BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY MUMBAI

Complaint No. CC006000000089695

Mr. Rajesh Kumar Singh and Mrs. Seema Singh .... Complainants

Versus

M/s. R. S. Enterprises .... Respondent

Project Registration No. **P52000007221**

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

Adv. S. P. Shaikh appeared for the complainant.

Adv. Tanmay Ketkar appeared for the respondent.

INTERIM ORDER

(15th January, 2020)

1. The complainants have filed this complaint seeking directions from the MahaRERA to the respondent to handover possession of his residential unit and to pay interest for delayed possession 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 **"Vankavnis"** bearing MahaRERA registration No. P52000007221 situated at Ulwe, Dist. Raigarh. The complainants further prayed for refund of the additional amount paid to the respondent along with compensation towards less area provided to him.

2. This complaint was heard on several occasions and the same was heard finally today. The complainants submitted that, they have booked the flat in the respondent's project in the year 2017. The parties entered into registered agreement for sale on 21/02/2017. As per the said agreement for sale, the respondent was liable to handover possession of the said flat on or before March 2018. However, the respondent has failed to handover the possession till date. The complainants stated that, till date he has paid around 98% towards the consideration amount of the said flat. The complainants further stated that, they have paid an amount of Rs. 3,75,000/- towards the development charges to the respondent. However, the respondent is still demanding additional Rs. 2,00,000/-

towards the same. The complainants further stated that, at the time of booking, the area promised by the respondent was 579 sq. ft. including the balcony. But, on perusal of the information uploaded by the respondent on MahaRERA website, the area of the flat is shown as 504.32 sq. ft. which is a reduction of around 75 sq. ft. as earlier promised by the respondent. The complainants have filed this complaint seeking directions for payment of interest and compensation towards the reduced area.

3. The respondent disputed the claim of the complainants and stated that, the project is already complete and the occupancy certificate was obtained in the month of January 2019. The complainants have filed this complaint in the month of June, 2019. Further, the respondent showed his willingness to handover the possession of the flat to the complainants subject to the payment of outstanding dues by the complainants. The respondent further stated that, the payment of the development charges as alleged by the complainants have not been paid in the account which has been maintained for this particular project. The respondent also disputed the claim regarding the lesser area granted to the complainants. The respondent therefore prayed for dismissal of this complaint.

4. The MahaRERA has examined the arguments advanced by both the parties, and is of the view that, the complainants have paid substantial amount towards the said flat and are seeking compensation claiming that, the respondent has reduced the area of their flat and also sought interest for delay. In the present case, since the complainants are seeking compensation as well as refund of additional amount paid by them to the respondent u/s 18(3) of the RERA, the complaint stands transferred to Ld. Adjudicating Officer- Mumbai, MahaRERA for adjudging the compensation and passing appropriate decision.

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