

**MAHARASHTRA REAL ESTATE APPELLATE  
TRIBUNAL UNDER RERA Act**

**No. AT006000000010506**

Ladam Homes Pvt. Ltd.

C-33 Ladam House, ITI Road 28, Near ITI College,

Wagle Industrial estate,

Thane 400 605

..Appellants

V/s.

Shankar B. Auserikar

House no. 702, Hiranyakeshi CHS

Street 37, Near Mangal Murti Hospital

Borivali West, Mumbai.

..Respondent/s

Adv. Nagraj Hoskeri and Adv. Panicker for the Appellants.

Adv Bhupesh Singh for the respondent.

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

Heard on : 17th October, 2018

Dictated/Pronounced on : 17th October, 2018

Transcribed on : 19th October, 2018

**:-ORAL JUDGMENT:-**

Heard finally.

1. This is promoter's appeal feeling aggrieved by order dated June 8, 2018 of the Ld. Chairperson, MahaRERA, Mumbai whereby the Ld.



Chairperson directed the Appellant / Promoter to hand over possession of the apartment to the allottee before December 31, 2018.

2. The Complainant / Allottee had purchased an Apartment no. 63 in Promoter's project at Ghatkopar vide Agreement dated 1st August 2015. Substantial amount was released by the Allottee towards the consideration of the said apartment and pursuant to the said Agreement, the Promoter was to hand over possession by December, 2017. It was this situation which forced the Allottee to knock for redressal before the Authority of MahaRERA for seeking redressal in terms of Section 18 of RERA.
3. The Ld. Counsel for the Promoter / Appellant says certain developments have taken place after June 8, 2018 and owing to grievance put up by Promoter, the Authority from S.R.A. including the Municipal Corporation as could be seen in their action and the held up permissions are released to some extent.
4. The Appellant says, having received the necessary permissions, it shall be in a position to complete its project by September, 2019. The Ld. Counsel says this was apprised to the Ld. Chairman, MahaRERA, Mumbai and accordingly in the matter of Dnyaneshwar Laxaman More and 3 others against the Promoter, the Ld. Chairperson on September 26, 2018 was pleased to grant time for completion and handing over possession of the Apartment by September 30, 2019.
5. The submissions of Mr. Panicker though appear innocuous however it lacks merit, as the Allottee has been squandering time for fruits of purchased flats and its enjoyment. The Agreement dated August 1st, 2015 provided the date of possession as December, 2017. It was expected by the Promoter to have a foresight to complete the project in a given deadline. It is not that the offshoots from Planning Authority or SRA Authority were not apprehended, or not in contemplation.
6. Taking into consideration all the above aspects, the date of possession was earlier given as December, 2017, The Ld. Chairman while recording order was gracious enough to extend the time till 30th September, 2019 and liberty to the Allottee for an interest if there is delay in completing the said project.
7. The colour and complexion of the order dt. June 8, 2018 shall be not changed even if there is subsequent order of September 26, 2018 of



the Chairperson between some other Allottee/s which will not vitiate the present order.


8. The withdrawal of any complaint against SRA Authorities with MahaRERA has a different shade. It will not influence to change the spirit of order. The legal position indicated in the judgement of Hon'ble High Court in the matter of Neelkamal Realtors Vs. State in Writ Petition No. 2737 of 2017 decided on 6th December, 2017 makes the position quite clear in respect of date of possession and delay in completion of project, liability to pay interest.
9. Taking stock of the above facts, changed situation referred to by Mr. Panicker has no bearing in the present appeal. I do not see any error in the order nor I see any reason to modify the order.

**-: ORDER :-**

1. No change in the order.
2. Appeal dismissed.
3. No cost.

Dictated and pronounced in open Court today.

Place: Mumbai  
Dated: 17th October, 2018

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