

MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL UNDER RERA Act

(4)

No.AT006000000000015

1. Tushar Krishna Gaikwad
2. Mrs. Surekha T. Gaikwad
8D2, GAIL, Ashiyana,
Sector 8B, CBD Belapur,
Navi Mumbai 400 614

.. Appellant/s

V/s.

M/s. Universal Infra Developers
Office No. 73, Mahavir Centre,
Sector – 17, Vashi,
Navi Mumbai 400 703.

.. Respondent/s

Adv. Amol Suryavanshi for the appellant

Smt. Ashwini Ghag for the Respondents.

CORAM :Hon'ble Shri K. U. CHANDIWAL, J.

Heard on : 3rd April, 2018

Dictated/Pronounced on: 3rd April, 2018

Transcribed on : 3rd April, 2018

-:ORAL JUDGMENT:-

1. Heard finally.
2. The applicant questions the Orders dated 10th October, 2017 recorded by Chairperson MahaRERA.
3. There is no controversy that the project of respondent is registered with MahaRERA.
4. In the order under challenge, it is recorded "the complainant and the respondent initially agreed to the revised possession date 30th Nov. 2017."
5. The Order under challenge also conceived that if possession is not handed over to the Complainant / Appellant, the Promoter was to pay interest from 1st December, 2017 till the actual date of possession on the entire amount paid by the Complainant to the Promoter.




6. During the course of submission, Ld. Counsel for the Promoter / Respondent has pointed to correspondence exchanged showing that the Allottee / Complainant was informed on 23rd Dec. 2017 that Occupation Certificate has been received from the Corporation and the allottee was requested to pay the balance payment and to complete other formalities. This has been dealt with under reply sent by allottee to the Promoter, under communication dated 9th March, 2018. Certain calculations therein are made.
7. A demand is raised by communication dated 7th February, 2018 asking the allottee to release total amount of Rs.16,05,600/-.
8. The correspondence exchanged between the parties is taken on record.
9. After deliberation between the parties, to have smooth relationship between them, the parties have agreed that the Appellant / Allottee shall receive an amount of Rs.1,50,000/- as and by way of interest for delayed possession of the flat though there was a communication that the flat was ready as on 22nd Dec. 2017.
10. The obligation of the allottee, of releasing payment to continue, however, the Allottee / Appellant shall be entitled to deduct Rs.1,50,000/- from the amount payable to the Promoter / Respondent.

:ORDER:

1. With above observations, no interference required in the order under challenge.
2. Appeal accordingly disposed off.

Dictated and pronounced in open Court today.

Place: Mumbai
Dated: 3rd April, 2018


(K. U. CHANDIWAL, J.)
President,
Maharashtra Revenue Tribunal,
Mumbai
& I/c. Maharashtra Real Estate
Appellate Tribunal, (MahaRERA),
Mumbai