

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

COMPLAINT No: CC006000000001978

Mr. Mahamud Shaikh

..... Complainant

Versus

M/s Nirmal Lifestyle (Kalyan) Private Limited

MahaRERA Registration No P51700003554

.....Respondent

Coram: Hon'ble Dr. Vijay Satbir Singh, Member 1

The complainant appeared in person.

Adv. Deepan Dixit a/w Mrs.Vaishali Mohite appeared for the respondent

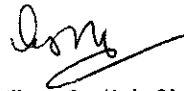
Order

(1st February 2018)

1. The complainant is an allottee in the MahaRERA registered project bearing No. P51700003554 known as "Lifestyle City Kalyan Riviera A" at Kalyan. He had purchased a flat No. 405 having carpet area of 369.51 sq.ft. in Building known as Riviera "A" in the respondent's project vide registered agreement for sale dated 14-05-2017, in which the date of possession was mentioned as 31-12-2017 with grace period of 6 months i.e. 30-06-2018. He has filed this complaint on the ground that the construction work under the said project is very slow and now the respondent, in MahaRERA project registration has mentioned the revised date of completion as 31-12-2021, which is not acceptable to the complainant.
2. This matter was heard on 16-1-2018. In this case, both the parties have sought time to settle the matter amicably. However, the settlement could not take place. Hence this matter was finally heard today.
3. The complainant contended that though as per the registered agreement for sale dated 14-5-2017, the respondent is liable to handover the possession of the flat to him with grace period of six months by June 2018. But, there is no progress on site and the respondent cannot complete the said project by the due date, as the work of only 5 slabs are completed now at site. Therefore, the

complainant requested for refund of amount paid by him to the respondent with interest.

4. The respondent disputed the claim of the complainant and stated that the present complaint is premature since the date of possession as per the registered agreement for sale is yet to come. As on today, there is no cause of action for the complainant to approach this Authority. The respondent therefore, requested to dismiss the present complaint on the ground of maintainability.
5. On perusal of the online complaint filed by the complainant, it is not clear that what relief the complainant is seeking from this Authority. Moreover, as per the registered agreement executed between them, the date of possession with grace period is June 2018. Therefore, there is no cause of action for the complainant to file complaint under section 18 of the RERA Act, 2016 and as on date the present complaint is premature.
6. In view of these facts and also the complainant has failed to prove violation of the any provision of RERA Act, 2016 and Rules and Regulation made there under by the respondent, he is not entitled to seek any relief from this Authority at this stage.
7. In view of above, the complaint stands dismissed as premature.



(Dr. Vijay Satbir Singh)
Member-1/MahaRERA