

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

Complaint No.CC005000000022425

1.Mr.Sagar Onkarrao Manjare	
2.Mr.Keshav Baburao Rathod	.. Complainants
Versus	
Saptshrungi Associates Through	
Its partner Milind Subhash Soitkar	
& Manisha Jaydeep Agnohotri	.. Respondent
P52100007629	

Coram : Shri.B.D. Kapadnis
Member-II

Appearance :
Complainants-In person
Respondents- Mr.Milind Soitkar, Partner

FINAL ORDER
28-11-2019


1. The Complainants have purchased apartment Nos. 203 and 202 respectively in the Respondent's project "Indrayani Complex" situated at Village Dehu, Taluka Haveli, District Pune, by executing agreements for their sale (hereinafter referred to as the said agreement). The Complainants have alleged that the date of possession, as stipulated by the said agreements is long over and that the Respondent is yet to hand over possession of the apartments till date. Therefore, the Complainants have interalia prayed that the Respondent be directed to handover possession of the apartments at the earliest and pay interest for the delay.
2. On review of the Respondent's registration webpage it is observed that the project registration has already lapsed.
3. The complainants are interested to take possession of their respective apartments at the earliest and this is their prime concern. Hon'ble Bombay High Court has observed in Neelkamal Realtors Pvt. Ltd. V/s Union of India that it is one



of the important functions of the Real Estate Regulatory Authority to see that the projects are completed. In this case the registration of the project has lapsed and therefore the only course to take the project to its completion is to proceed under Sections-7 and 8 of RERA. Since the project registration has lapsed, the allottees should explore the possibility of invoking the provisions of Section 7 and 8 of the said Act to complete the project. At this stage when the project is incomplete and the registration period is over, the only way forward would be to protect the right of the allottees by enabling them to form an Association for processing further under Section 7 & 8 of RERA.

4. In view of the above facts, the allottees are advised to take an informed decision pertaining to the said project and proceed under Section 7 & 8 of the Act as per the MahaRERA Order No.8/2019 dated March 29, 2019. The priority is the completion of the project which involves financial issues. The complainants in one sense are equity holders and since they are interested in completion of the project and taking possession of their flats, it is but reasonable that they should wait till the project is completed and thereafter they can re-agitate their right to claim interest on delayed payment.
5. The Respondent may seek the approval of the association of allottees for order under Section 7(3) of the said Act, as per MahaRERA Order No.7/2019 dated February 8, 2019 on lapse of Registration of Project for reviving and completing the said project, if it so desires.
6. Consequently, the matter is disposed of.

Camp at Pune
Date : 28-11-2019


28.11.19
(B.D.Kapadnis)
Member-II, MahaRERA

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MUMBAI.

COMPLAINT NO: CC005000000022425.

Mr. Sagar Onkarrao Manjare
Mr. Keshav Baburao Rathod

... Complainants.

Versus

M/s. Saptshrungi Associates Through
Its partner Mr. Milind Subhash Soitkar
and Manisha Jaydeep Agnihotri

... Respondents.

MahaRERA Regn: P52100007629.

Coram: Shri B.D. Kapadnis, Member-II.

Appearance:

Complainant: Complainant present.

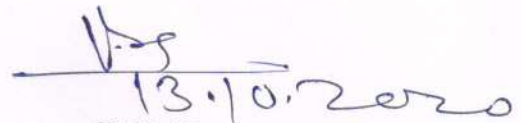
Respondents: Adv. Mr. Nilesh Borate.

ORDER ON THE RECOVERY APPLICATION.

13th October, 2020

The complainants have filed this application for getting the final order passed in his complaint on 28.01.2019 complied with. This Authority has directed the respondents to seek the approval of the association of the allottees for order under section 7(3) of the RERA as per MahaRERA Order No. 7 of 2019 dated 08.02.2019 on lapse of registration of the project for reviving and completing the said project if they so desire. Adv. Mr. Borate for the respondents brings to my notice that the order has been complied with and the registration of the project has been extended to 28.08.2021. This is the extended date of completion of the project. Therefore, I find that the order is complied with. Hence, this application stands disposed of as fully satisfied.

Date: 13.10.2020.


13.10.2020

(B. D. Kapadnis)
Member-II,
MahaRERA, Mumbai.