

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

**Complaint No. CC00600000078179**

Mr. Mahendra Jamnadas Kara

..... Complainant

**Versus**

M/s. Purusham Garments Pvt Ltd

..... Respondent

Project Registration No. **P51800006542**

**Coram: Hon'ble Dr. Vijay Satbir Singh, Member – 1/MahaRERA**

The complainant appeared in person.

Adv. Tushar Kadam a/w Mrs. Vaishali Mohite appeared for the respondent.

**ORDER**

(3<sup>rd</sup> October, 2019)

1. The complainant who is the promoter of the project under reference has filed this complaint seeking directions from MahaRERA to the respondent allottee to pay maintenance charges and legal fees amounting to Rs. 15,56,798/- to the complainant in respect of booking of 9 units in the complainant's project known as "**Target The Mall**" bearing MahaRERA registration No. P51800006542 at Borivli (West), Mumbai.
2. This matter was heard on several occasions and the same was heard finally on 7-08-2019. During the hearings, the complainant appeared and argued the matter. However, during both the hearings, the respondent allottee remained absent.
3. It is a case of the complainant that the respondent has purchased 9 units in his project vide registered agreement for sale executed in the year 2015. Till date the respondent has not paid maintenance, development and legal charges to the complainant and taken forcible possession of the said units.

Hence the complainant has filed this complaint seeking relief as mentioned hereinabove.

4. The MahaRERA has examined the arguments advanced by the respondent. On perusal of the complaint, prima facie, it appears that there is no provision under the Real Estate (Regulation & Development) Act, 2016 to grant such relief as sought by the complainant.
5. Moreover, for payment for any dues such as development charges, maintenance charges, legal charges etc. the complainant has to take action as per the terms and conditions mentioned in the agreement for sale executed between the complainant and the respondent allottee.
6. Further, with regard to the forcible possession taken by the respondent, the appropriate action could have been taken by the complainant under the relevant provisions of criminal law. In the light of these facts, no relief can be granted by the MahaRERA in favour of the complainant.
7. With above observations, the complaint stands disposed of.



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