BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
CORAM :- SHRI R.K. MALABADE, ADJUDICATING OFFICER, PUNE-II

CC006000000480023/APPL/NC/1

Manasi Manish Puri
Manish Mahendra Puri .. Applicants-Complainants

Versus

Ram Developers
Shri Mukehsh Madhav Malve
Shri Mohan Baburao Shinde
Mr. Chunilal Dayalal Fariya.
Mr. Ramesh Bhiwa Patil
M/s Shree Sai Developers
Mr. Mukesh Madhav Patil .. Opponents-Respondents

MahaRERA Registration No. P51700008949

Appearance :-
Applicants-Complainants : Adv. Sneha Golecha
Opponents-Respondents : Adv. Rohan Mane

ORDER
(5th FEB. 2026)

1. This matter is referred to be under non-compliance of the common Final Order, dated 30.12.2024 passed by the Hon'ble Member-I, MahaRERA, whereby the respondent-promoter is directed to pay interest for the delayed possession to the complainants on actual amount paid towards consideration of the said flat at the rate as prescribed under Rule 18 from 01.01.2022 till the actual date of possession of the said flat. Further as per clause (c) the amount of interest payable by the respondent be paid after obtaining full O.C. and the respondent-promoter is at liberty to adjust the said amount to be paid at the time of possession .

2. The learned Adv. for the complainants submitted that O.C. is received and possession of the flat has been handed over to the complainant on 09.05.2025 as per possession letter however, the respondent has not adjusted the interest part, nor paid the outstanding dues towards the interest to be paid to the complainant at the time of possession. The respondent has also not filed disclosure affidavit of assets as per Circular No. 51/2025 of MahaRERA, despite directions given to the respondent. It is therefore, prayed for passing necessary order by issuance of recovery warrant and imposing penalty under Section 63 of RERA.
3. The respondent through their Adv. has filed written notes of arguments. According to the respondent, the construction cost increased tremendously and the hike was almost double than the original estimate. The promoter has obtained occupancy certificate and the complainant has received possession from the promoter. The delay caused only due to force majeure events as mentioned in the written notes of arguments, which were beyond the control of the promoter. It is therefore, the respondent prayed for rejection of the non-compliance application with cost.
4. Perused the final order, written notes of arguments and also heard learned Adv. for the complainant. Since the learned Adv. for the respondent, hence no oral submission on behalf of the respondent.
5. It appears that as per the final order, the directions are given to the respondent to adjust the interest part at the time of possession, since in view of the mitigating circumstances, as mentioned therein the order. No doubt,the complainant is entitled for the interest for delayed possession at the rate as prescribed, from 01.01.2022 till the date of possession i.e. 9th May, 2025. Calculation sheet is filed on record. In view of the

said final order, the respondent has not paid the remaining interest amount after adjustment at the time of possession. Hence there is non-compliance of the said final order. The respondent has also not filed affidavit of disclosure of assets as per the Circular No.51/2025 of MahaRERA though the directions are given in the Roznama dated 25.11.2025. There is also breach of the directions in the final order.

6. In view of the above, I therefore, proceed to pass following order

ORDER

(a) Issue Recovery Warrant against the respondent for recovery of dues as per the final order, directing the concerned District Collector to recover the same in accordance with law under section 40(1) of RERA.

(b) The respondent is liable to pay penalty as per Section 63 of RERA, at the rate of Rs.1,000/- per month w. e. f. 10.05.2025 till compliance, which cumulatively to the extent of 5% estimated cost of the project.

(c) As per circular No.51/2025 of MahaRERA, the matter is transmitted to the concerned jurisdictional the Principal Civil Court of original jurisdiction as per provisions of sub-section (2) of Section 40 of RERA, to ensure and secure compliance with the provisions of Sub-rule (2) and Sub-rule (3) of Rule 41 of Order XXI of Code of Civil Procedure, 1908. The complainant is to take necessary steps before the concerned jurisdictional the Principal Civil Court of original jurisdiction.

(d) In view of the above the present non compliance application is disposed off.

5/2/2026

Pune
Date :- 05.02.2026

(R.K. Malabade)
Adjudicating Officer, MahaRERA, Pune