

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

SOURCE COMPLAINT NO. SC10001925

Rucha Rao Complainant

Versus

Mihir Jethwa (Triveni Developers) ... Respondent

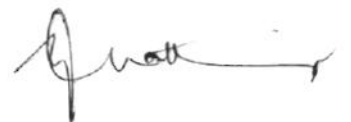
Coram: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant appeared in person a/w Mr. N. V. Sanglikar, Adv.
Respondent did not appear.

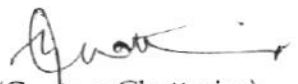
Order

January 01, 2020

1. The present complaint pertains to non-registration of a stalled project named 'Triveni Aster (Mohan Apartments)' situated at Borivali, Mumbai Suburban. The Complainant has stated that she is an allottee of the said redevelopment project. She further stated that the construction work of the project is at a standstill. It is the contention of the Complainant that though the Respondent is under obligation to register the project in accordance with the provisions of Real Estate (Regulation & Development) Act, 2016 (herein after referred to as the *said Act*), he has not registered the same and therefore she is praying that appropriate directions be issued to the Respondent to register the project.
2. None appeared for the Respondent, in spite service of notice to the address provided by the Complainant.



3. During the course of the hearing, it transpired, construction work has been stalled for want of requisite building plan approvals, like IOD and CC, from the Competent Planning Authority.
4. On the background explained above, it is necessary to consider whether the respondent can be directed to register the project in accordance with the provisions of the said Act and rules and regulations made thereunder.
5. As per section 4 of the said Act, it is obligatory on the part of the promoter to make an application to the Authority for registration of the Real Estate Project in such a manner and within such time and accompanied by such fee as may be specified by the regulations made by the Authority. As per Section 4(2) (c) and (d) of the said Act, it is obligatory on the part of the promoter to enclose along with the application for registration, the authenticated copy of the approvals and commencement certificate, sanctioned plan, layout plan etc. from the Competent authority.
6. Since the Respondent does not have approvals as mentioned above in para 5, no directions can be issued to the Respondent to register the project, at this stage. However, the Respondent shall apply for MahaRERA registration within 30 days of them obtaining the valid approvals for the project.
7. It was also explained that as stated in Para 86 of the judgment of Hon'ble Bombay High Court in *Writ Petition No. 2737/- U Neelkamal Realtors. Vs. Union of India*, RERA will apply after getting the project registered. Therefore, merits of the other grievances made by the Complainant have not been gone into. The Complainant has the liberty to raise the same in an appropriate forum.
8. In view of the above, the complaint for registration of the project stands disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA