

**THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
CORAM :- SHRI.W.K.KANBARKAR, ADJUDICATING OFFICER, PUNE**

Non-Compliance Application
in

Complaint No.CC006000000197297

Paras Raghunath Shinde

.. Complainant/Allottee

V/s.

Paresh Patel

.. Respondent/Promoter.

MahaRERA Project Registration No.P51700010188

Appearance

Complainant :- In person

Respondent :- C.A. Ashwin Shah

ORDER

(20th July, 2023)

1. The complaint is filed for refund of the entire amount paid along with interest/compensation for the delayed possession under the provisions of the Real Estate (Regulation And Development) Act, 2016. Vide order, dated 24th Jan. 2022 passed by the Hon'ble Member-I, MahaRERA, Mumbai, respondent is directed to refund the entire amount paid along with the interest at the rate prescribed, with promoter entitled to claim benefit of moratorium period, as mentioned therein, but as regards claim of compensation stands rejected.
2. Heard complainant and he submits that the order of refund of amount is not yet complied by the respondent till date and prayed for suitable action. Complainant further submits that possession of the booked flat is delivered to him in the last month, but without possession letter and occupancy certificate and part of compensation is paid, but balance compensation amount is yet to receive. On the other hand, respondent submits that occupancy certificate of the project is already obtained and prepared to furnish copy of occupancy certificate to the complainant.
3. One thing is clear from the submission of both the parties that the complainant has taken possession of the booked premises on 27.03.2023 and compensation of Rs. 3,00,000/- is received by him, but occupancy certificate of the same is yet to furnish by the promoter to the complainant. On behalf of promoter

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argued that prepared to furnish copy of occupancy certificate to the complainant. Said order, dated 24.01.2022 directing the respondent for refund of entire amount paid together with interest thereon, as detailed therein. However, in spite of aforesaid position, complainant has taken possession of the booked premises on 27.03.2023 and possession is continued with the complainant. Therefore, this is not a suitable case at this juncture for issuance of recovery warrant against the respondent. One thing is to be noted that the complainant has taken possession of the booked premises voluntarily and also accepted compensation amount of Rs. 3,00,000/-. Under such circumstances, respondent shall furnish possession letter along with copy of occupancy certificate to the complainant within 15 days from the date. Accordingly, this matter stands disposed off.

Pune

Date :- 20.07.2023

WKK
(W.K. Kanbarkar)

Adjudicating Officer, MahaRERA, Pune