

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY, MUMBAI
COMPLAINT No. CC00600000023934

Mr. Kutubuddin Amreliwala & Mrs. Rashida Amreliwala Complainants

Versus

M/s. Paradigm Ambit Buildcon

MahaRERA Registration No. P51800000204 Respondent

Coram: Hon'ble Dr. Vijay Satbir Singh, Member 1

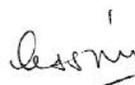
The complainants appeared in person.

Adv. Chetan Raithatha appeared for the respondent.

Order

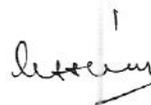
(15th May, 2018)

1. The complainants have filed this complaint seeking directions from this Authority to the respondent to execute necessary documents with the complainants in respect of booking of a flat bearing No. 901 admeasuring about 1120 sq.ft. carpet in Wing-B of the building known as "Paradigm Ananda Residency", bearing MahaRERA registration No.P51800000204 at Shimpoli, Borivli (West), Mumbai.
2. The complainants argued before this Authority that in the month of May 2011, they had booked the said flat with one M/s. Shree Shubh Builders Private Limited, for total sale consideration of Rs. 72,80,000/- (Rupees Seventy Two Lakh Eighty Thousand only) payable in different installments and they were issued a letter of allotment on 23rd June, 2011. Till that period they paid a total amount of Rs. 31,84,000/- (Rupees Thirty One Lakh Eighty Four Thousand only) to M/s. Shubh Builders Pvt. Ltd., towards the sale consideration for the Flat. The construction did not commence as promised by the said M/s. Shubh Builders Pvt. Ltd., and after due follow-up, the



complainants came to know that the project had been taken over by the respondent. Hence, they made several correspondences with the respondent. However, he did not respond and avoided the execution of necessary documents in favour of the complainants. The complainants have shown their willingness to make balance payment for booking of the said flat.

3. This matter was partly heard on 4th May 2018. After hearing, it was decided to call the officers of the competent authority viz., SRA with the relevant records to verify the facts of the project. Accordingly Mr. Poojari, Assistant Engineer, Slum Rehabilitation Authority (SRA) appeared for hearing today along with record. He submitted the copy of Letter of Intent issued by the SRA dated 4th May 2010 and a copy of facts sheet showing the details of the project under reference. He informed that originally the S.R.Scheme in respect of plot of land bearing F.P.No. 383, TPS – III Borivli for Shiv Ganesh Sai SRA CHS Ltd. was submitted to SRA by one M/s. Glorious Construction Co. Pvt. Ltd. on 23-03-2004. However, due to his poor performance, his appointment as developer was terminated by the then Chief Executive Officer, SRA vide order dated 7-10-2015 passed under section 13(2) of the Maharashtra Slum Areas (I, C &R) Act, 1971 and M/s. Paradigm Ambit Buildcon has been appointed as new developer for further implementation of the said S.R. Scheme.
4. The respondent also disputed the claim of the complainants and stated that he was appointed by SRA after passing an order under section 13(2) of the Maharashtra Slum Areas (I, C &R) Act, 1971 to complete the work of rehab component. However, he has not taken over the liability of the sale component. He further stated that the complainants have booked the flat with one M/s. Shree Subha Builders Pvt Ltd., who was not the developer on record of SRA and had no concern with the project. The complainants

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should have verified the documents of permission before booking the flat. they have booked the flat. Further, for the last eight years, the complainants did not file any litigation in respect of their claim. The respondent, therefore, requested for dismissal of this complaint.

5. After considering the rival submissions made by both the parties and after perusing the documents submitted by SRA, it appears that the complainants have booked the flat with one M/s. Shree Shubh Builders Pvt. Ltd., who is not the promoter on record of the planning authority viz SRA in respect of the said project. Even the allotment letter has been issued by the said developer. It shows that without verifying the necessary approvals issued by the concerned planning authority, the complainants have booked the said flat. In absence of relevant documents and agreement, it is not possible to establish the rights of the complainants in the project, for which the respondent can't be held responsible. This Authority, therefore, feels that there no violation of RERA Act, 2016 and Rules and Regulations framed there under by the respondent and hence, the complainants are not entitled to seek any relief. However, they can approach SRA or other appropriate authorities for redressal of their grievance.
6. Accordingly, the complaint stands disposed of.



(Dr. Vijay Satbir Singh)
Member-1/MahaRERA