

**BEFORE MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL MUMBAI**

Appeal No. AT00100000052811/20

Sharadrao Pundlikrao Wagh

... Appellant

V/s.

Jay Infrastructure Partnership Firm

... Respondent

Adv. Mr. Vidyesh Nashikkar for Appellant

Adv. Mr. Surabh Butala for Respondent

**CORAM : SHRI SHRIRAM. R. JAGTAP, MEMBER (J), &
DR. K. SHIVAJI, MEMBER (A)**

DATE : 21st December, 2023

(THROUGH VIDEO CONFERENCE)

Following Judgment is pronounced.

ORDER

- 1] Appeal no. AT00100000052811 of 2020 is partly allowed.
- 2] The respondents shall execute a registered agreement for sale with respect to subject flat without accepting additional consideration amount for increased area from allottee within 15 days from the date of payment of requisite charges towards stamp duty, registration, GST, MSEB and water connection to respondents/promoters/developers by allottee/appellant within 30 days from the date of order.
- 3] The respondents shall pay interest on the amount paid by allottee from 23.05.2018 at the rate of 2% above the SBI highest MCLR till allottee gets the possession of the subject flat.



4] The respondents are directed to hand over the actual physical possession of the subject flat along with occupation certificate as early as possible.

5] In case the allottee wishes to withdraw from the project, he shall exercise his right in writing within 15 days from the date of this order and shall communicate the same to respondents within 8 days and thereafter within 30 days, the respondents shall refund the entire amount of Rs. 47 lakhs to appellant/allottee with interest at the rate of 2% above the SBI highest MCLR from 23.05.2018 till the realisation of the entire amount as above.

6] Parties to bear their own costs.

7] Copy of this order be communicated to the Authority and the respective parties as per Section 44(4) of RERA, 2016.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP)

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