

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

Complaint No. CC006000000001570

Mr. Melbourne B. Trinidad

Melba B. Trinidad

.... Complainants

Versus

M/s. Housing Development and Infrastructure Ltd

Project Registration No. P51800010758

.... Respondent

Coram: Dr. Vijay Satbir Singh, Hon'ble Member – I/MahaRERA

Heard Mr. Suleman Bhimani for Complainant.

Adv. Madan Mohan for Respondent.

ORDER

(13th February, 2020)

1. The complainants have filed this complaint seeking directions from the MahaRERA, to the respondent, to pay the interest for delayed possession under section-18 of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred to as "RERA"), in respect of booking of their flat bearing no. C-1706 on the 17th floor admeasuring 58.14 sq. mtr. in the respondent's project named "**Galaxy Apartments CDF Wings**" situated at Kurla, bearing MahaRERA registration No. P51800010758.
2. The complaints were heard on several occasions and the same were heard finally on 30/04/2019. The MahaRERA has passed a common order dated. 06/05/2019 in the present complaint along with others. However, the present complainant has made this application seeking individual order in this complaint since the facts of the present case are different from the said other complainants.
3. However, It has come to the notice of the MahaRERA that, by virtue of an order dated 20th August 2019 in CP (IB) No. 27/I & BP/MB/2019 passed by the National Company Law Board Tribunal (NCLT), Mumbai bench, the respondent is under an insolvency resolution process and that an insolvency resolution professional has already been appointed by the said order.

4. In light of the above, the MahaRERA has passed an order in complaint no. CC006000000054568 and 57 other complaints filed in the respondent's other project. The respondent vide its letter dated 30th September 2019, has informed MahaRERA about the same and requested to keep all these complaints in abeyance till final disposal of the matter pending before the National Company Law Board Tribunal (NCLT). Further, pursuant to section-7 (2) of the Insolvency and Bankruptcy Code, 2016, the National Company Law Board Tribunal (NCLT) has already imposed a moratorium against institution or continuation of any suits or proceedings against the respondent till the Insolvency Resolution Process is completed.

5. Para 10 (IV) of the said Order dated August 20, 2019 reads as thus:

...The order of moratorium shall have effect from 20.08.19 till the completion of the corporate insolvency resolution process or until this Bench approves the resolution plan under sub-section (1) of section 31 or passes an order for liquidation of Corporate Debtor under section 33, as the case may be....

6. In view of the above facts, since the insolvency petition pending before National Company Law Board Tribunal (NCLT) may take some time, it is not justified to keep these complaints pending till final disposal of the said process. Therefore, the present complaints stand disposed of. However, the complainants are at his liberty to approach the MahaRERA after final disposal of the insolvency resolution process.

7. Consequently, the complaint stands disposed of with liberty to the complainants to file the complaint afresh.



Dr. Vijay Satbir Singh
(Member I, MahaRERA)