

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

No. MahaRERA/VH/WARRANT/20/06/2023.

Date: 16th June 2023.

To,

The Collector, Thane

Collector Office, Court Naka,

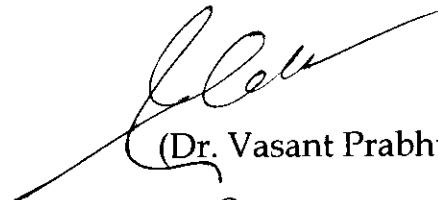
Thane (West), Maharashtra 400601

Sub: Execution of the warrant under Section 40(1) of RERA in Complaint No. CC006000000055485 filed by **SANTOSH CHHATRABHUJ KACHAVE & SUNITA SANTOSH KACHAVE Vs. RIEL INFRASTRUCTURE PVT LTD** in Project No. P51700010153.

Sir,

I am forwarding the recovery warrant under Section 40(1) of RERA & for its execution. You are requested to look into the matter personally and get the warrant executed at the earliest. On realization of the amount, you are requested to inform us.

Yours faithfully,



(Dr. Vasant Prabhu)
Secretary

MahaRERA, Mumbai.

Encl.: Warrant with
necessary papers.

Details of the attachable assets to be required u/s 17/2 of Maharashtra Realization of Land Revenue Rules 1967. When Revenue Recovery Certificate is under the provision of Revenue Recovery Act 1890.

No. MahaRERA/VH/WARRANT/20/06/2023.

Date: 16th June 2023.

1.	Name and address of the firm: -	SANTOSH CHHATRABHUJ KACHAVE SUNITA SANTOSH KACHAVE RAGHUKUL BUILDING 2 ND FLOOR, RIDDHI SIDDHI NAGAR, CHERAPOLI, DISTRICT THANE - 421601. Mobile No.- +91- 7057064104 Email ID: - <u>BHAGWATTANDALE@GMAIL.COM</u>
2.	The sum to be recovered.	Interest for the delayed possession payable to the complainant calculated from January 2017 till the possession of the flat to the complainant along with occupancy certificate.
3.	The provision of law under which the R.R.C. is sent to recover the sum as in arrears of Land Revenue.	Recovery warrant u/s 40(1) of Real Estate (Regulation and Development) Act, 2016 and Rule 3 of Maharashtra Real Estate (Regulation and Development) (Recovery of Interest, Penalty, Compensation, Fine payable, Forms of Complaints and Appeals, etc.) Rules, 2017.
4.	No. & Date of order under	Complaint No.: CC006000000055485

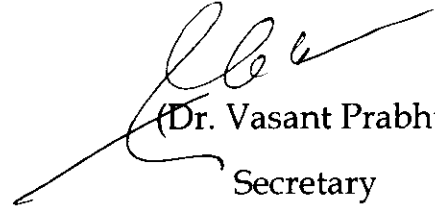
	which amount is ordered to be recovered.	Final Order dated: 4 th April 2019
5.	Full name and address of the defaulter with name of the building, room no., road name, village name/town, taluka, Dist. Pin Code No.	RIEL INFRASTRUCTURE PVT LTD Pan No. AAFCR2812M SHOP NO. 4, NAREND MUNISH APARTMENT, STATION ROAD, ASAN GAON EAST, OPP RAILWAY SATION, SHAHAPUR - 421601. HARESH BHANUSHALI - Managing Director FLAT NO 1302/A, AKRUTI ELEGANCE, 90 FEET ROAD, GAVANPADA, MULUND EAST, MUMBAI SUBURBAN - 400083. PREM BHANUSHALI (Director) - Authorized Signatory & Contact Person FLAT NO 1302/A, AKRUTI ELEGANCE, 90 FEET ROAD, GAVANPADA, MULUND EAST, MUMBAI SUBURBAN - 400083. Mobile No.- +91- 9833176999 Email ID: - <u>JOLLY_APARTMENT@CANGDAVE.COM</u>
6.	Full details of the property of defaulter against which the process may be executed.	The Project known as "JOLLY APARTMENT WING A AND B" situated at Plot Bearing No / CTS no / Survey Number/Final Plot no. 92/1 at Shahapur,

		Thane - 421601. a) Housing project which is duly registered under the RERA Act bearing Registration No. P51700010153. b) Other apartments which are still not booked. Note: Land on which the project is being implemented, apartments that are already booked with other allottees should not be attached so that the project can be completed.
7.	Immovable property: a) Name of the building House/Building. b) Room No. c) Name of the village/town d) Road name/gally name e) Sr. No./ II No. of the property f) Area of the property in square meters g) CTS No. of the property area of the	c) If by attaching the property mentioned in 6 above still arrears remain, then the properties/offices or any other movable or immovable properties of the defaulters be attached and auctioned. In order to ascertain unsold inventory and other properties of defaulters, you may adopt the procedure similar to which laid down under Order 21 Rule 41 CPC - namely to examine the judgement debtor to disclose his property and produce its property card, failing which he can be sent to jail for 3 months.

	property.	
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Mumbai

Date: 16th June 2023


(Dr. Vasant Prabhu)
Secretary

MahaRERA, Mumbai

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

No. MahaRERA/VH/WARRANT/20/06/2023.

