

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,  
MUMBAI**

**Complaint No. CC00600000044344**

Prashant Prabhakar Deshmukh

..... Complainant

Versus

Haware Engineers & Builders Pvt. Ltd.

..... Respondent

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

The complainant is present in person

Adv. Nishant Tripathi i/b M/s. M. Tripathi & Co. for the respondent present.

**Order**

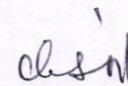
(18th February, 2019)

1. The complaint has been filed by the complainant who is an allottee of the respondent. He had booked a flat in June 2013 and the Respondent promised possession in March 2018.
2. As the respondent failed to handover the flat, this complainant is filed for awarding the interest for delayed possession.
3. Heard the concerned parties. The complainant prayed for the interest for the period of delay form the date of promised possession till the actual date of possession as per the provisions of section 18 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as 'the said Act').
4. The respondent argued that there is a case in the High Court filed by the society against him raising similar issue. However, the complainant has clarified that the matter in the High

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Court pertains to the issue of payment of rent to the members of the society and it has no relation with this complaint. The respondent failed to give satisfactory explanation for the delay. He also submitted that the agreement with the complainant was registered under the provisions of Maharashtra Ownership of Flats Act, 1963 and hence 'the said Act' is not applicable. He will complete the project by 30<sup>th</sup> April, 2019 the date specified in his registration.

5. From the facts of this case and after hearing the arguments from both the sides it is clear that, the project has got delayed beyond date agreed upon by and between the parties. After the said Act came into the force it become applicable for ongoing and new projects registered under the said Act. As it has overriding effect its provisions will apply to the respondent's project which is registered with MahaRERA. The delay for interest/ compensation has to be calculated with reference to the date of possession in the agreement and not the date of completion in the registration of the project with MahaRERA.
6. The complainant is therefore entitled for interest for delay under section 18 of the said Act. The respondent is directed to pay the interest at the rate of MCLR + 2% from 1<sup>st</sup> May, 2018 till the date of actual possession to the complainant, on the money paid by him.
7. With the above directions, this complaint is disposed of.



(Dr. Vijay Satbir Singh)  
Member-I, Maha RERA