

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

**Complaint No. CC006000000090163**

Range Forest Officer Tulsi

.... Complainant

**Versus**

M/s. Kashtamandup Developers Pvt. Ltd

.... Respondent

Project Registration No. **P51800001863**

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

The complainant appeared in person.

Adv. Sushant Chavan appeared for the respondent.

Mr. Satish Kank Range Forest Officer appeared in person.

**ORDER**

(20<sup>th</sup> January, 2020)

1. The complainant has filed this complaint seeking directions from MahaRERA to revoke the registration of the MahaRERA registered project known as **"Gundecha Greens"** bearing MahaRERA registration No. P51800001863 situated at Borivali (East), Mumbai, issued in favour of the respondent under the provision of section 7 of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred to as the RERA).
2. This complaint was heard on several occasions and same is heard finally today. During the hearing both the parties have sought time to make their respective submissions and in compliance of principles of natural justice, adequate time has been granted to both the parties to file the submissions in support of their claim. During the hearing, notice was issued to Officer,

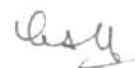
National Board of Wildlife , Thane. Accordingly the representative of the said board appeared for hearing today.

3. It is the case of the complainant that the concerned competent authority has not taken the mandatory permissions of the National Board for Wildlife prior to commencement of the Project and has neither taken the permission of the statutory Monitoring Committee upon its formation vide Central Government's notification no S.O. 3645(E), dated 05.12.2016.
4. The respondent on the other hand has resisted the claim of the complainant by raising various defences in their reply filed on record of MahaRERA , mainly the locus standi of the complainant in filing this complaint. The respondent further stated that the registration certificate issued under section 5 of the RERA can be revoked if the promoter has made any default in doing anything required under the RERA or he has violated any of the terms and conditions of any approvals granted by the competent authority, or the promoter is indulged in any unfair trade practise. However, the complainant has not proved as to whether they have violated any of the provision of section 7 of the RERA. Hence the respondent prayed for dismissal of this complaint.
5. The MahaRERA has examined the arguments advanced by both the parties as well as the record. In this case the complainant by filing this complaint is seeking revocation of MahaRERA registration granted in favour of the




respondent on the ground that they have not obtained mandatory permissions of the National Board for Wildlife prior to commencement of the project and also not taken permissions from the Statutory Monitoring Committee upon its formation vide Central Government Notification No. S.O.3645(E) dated 5-12-2016. The respondent on the other hand contended that no such permissions were required to be taken by them for carrying out construction in the said project.

6. In this regard , the MahaRERA is of the view that all the permissions for construction such as IOD /Layout /Commencement Certificate have been issued by the concerned competent authority and it is for the competent authority to look into the issue whether all required mandatory permissions have been properly obtained by the promoter or not. The MahaRERA cannot decide whether all permissions have been legally granted or otherwise.
7. During the hearing, it has been brought to the notice of MahaRERA that the concerned competent authority viz Executive Engineer/ (Building Proposal) R/Ward, MCGM has already issued show cause notice dated 14-01-2020 and called upon the respondent to give explanation within a period of 7 days.
8. In view of the aforesaid facts, since this issue raised by the complainant is already pending before the competent authority, the MahaRERA directs the complainant to agitate these issues before the competent authority.



The MahaRERA would take further appropriate action if the competent authority recommends for.

9. With the above directions, the complaint stands disposed of.

  
(Dr. Vijay Satbir Singh)

**Member – 1/MahaRERA**

