

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

SC10000848

Santosh Digambar Tandel

SC10000904

Tina Ranjan Vohra

.... Complainants

Versus

M/S Abhini Developers

Abhini Developers Private Limited

Abhishek Garodia

Nishant Garodia

(Abhini Developers Private Limited)

..... Respondents

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

Complainant : Present

Respondent : Present

ORDER

Date: 24th April 2019

- 1) The matter is pertaining to the proposed residential Project known as **"MANDAKINI TOWERS"** Ghatkopar, Mumbai. The Complainants are praying that Respondent be directed to register the proposed project, as an ongoing project, in accordance with the provisions of Real Estate (Regulation & Development) Act, 2016.
- 2) This proposed project was been taken up on the land bearing No. Survey No. 15(pt), Part of Plot No. 20 TO 2A. Admittedly, the Municipal Corporation of Greater Mumbai is the owner of the plot



(herein referred as said plot) The Slum dwellers on the said plot formed a Society and decided to implement Slum Rehabilitation Scheme and also appointed the Respondent as Developer/Promoter.

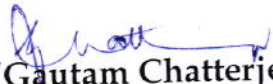
- 3) The Slum Rehabilitation Authority (SRA) granted Commencement Certificate for the project on 18.03.2004, however, no construction took place. Thereafter, the Municipal Corporation of Greater Mumbai by its letter dated 02.03.2013 issued stop work notice to the Respondent. The Municipal Corporation of Greater Mumbai also conducted various hearings and subsequently directed SRA to issue stop work notice by its letter dated 18.06.2015.
- 4) In exercise of powers under Section 13 (2) of Slum Rehabilitation Act, SRA finally terminated the Respondent as a Developer with respect to the project. Thereafter, the Respondent challenged his termination order by filing a complaint to the Apex Grievances Redressal Committee which was dismissed on 24.07.2018. It is the contention of the Respondent that he is filing Writ Petition before Hon'ble High Court challenging the order of Apex Grievances Redressal Committee dated 24.07.2018.
- 5) Thus, from the above it is clear that the plan approvals, including the Commencement Certificate issued in the year 2004 has already lapsed. The SRA has already terminated the Developer/Respondent from this project in exercise of powers under Section 13 (2) of the



Slum Rehabilitation Act. Thus, the Respondent is no longer promoter of the project.

- 6) In view of the above, the Respondent cannot be directed to register the project in accordance with the provisions of Section 3 & 4 of Real Estate (Regulation & Development) Act, 2016.

In view of this, complaints are disposed of.


(Gautam Chatterjee)
Chairperson/MahaRERA