-:ORDER:-**

1. Appeal No.AT006000000000153 dismissed.
2. No costs.

Dictated and pronounced in open Court today.

Place: Mumbai  
Dated: 17th March, 2018

  
(K. U. CHANDIWAL, J.)  
President,  
Maharashtra Revenue Tribunal,  
Mumbai  
& I/c. Maharashtra Real Estate  
Appellate Tribunal, (MahaRERA),  
Mumbai