

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

1. Source Complaint No. SC10000757  
Sanjay Kumar Jha
2. Source Complaint No. SC10000758  
Omprakash Sitaram Saraf

..... Complainants

Versus

Marwin Construction Co,  
Partner Shrinivas G Basa

..... Respondent

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

Complainants did not appear.  
Respondent, Mr. Shrinivas G. Basa, was himself present.

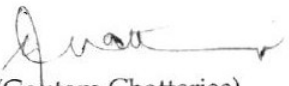
**ORDER**

May 22, 2019

1. The complaints are pertaining to a proposed project known as 'Kaushal Elegance' at Borivali, Mumbai Suburban. The Complainants did not appear. However, the Complainants in their complaints have alleged that despite having paid a substantial amount towards the consideration price, the Respondent has failed to execute and register the agreement for Sale. They have further mentioned that the Respondent has failed to commence the construction of the proposed project and subsequently failed to register the proposed project under MahaRERA, till date. Therefore, the Complainants have prayed that the Respondent be directed to register the project in accordance with the provisions of Section 3 of the Real Estate (Regulation & Development) Act, 2016.



2. The Respondent has stated that he has obtained the IOD from the concerned competent Authority on March 30, 2019. He further explained that since, at present, he does not have any valid building plan approval/CC, they have not registered it yet, as required under Section 4 of Real Estate (Regulation & Development) Act, 2016. Moreover, he submitted an undertaking stating that he will duly register the proposed project with MahaRERA, upon acquiring the same.
3. Since the Respondent is not having valid CC and other approvals which are mandatorily required for registration in accordance with Section 4 of the Real Estate (Regulation & Development) Act, 2016, 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 commencement certificate.
4. 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.
5. Accordingly, complaints are disposed of.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA