BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY, PUNE

CORAM :- SHRI R. K. MALABADE

Non-Compliance Application

IN

Complaint No.CC006000000089695

Rajesh Kumar Singh
Seema Singh .. Complainants

Versus

M/s. R. S. Enterprises through Proprietor
Mr. Suresh Ramchand Vankvani .. Respondent

MahaRERA Project Registration No.P52000007221

Appearance :-
Complainant: In person
Respondent : Adv. Anwar Landge

ORDER
(11th December 2024)

1. By order, dated 14.02.2022, under non-compliance which came to be passed by the Hon'ble Member-I, MahaRERA, whereby the respondents are directed to pay interest for the delayed possession to the complainants from 01.04.2018 till the actual date of possession of the said flat i.e. 27.02.2020 for every month on actual amount paid by the complainant towards consideration of their flat at the rate as prescribed under the provisions of Section 18 of the RERA and Rules made thereunder.

2. The complainant in person submitted that as per the impugned order, the respondents have not paid the interest amount for the delayed possession from 01.04.2018 till 27.02.2020. Respondent had preferred a review application in the said original complaint, but the review application-cum-complaint No. CC006000000210365, came to be rejected on 21.02.2024 by the order of Hon'ble Member-I, MahaRERA. Since there is non-

compliance of the order, dated 14.02.2022, complainant prayed for issuance of recovery warrant against the respondents.

3. The learned Adv. for the respondents submitted that they have filed appeal against the impugned order, after rejection of review application. It is further submitted by the learned Adv. for the respondents that by email dated 06th Feb. 2019 possession was offered to the complainants, therefore, there is error in the impugned order in granting the interest till 27.02.2020, instead of interest ought to have given till 6th Feb. 2019. The same subject matter which subjediced before the Appellate Tribunal, therefore, prayed for not passing any order against the respondents, till the decision of the Appeal.

4. The learned Adv. for the respondents fairly admitted that there is no stay in the appeal. In reply, the complainant further submitted that the alleged correspondence of dated 6th Feb. 2019, is considered while passing the order on its merits by the Hon'ble Member-I and after considering the merits, the Hon'ble Member-I has ordered the respondents to pay interest to complainants for delayed possession from 01.04.2018 to 27.02.2020.

5. No doubt, the point raised by the learned Adv. for the respondents regarding the date of offer of possession i.e. 6th Feb. 2019, which considered by the Hon'ble Member-I, MahaRERA while passing the order, dated 14.02.2022 in the original complaint as well as order, dated 21.02.2022 in review application, and the Hon'ble Member-I, MahaRERA had arrived at the conclusion that the entitlement of the period of interest for the delayed possession from 01.04.2018 to 27.02.2020 i.e. till the date of actual handing over of possession. There is no stay order in the appeal and already the review-cum-complaint application is rejected. The respondents have not paid interest for the delayed possession to the complainants from 01.04.2018 to 27.02.2020. Therefore, there is non-compliance application of the final order, dated 14.02.2022.

6. In view of the above facts, it would be just and proper to issue recovery warrant against the respondents for recovery of dues as per the final order, addressing to the concerned District Collector to execute the same.

7. The complainants are directed to furnish requisite information to this office for preparation of recovery warrant, within one month from the date of this order, failing which the present application automatically stands disposed off.

8. In view of the above order, application stands disposed off.

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

Date :-11.12.2024