

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

SOURCE COMPLAINT NO. SC10000772

Sunil Kumar Chaudhary

.... Complainant

Versus

Manoj Nayab Gupta

... Respondent

Coram: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant appeared in person.

Respondent did not appear.

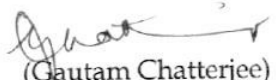
Order

June 03, 2019

1. The present complaint pertains to non-registration of a stalled project named 'Ayush Infrastructure (ENCLOVE)' situated at Village: Tisgaon, Taluka: Kalyan, District: Thane taken on CTS No. 85 Hissa no -7 Tisgaon Kalyan. The Complainant has stated that he is an allottee of the said proposed project. Even though having paid a substantial consideration amount the incomplete construction work is stalled for over 3 years. The Complainant further alleged that the Respondent initially had all building plan approvals but thereafter he wilfully doesn't apply for revalidation of the said approvals and hence project is stalled. Therefore, he is praying that appropriate directions be issued to the Respondent to register the project in accordance with the provisions of Real Estate (Regulation & Development) Act, 2016 (*hereinafter referred to as the said Act*).
2. 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.



3. 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.
4. Since the Respondent does not have requisite approvals which are valid and subsisting as on date, 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 revalidating the earlier approvals or obtaining valid building plan approvals from the competent planning authority.
5. However, since the Complainant has brought to notice of MahaRERA, the alleged mischief played by the Respondent, the MahaRERA Secretary is hereby directed to refer the matter to the concerned Competent Authority under whose jurisdiction the said proposed project situates, for taking appropriate action on the incomplete structure.
6. In view of the above, the complaint for registration of the project stands disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA