

**THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI.**

COMPLAINT NO: CC0060000000023621.

Prashant S. Gudekar

... Complainant.

Versus

Pooja Raj Kandhari
Satpalsingh Jagatsingh Vig
(Swaraj Kalash)

... Respondents.

MahaRERA Regn: **P51800012233**

Coram: Shri B.D. Kapadnis,
Hon'ble Member & Adjudicating Officer.

Appearance:

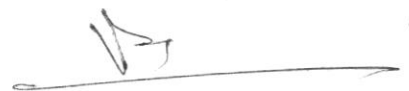
Complainant: Adv. Jadhav Anil N.N.

Respondents: Present.

The complainant has filed this complaint for staying the commencement certificate issued by the Competent Authority and to direct the Police to make the investigation and to stop the construction work of the respondents' project Swaraj Kalsh at Borla Village, Govandi, Mumbai.

2. The complainant alleges that the respondents have grabbed the open land bearing survey no. 44, Hissa No. 10/1, CTS No. 397, Borla Village, Taluka Kurla, Mumbai without permission of the owner. The land belongs to Mumbai Municipal Corporation and therefor, the provision of Real Estate (Regulation and Development) Act, 2016 and the Rules framed thereunder has been violated. The parties have been heard on maintainability of the complaint.

3. Section 31 of RERA provides that any aggrieved person can file the complaint before the Real Estate Regulatory Authority or the Adjudicating Officer as the case may be, against the promoter, allottee or real estate agent



for violation or contravention of the provisions of the Act or Rules and Regulations framed thereunder.

4. In view of Section 31 of RERA, the complainant can be filed against promoter but complainant has failed to demonstrate as to which specific provision of the Act or Rules and Regulations framed thereunder is violated or contravened. Moreover, relief of staying of the commencement certificate and directing the Police to investigate into the matter can be obtained from the concerned superior authority or court. I find that the prayers of the complainant are beyond the scope of the provisions of RERA. I find that complaint is not maintainable.

Hence the order-

ORDER

The complaint is dismissed.

Mumbai.

Date: 12.07.2018.



(B. D. Kapadnis)
Member & Adjudicating Officer,
MahaRERA, Mumbai.