Date: 16th June 2023.

Recovery Warrant U/s. 40(1) of Real Estate

(Regulation and Development) Act, 2016 and Rule 3 of Maharashtra Real Estate (Regulation and Development) (Recovery of Interest, Penalty, Compensation, Fine payable, Forms of Complaints and Appeal, etc.) Rules, 2017.

Complaint No.: CC006000000055485

Project No: P51700010153

SANTOSH CHHATRABHUJ KACHAVE

SUNITA SANTOSH KACHAVE

--- Complainants.

Versus

RIEL INFRASTRUCTURE PVT LTD

--- Respondents.

To,

The Collector, Thane

Collector Office, Court Naka,

Thane (West), Maharashtra 400601

Whereas the above-named complainant has filed the above complaint No. **CC006000000055485**, and the Authority/Adjudicating Officer passed the enclosed order wherein the respondent was directed to pay interest to complainant on the money paid to him at Marginal Cost Lending Rate (MCLR) plus 2% interest for the period of delay with effect from January 2017 till the

date of actual possession under the provisions of Section 18 of the RERA and the Rules made there under.

And whereas the respondent has failed to comply with the order.

And whereas the amount ordered is recoverable from the respondents as an arrears of land revenue by virtue of Section 40(1) of Real Estate (Regulation and Development) Act, 2016 and Rule 3 of Maharashtra Real Estate (Regulation and Development) (Recovery of Interest, Penalty, Compensation, Fine payable, Forms of Complaints and Appeal, etc.) Rules, 2017.

You are hereby directed to recover the ordered amount from the respondent as the arrears of land revenue and pay it to the complainant and report the compliance.

The necessary information is:

1) Name of complainant with his address:

SANTOSH CHHATRABHUJ KACHAVE

SUNITA SANTOSH KACHAVE

**RAGHUKUL BUILDING 2ND FLOOR, RIDDHI SIDDHI NAGAR,
CHERAPOLI, DISTRICT THANE - 421601.**

Mobile No.- +91- 7057064104

Email ID: - BHAGWATTANDALE@GMAIL.COM

2) Name of respondents/promoters/directors/partners

RIEL INFRASTRUCTURE PVT LTD

Pan No. AAFCR2812M

**SHOP NO. 4, NAREND MUNISH APARTMENT, STATION ROAD,
ASAN GAON EAST, OPP RAILWAY SATION, SHAHAPUR - 421601.**

HARESH BHANUSHALI - Managing Director

FLAT NO 1302/A, AKRUTI ELEGANCE, 90 FEET ROAD,
GAVANPADA, MULUND EAST, MUMBAI SUBURBAN - 400083.

PREM BHANUSHALI (Director) - Authorized Signatory & Contact Person

FLAT NO 1302/A, AKRUTI ELEGANCE, 90 FEET ROAD,
GAVANPADA, MULUND EAST, MUMBAI SUBURBAN - 400083.

Mobile No.- +91- 9833176999

Email ID: - JOLLY_APARTMENT@CANGDAVE.COM

3. Name of the project & its location:

he Project known as "JOLLY APARTMENT WING A AND B" situated at Plot Bearing No / CTS no / Survey Number/Final Plot no. **92/1** at **Shahapur, Thane - 421601.**

a) Housing project which is duly registered under the RERA Act bearing Registration No. **P51700010153.**

b) Other apartments which are still not booked.

Note: Land on which the project is being implemented, apartments that are already booked with other allottees should not be attached so that the project can be completed.

4) Particulars of immovable property and any other movable and immovable property:

a) If by attaching the property mentioned in 3 above still arrears remain,

then the properties/offices or any other movable or immovable properties of the defaulters be attached and auctioned. In order to ascertain unsold inventory and other properties of defaulters, you may adopt the procedure similar to which laid down under Order 21 Rule 41 CPC - namely to examine the judgement debtor to disclose his property and produce its property card, failing which he can be sent to jail for 3 months.

5) Amount to be refunded:

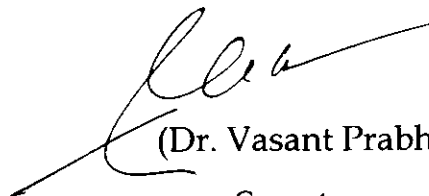
Interest for the delayed possession payable to the complainant calculated from January 2017 till the possession of the flat to the complainant along with occupancy certificate.

6) Enclosures:

- i) Final order dated. **4th April 2019.**
- ii) Order of Non-compliance dated **7th July 2022.**
- iii) Calculation submitted by the complainant.

Mumbai

Date: **16th June 2023**


(Dr. Vasant Prabhu)
Secretary

MahaRERA, Mumbai

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, MUMBAI
NON-COMPLIANCE APPLICATION**

In

Complaint No. CC006000000055485

SANTOSH CHHATRABHUJ KACHAVE

SUNITA SANTOSH KACHAVE

...Complainant/s

Versus

RIEL INFRASTRUCTURE PVT. LTD

PREM HARESH BHANUSHALI

HARESH R BHANUSHALI

SUDHIR D TELAVANE

...Respondent/s

MahaRERA Registration No. P51700010153

Coram: Dr. Vasant Prabhu, Secretary, MahaRERA

Complainant appeared in person.

