

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**APPEAL NO. AT006000000031657**

Mr. Pinaki Chatterjee

... Appellant

-VS-

M/s. Nirmal Lifestyle Pvt. Ltd.

... Respondent

*Ms. Shrutika Jadhav h/f. Mr. V. N. Ajikumar, Advocate for Appellant.  
None for Respondent.*

**CORAM : SHRI SHRIRAM R. JAGTAP, MEMBER (J) &**

**DR. K. SHIVAJI, MEMBER (A)**

**DATE : 11<sup>th</sup> OCTOBER, 2023**

(THROUGH VIDEO CONFERENCE)

Ms. Shrutika Jadhav h/f. Mr. V. N. Ajikumar, learned counsel  
for Appellant joined the conference.

2] Matter is listed today for pronouncement of Judgment.

3] By a separate detailed judgment, following have been passed  
and pronounced –

**ORDER**

(a) Appeal is partly allowed.

(b) Impugned order dated 11<sup>th</sup> July 2019 passed in Complaint No. CC  
0060000000 55720 is modified as hereunder: -

i. Respondent promoter is directed to handover possession  
of the subject flat after receipt of the occupation certificate




as soon as possible by providing a time bound realistic work plan for delivery of possession in terms of the agreement for sale.

- ii. Respondent Promoter is further directed to pay interest to appellant allottee at the rate of highest marginal cost of lending rate of State Bank of India plus 2% on the amount cumulatively paid to promoter till 30<sup>th</sup> June 2013 from 1<sup>st</sup> July 2013 till the date of delivery of possession of the subject flat.
- iii. Respondent Promoter is further directed to pay interest to appellant allottee at the rate of highest marginal cost of lending rate of State Bank of India plus 2% on the amount paid to promoter after 30<sup>th</sup> June 2013 from the date of these payments received by promoter till the date of actual delivery of possession.

(c) No order as to costs.

(d) In view of the provisions of Section 44(4) of the Act of 2016, a copy of this order shall be sent to the parties and to MahaRERA.

  
(DR. K. SHIVAJI)

  
(SHRIRAM R. JAGTAP, J.)