

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**MISC. APPLICATION NO. 299 OF 2021 (Stay)
IN
APPEAL NO. AT006000000053057 OF 2021**

Rajyog Enterprises ... Appellant

-VS-

Babu Bhaskaran ... Respondent

**MISC. APPLICATION NO. 524 OF 2022 (Stay)
IN
APPEAL NO. AT006000000063852 OF 2021**

Babu Bhaskaran ... Appellant

-VS-

Rajyog Enterprises ... Respondent

Mr. Krishna Agarwal, Advocate for Promoter.

Mr. Dilip P. Devadiga, Advocate for Allottee.

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

DATE : 18th MARCH, 2024

(THROUGH VIDEO CONFERENCE)

By the separate detailed Judgment, following orders have
been pronounced today.

ORDER

a) Appeal No. AT006000000053057/2021 is dismissed
with cost.



b) Appeal no. AT006000000063852/2022 is partly allowed with the following directions.


- I) The respondent/co-promoter is directed to pay interest to allottee/complainant on the amount paid by him as per SBI highest Marginal Cost Lending Rate (MCLR) plus 2% from 01.07.2017 till the date of offer of possession i.e. till 19.08.2020.
- II) The amount of interest payable to allottee shall be adjusted at the time of possession against the balance amount of Rs.42,06,682/- payable by allottee.

c) After adjustment as above, the deficit or surplus if any, shall be paid by respective parties to the other party at the time of possession, failing which such amounts shall be liable to interest at the same rate as directed at b(1) above from the next day of the date of actual possession till the date of actual payment.

d) Respondent/co-promoter shall pay cost of Rs. 20,000/- to allottee.



- e) Miscellaneous applications, if any, stand disposed of.
- f) Copy of this order be communicated to the Authority and the respective parties as per Section 44(4) of RERA Act, 2016.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP, J.)