None appeared for the Respondent.

Order

7th July 2022

(Through Video Conferencing)

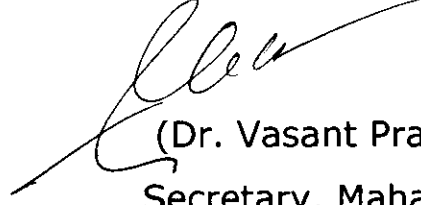
1. The complainant above named has filed the present application for non-compliance of the MahaRERA Order dated 04/04/2019 issued in the above Complaint No. CC006000000055485 (hereinafter referred to as the said complaint), by the Respondent.
2. In the said complaint filed by the Complainant, the respondent was directed to pay interest to complainants on the money paid to him at Marginal Cost Lending Rate (MCLR) plus 2% interest for

the period of delay with effect from January 2017 till the date of actual possession under the provisions of Section 18 of the RERA and the Rules made there under.

3. On the said non-compliance applications, the hearing was held through video conferencing as per the MahaRERA Circular no. 27/2020 and MahaRERA Order No. 15/2020.
4. During the hearing, the complainant submitted that the MahaRERA authority had disposed the complaint in April 2019 directing the respondent to pay interest for delayed possession to the complainant. However, the respondent has failed to comply with the said order. Hence the complainant prayed for the issuance of a warrant against the respondent under section 40(1) of the RERA.
5. The respondent did not appear for the hearing even though the notice of hearing was duly served upon it.
6. After hearing the complainant, it is clear that, the respondent has failed to comply with the order to date and has failed to pay interest for the delayed possession to the complainant. Hence no further time can be granted to the respondent. Hence the complainant is entitled to seek issuance of a warrant against the respondent as per the provisions of the RERA.
7. Therefore, the MahaRERA has no alternative but to proceed with action under section 40(1) of RERA against the Respondent. It is therefore, directed to issue a recovery warrant under section

40(1) of RERA read along with Rule 3 of the Maharashtra Real Estate (Regulation & development) (Recovery of Interest, Penalty, Compensation, Fine Payable, Forms of Complaint & Appeals etc.) rules, 2017, in the said project of the Respondent.

8. In view of the above, the present application stands disposed of.



(Dr. Vasant Prabhu)
Secretary, MahaRERA

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

COMPLAINT No: CC006000000055485

Mr. Santosh Chhatrabhuj Kachave & Anr.
Versus

..... Complainants

M/s Riel Infrastructure Pvt. Ltd & 3 Ors.

.... Respondents.

MahaRERA Registration No. P51700010153

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

Adv. Amey Athavale appeared for complainant.

Adv. Jitendra Bakliwal appeared for Respondent 1 to 3.

None appeared for Respondent No. 4

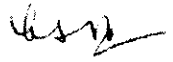
ORDER

(04TH April, 2019)

1. The complainants have filed this complaint under section 18 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as RERA) seeking directions from MahaRERA to the respondent, mainly to pay interest for the delayed possession and to give possession of their flat no. B/201, in the project known as "**Jolly Apartment**" bearing MahaRERA Registration No. P51700010153 at Shahpur, Thane. The project is being developed by respondent number 1 (M/s Riel Infrastructure Pvt. Ltd.)
2. The complainants argued that they had purchased the said flat in the respondent's project vide Agreement for Sale 13/07/2015 for a total consideration of Rs. 10,13,500/-. Out of this, the complainants had paid a total amount of Rs. 12,07,500/-. The stipulated date of possession in the agreement was December 2016. However, the respondent failed to complete the project and handover the possession of the flat till date. The complainants have therefore claimed interest for delay under section 18 of RERA.



3. The respondents no. 1 to 3 have filed the reply on record of MahaRERA and disputed the claims of the complainants, and submitted that there were internal disputes going on with adjoining landowner and contractor/ developer due to which the project got delayed. They also stated that though the possession date is registered with MahaRERA was December, 19. They were ready to handover the possession in March 2019. Respondents further submitted that the flat had been given to the complainants below the market value.
4. The MahaRERA heard the arguments made by both the parties as well as their written submissions. In the present case, admittedly, the complainants have booked the flat in the respondent's project in the year 2015 and the agreed date of possession was December 2016. However, the project got delayed and they could not get their flat till date.
5. Facts of this case show very clearly the problems faced by respondents, as submitted in their reply, do not fall in the category of force Majeure. The complainants are therefore entitled to the interest for delay. Even though the respondents changed the date of possession while registering the project with MahaRERA, the date of possession written in the agreement for sale is relevant to calculate the period of delay.
6. In view of above discussions, the respondent is directed to pay interest to complainants on the money paid to him at Marginal Cost Lending Rate (MCLR) plus 2 % interest for the period of delay with effect from January 2017 till the date of actual possession under the provisions of Section 18 of the RERA and the Rules made there under.
7. With the above directions, the case is disposed of.


(Dr. Vijay Satbir Singh)
Member-/MahaRERA