

**BEFORE MAHARASHTRA REAL ESTATE  
APPELLATE TRIBUNAL, MUMBAI**

**38] MISC. APPLICATION NO.335/2022 (Compensation)  
MISC. APPLICATION NO.336/2022 (Compensation)  
IN  
APPEAL NO. AT006000000041978 OF 2019**

Mr. Elanit George Jacobs

... Appellant

-VS-

M/s. Reliance Construction Co.

... Respondent

*Adv. Ajay Pawar for Appellant.*

*Adv. Altiya Diamondwala for Respondent.*

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

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

**DATE : 09<sup>th</sup> NOVEMBER, 2023**

**(THROUGH VIDEO CONFERENCE)**

The following order is passed.


**ORDER**

- a) Appeal is partly allowed.
- b) Impugned order dated 3<sup>rd</sup> October 2019 passed in Complaint No. CC00600000078197 is modified as hereunder.
- c) Respondent promoter is directed to hand over possession of the subject flat after receipt of the occupation certificate of the project at an early date.
- d) Respondent promoter is further directed to pay interest for the delay in delivery of the possession of the subject flat to allottee from 01<sup>st</sup>

*Signature*

August 2014 till the date of legal possession with occupation certificate on the amounts paid by appellant complainant.

- e) Respondent promoter is further directed to refund Rs.42,48,595/- on account of the lesser build-up<sup>+</sup> area of subject flat.
- f) No order as to costs.
- g) In view of the disposal of the appeal as above, captioned pending Misc. Application will not survive. Hence, stands disposed of.
- h) 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)

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