

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,  
BANDRA, MUMBAI

COMPLAINT NO: CC006000000000466

Mr. Anand Kapure .. .... Complainant

Versus

M/s. Jangid Construction ..... Respondent

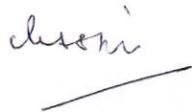
**MahaRERA Registration No - P51700004127**

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

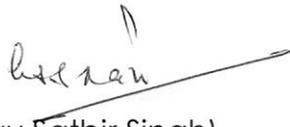
Date- 4<sup>th</sup> October 2017

**Order**

- 1) The complainant has filed this complaint for claiming interest for delayed possession from the respondent in respect of the Flat No. 1309 on 13<sup>th</sup> floor in MahaRERA registered project bearing No. P51700004127 at village Kavesa at Thane. The complainant alleged that he booked the said flat on 20-07-2015 for an amount of Rs. 92,48,600/- , out of which he paid an amount of Rs. 91,99,874 till date and the outstanding amount was Rs. 48,726/- only. The complainant further alleged that as per the registered agreement for sale dated 23-03-2017, the date of was June 2016. However the respondent had not given possession of the said flat so far. Hence the complainant has therefore demanded interest for the period of delay.
- 2) This matter was heard by Full Bench of MahaRERA on 26-09-2017 , when the complainant and Advocate for the respondent Mr. Sonappa Nandrankar appeared for hearing. On that day the advocate for the respondent sought time to settle the matter amicably and hence the matter was adjourned to 4-10-2017.



- 3) This matter was again heard on 4-10-2017, when the parties informed this Authority that they had failed to reach the settlement. The complainant reiterated his demand for payment of interest. However the advocate for the respondent replied that he could not handover the possession of the flat to the complainant, due to the order dated 5-5-2017 passed by the Hon'ble High Court in PIL No. 36 of 2016 , restraining the planning authority from issuing the Occupation Certificates. He further clarified that the date of possession as per the agreement should be June 2017 and not June 2016. The building was nearing completion and possession could be given to the complainant in three months after the vacation of the stay order by the Hon'ble High Court at Bombay.
- 4) Considering the rival submissions made by both the parties and after perusing the record of this Authority particularly the registered agreement for sale dated 23-03-2016 , 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 2% more than the MCLR as prescribed in Section 18 of the RERA Act, 2016 and Rules made thereunder from June 2017 till the date of possession. Any amount already paid by the respondent to the complainant in this regard may be taken into account while making the payment of interest amount. The respondent shall also submit the compliance report before this Authority within a period of 30 days from the date of payment.
- 5) With the above directions, the complaint stands disposed of.

  
(Dr. Vijay Satbir Singh)  
Member-1