

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

Complaint No. CC006000000079389

Mr. Mrugen Munjpara

.... Complainant

Versus

M/s. Pavitra Gruh Sahay LLP

.... Respondent

Project Registration No. **P99000003262**

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

Complainant appeared in person.

Adv. P. Hari appeared for the respondent

ORDER

(20th January, 2020)

1. The complainant has filed this complaint seeking directions from the MahaRERA, to the respondent, to pay interest / compensation under Section 18 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as RERA) in respect of booking of a flat in the respondent's project known as "**Pavitratham**" Bearing MahaRERA registration No. P99000003262 situated at Tivri- Naigaon , Dist-Palghar.
2. This complaint was heard on several occasions and the same was heard finally today. During the hearing, the complainant has stated that, he has purchased the said flat in the respondent's project for total consideration amount of Rs. 11,11,111/- excluding the taxes. The respondent has issued an allotment letter on 11/10/2011 and also executed registered agreement for sale with him on 16/06/2012. According to the said agreement, the respondent was liable to handover the possession of the said flat to the complainant within a period of 36 months with grace period of six months i.e. December 2015. Till date, he has paid an amount of Rs. 12,81,492/- to the respondent. The respondent has




handed over fit out possession of the said flat and though he has obtained occupancy certificate on 08/07/2019, he has not given official possession letter to the complainant. The complainant therefore, filed this complaint seeking relief as prayed for in this complaint.

3. The respondent on the other hand, has filed his written submissions on record of MahaRERA and contested the claim of the complainant by raising various issues including the suppression of the fact that, this project is undertaken by the respondent on "No Profit Basis" i.e. cost to cost basis which is being promoted by a charitable trust known as 'Pavitra Dham Charitable Trust' for providing housing to Economically Weaker Section and Low Income Group. The said fact is highlighted in the clause 6 of the said agreement for sale executed with the complainant on 16/06/2012.
4. The respondent further stated that, the said project got delayed due to circular dated 26/09/2017 issued by the Central Government for preservation of Wet Lands under Wet Land Act, 2010. Thereafter, several litigations were filed before the Hon'ble High Court Bombay, wherein vide an order dated 14/10/2013, the Hon'ble High Court has clarified that, no reclamation of land for any kind of construction shall be permitted without the permission of Hon'ble High Court and the Secretary of Urban Development Department. In the said PIL, several parties have been joined and same is still pending before the Hon'ble High Court Bombay. The respondent further stated that, as per the clause 31 of the said agreement, the expected date for offering possession of the flat was 36 months with grace period of 6 months' subject to force majeure factors. Though the building was ready in the year 2016 and it has applied for occupancy certificate but for the reason and clarification of

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restriction of wet land, the occupancy certificate is withheld and the same was issued on 08/07/2019.

5. The MahaRERA has examined the arguments advanced by both the parties as well as the record. In the present case, admittedly the fit out possession was offered to the complainant in September 2017. Now the project is complete and occupancy certificate is obtained on 08/07/2019. Therefore, MahaRERA directs the respondent, to handover the possession letter to the complainant within a period of 8 days from the date of this order, failing which appropriate action under the provisions of RERA would be taken against the respondent.
6. Since, the respondent has already obtained occupancy certificate and possession of the flat has been given to the complainant, the claim of the interest for the delayed possession cannot be entertained by MahaRERA at this stage.
7. With the above directions, the complaint stands disposed of.


(Dr. Vijay Satbir Singh)
Member – 1/MahaRERA