

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC005000000001658

Jiviben Sanghvi

... Complainant

Versus

Raj Constructions
Shakeel Ahmed Mohammed Yunus
MahaRERA Regn.No:P51900005282

... Respondent

Coram :

Shri Gautam Chatterjee, Chairperson, MahaRERA

Order

15th December 2017

Complainant pleaded by S.S.Gaikwad


Respondent represented by Shri Asif Ansari, Legal Head

1. The Complainant has filed this complaint, stating that she had handed over her old apartment to the Respondent in lieu of the promoter offering a new apartment in the redevelopment scheme. The Respondent through a registered agreement, dated 8th May 2013, agreed to handover possession of a specific apartment in the redeveloped project. However, now the Respondent is handing over a different apartment to the complainant. Therefore, complainant has approached MahaRERA to direct the respondent to hand over the possession of that specific apartment to the complainant.
2. During the hearing on 15th December 2017, the Respondent stated that the agreement dated 8th May 2013 is for providing permanent alternate accommodation to the Complainant, who is a tenant, on ownership basis in lieu of the tenanted premises. The Respondent further stated that the apartment which the complainant is seeking, is a free sale category apartment and not a rehabilitation apartment. The Respondent further said that they have repeatedly requested the Complainant to take possession



of her designated rehabilitation apartment, for which she is eligible, However, she is not willing to take the possession in spite of repeated requested.

3. It is clear that the agreement cited in the complaint is not of sale or purchase of apartment but for getting possession of rehabilitation apartment, in lieu of the old tenanted tenement. We find nothing wrong in the Respondent's offer of rehabilitation apartment to the Complainant. The Complainant should take possession of the offered apartment.
4. Consequently, the complaint is dismissed.


(Gautam Chatterjee)
Chairperson, MahaRERA