

BEFORE THE MAHARASHTRA REAL ESTATE

APPELLATE TRIBUNAL, MUMBAI

Miscellaneous Application No. 17/19

In

Appeal No. AT00600000010978

Navin Kumar
9/501 Motiaz Royal City,
Ambalal Chandigarh Road,
Zirakpur, Dist: Mohali
Punjab 140603

.. Applicant

V/s.

Lucina Land Developers Limited
Indiabulls Finance Centre, Tower 1,
Elphinstone Road,
Mumbai 400 013.

.. Non-applicant

Mr. Satish Dedhia, Advocate for Applicant.
Mr. Nirman Sharma a/w. Mr. Abir Patel i/b Wadia Gandhi & Co., Advocate for
Non-applicant.

**CORAM : INDIRA JAIN J.,CHAIRPERSON &
SUMANT KOLHE, MEMBER(J)
DATE : 19th AUGUST, 2019.**

JUDGMENT (PER : INDIRA JAIN, J.)

Heard Learned Counsel for the parties at length.



2. Here is an application for condonation of delay in filing appeal under Section 44 of 'The Real Estate (Regulation and Development) Act, 2016' (hereinafter referred to as "the Act") for setting aside order dated 13th December, 2017 passed by the Learned Chairperson, Maharashtra Real Estate Regulatory Authority in Complaint No. C006000000001007 thereby directing the Promoter to hand over possession of apartment with occupancy certificate to the flat purchaser before 31st December, 2018 failing which to pay interest from January 1, 2019 till the actual date of possession on the entire amount paid by flat purchaser to the Promoter. The rate of interest awarded is as prescribed under Rule 18 of the Maharashtra Real Estate (Regulation and Development) Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017.
3. It is not necessary to narrate the facts of the case in detail for the purpose of disposing of the present application. Suffice it to say that appellant / flat purchaser entered into registered Agreement for Sale on 18th October, 2011 to purchase an apartment bearing No. 203 (19CI) in the project Indiabulls Greens-2 situated at Panvel, Raigad. The possession was agreed to be handed over within 60 months from the date of agreement with a grace period of nine months. As timely possession was not delivered complaint came to be filed before MahaRERA for possession and payment of interest for delay as per the provisions of Section 18 of the Act of 2016.
4. Upon hearing the parties Learned Chairperson disposed of the complaint with the directions as stated in para 1 above. Being aggrieved by the part of directions flat purchaser preferred appeal and during pendency of appeal filed present application for condonation of delay.

