

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI**

1. SOURCE COMPLAINT NO. SC10000980
Abhay Hanumant Kamat
2. SOURCE COMPLAINT NO. SC10001173
Amit Kumar Ram Prasad Singh
3. SOURCE COMPLAINT NO. SC10001174
Kishor Ravindra Joshi
4. SOURCE COMPLAINT NO. SC10001175
Mr Ganesh Narayan Bhise
5. SOURCE COMPLAINT NO. SC10001176
Mr Arun Shankarrao Mandade
6. SOURCE COMPLAINT NO. SC10001178
Mr Deepak Pandurang Saidane
7. SOURCE COMPLAINT NO. SC10001179
Mrs Anuja Chandrakant Chalke
8. SOURCE COMPLAINT NO. SC10001181
Mrs Shravani Govind Bagwe
9. SOURCE COMPLAINT NO. SC10001182
Mr Yogesh Ramesh Dhamke
10. SOURCE COMPLAINT NO. SC10001183
Ms Sarayu Madhusudan Bhamaria
11. SOURCE COMPLAINT NO. SC10001184
Mr Mahesh Sahebrao Patil
12. SOURCE COMPLAINT NO. SC10001185
Mr Sohanlal Dungur Jatav
13. SOURCE COMPLAINT NO. SC10001186
Mr Jayesh Kantiprasad Kashiya
14. SOURCE COMPLAINT NO. SC10001187
Mr Safrajussain Gudusab Nadaf

15. SOURCE COMPLAINT NO. SC10001188
Mr Sagar Ramchandra Bhagat
16. SOURCE COMPLAINT NO. SC10001189
Mrs Sunanda Bhimcharan Maghade
17. SOURCE COMPLAINT NO. SC10001192
Mr Ashok Keru Dhadwad
18. SOURCE COMPLAINT NO. SC10001256
Kanchan Kiran Prabhu
19. SOURCE COMPLAINT NO. SC10001257
Bharat Ransingh Bansole
20. SOURCE COMPLAINT NO. SC10001258
Suresh Dattu Jadhav
21. SOURCE COMPLAINT NO. SC10001337
Mr Subhash Laxman Ghuge
22. SOURCE COMPLAINT NO. SC10001338
Ms Sunita Bajayya Penta
23. SOURCE COMPLAINT NO. SC10001577
Prakash Pandurang Sawant

.... Complainants

Versus

Harish Ranchodbhai Bhanushali

... Respondent

Coram: Shri. Gautam Chatterjee, Chairperson, MahaRERA


Complainant nos. 1, 2, 3, 4, 5, 7, 8, 10, 13, and 16 were themselves present a/w Mr. Avinash Sangurdekar, Adv.

Complainant nos. 6, 9, 11, 12, 14, 15, 17, 18, 19, and 20 did not appear.

Respondent did not appear.

Order (Ex-parte)

August 02, 2019

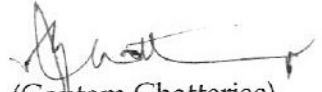


1. The present complaints pertain to non-registration of a stalled project named 'Riel Heights Project' situated at Manda, Taluka: Kalyan, District: Thane - 421605. The Complainants have stated that they are allottees of the said proposed project via agreements for sale/ allotment letters/booking applications since the year 2011 onward. They further stated, that even after paying a substantial consideration amount, construction work of the project has not been completed till date. It is the contention of the Complainants 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 they are praying that appropriate directions be issued to the Respondent to register the project.
2. The Respondent did not appear, in spite service of notice to the address provided by the Complainants.
3. During the course of the hearing, the learned counsel for the Complainants further made submissions, that the project is stalled due to various reasons. They stated that the project comprises of 4 wings, for which the valid approvals have lapsed, and the Respondent has failed to revalidate it. Also, the project has encumbrances by way of a mortgage to a financial institution (DHFL), and unpaid heavy dues to the competent planning Authority (i.e. KDMC). Moreover, they mentioned that the Promoter is having disputes not only with the other Partners, but also, with the Promoter/Landowners of the project. Finally, they stated that, on grounds of diversion of funds, a complaint has been registered against the Respondent with the Economic Offences Wing.
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 Complainants have not been gone into. The Complainants have the liberty to raise the same in an appropriate forum.
8. In view of the above, the complaints for registration of the project stands disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA