

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC00600000012291

Kaushik Pandya ... Complainant

Versus

Rajesh Surti ... Respondent
M/s. Raj Builder and Developers
MahaRERA Regn.No. P51800008872

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was himself present

Respondent was absent. Hence, matter was heard and decided ex-parte.

Exparte Order

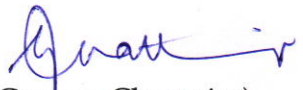
January 16, 2018

1. The Complainant has stated that he has filed this complaint on behalf of a group of buyers in the Respondent's Project 'Raj Spaces' located at Goregaon, Mumbai and that the Respondent had promised them possession of their respective apartments by the end of 2010. Further, he has alleged that the Respondent has put varying dates between October, 2014 to March, 2016 of handing over possession in their respective agreements for sale. They also alleged that, subsequent to the delay in possession caused to the Complainants, the Respondent has given the possession of the apartments to the Complainants on fit out basis only and that the Complainant, along with the group he is representing, has already taken possession of the said apartments.
2. The Complainant has, therefore, prayed that the Complainant and the group of allottees he is representing, be paid interest and compensation as per Section 18 of the Real Estate (Regulation and Development) Act 2016. He has also prayed that compensation be paid for change/ alteration in the plan of the Flats without the consent or knowledge of the Complainant, thereby, committing violation of clause



(i) and (ii) sub section 2 of Section 14 of RERA. He has further asked for directions to be given to the Respondent to form and register a co-operative housing society under the provisions of Maharashtra Co-operative Housing Societies Act, 1960.

3. The revised completion date of the project as put out in the MahaRERA website is 31/12/2018. Therefore, the Respondent will have to complete the project in all respect, including Occupancy Certificate, by that date.
4. Since the Complainant and the group of allottees he is representing, have already taken possession of their said apartments, prior to the Real Estate (Regulation and Development) Act 2016 coming into effect, no relief can be granted under section 14(2) or section 18 of the said Act. However, since more than 50% of allottees have booked their apartments in the project, the Respondent is directed to initiate the procedure for formation of society within 30 days from the date of this order.
5. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA