

**THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI**

Complaint No. SC 10000254

Devesh Shah Complainant

Versus

Indiabulls Real Estate Company Ltd. Respondents

Coram: **Shri Gautam Chatterjee,**
Hon'ble Chairperson MahaRERA

Complainant: Present

Respondent: Present

Order

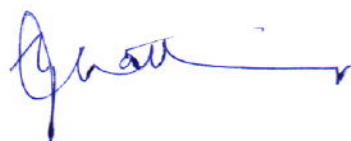
Date: 14th March 2019

- 1) This matter is pertaining to a housing Residential project which was known as "Indiabulls Sky Suites" situated on CTS No.612 & 613 Central Senapati Bapat Marg, Elphinstone Mill Compound (herein referred as the said project). The Complainant in the present complaint is praying for directions to the respondent to register the project in accordance with the provisions of Section 3 & 4 of the Real Estate (Regulation & Development) Act, 2016.
- 2) It is the contention of the Complainant that in the year 2016 he had booked an apartment in the said project and also paid substantial amount towards the consideration price. However, the Respondent



did not complete the project. Therefore, he was deprived of getting an apartment in the said project as per his booking. Therefore, the petition is seeking directions to register the said housing project taken up by the Respondent.


- 3) It is the contention of the Respondent that in the year 2006 they have taken up said housing project and also admitted that the Complainant had booked an apartment in the said project. It is the contention of the Respondent that though they have proposed 60 storeyed building in the year 2006; they came to the conclusion that the said project is not feasible and therefore they have decided to cancel the said project in January 2017. The Respondent further contended that in place of the said original residential project they have taken up a commercial building project which is not for sale and which is for their use. The Respondent further stated that they have already refunded the amount taken from the Complainant and therefore, the Complainant has no locus to file the present complaint. The Respondent finally concluded that since they have taken up



revised commercial project for themselves, which is not for sale, no directions as prayed by the Complainant to register, be accepted.

- 4) From the contentions, it is clear that the said residential project has been abandoned and there is no valid Commencement Certificate for the said residential project. The Respondent has decided to construct commercial building on the same place for themselves, which therefore, does not require a registration with MahaRERA as per section 3 of Real Estate (Regulation & Development) Act, 2016. Therefore, in the absence of mandatory requirements no directions can be issued to the Respondent to register the residential project which is already abandoned by the Respondent.
- 5) Therefore, the complaint stands disposed of.

Place: Mumbai
Date: 14.03.2019


(Gautam Chatterjee)
Chairperson/MahaRERA