

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC005000000010684

Ramdas Vetel and Others

... Complainants

Versus

Vijayalaxmi Infrarealtors LLP
MahaRERA Regn: P52100005778

... Respondent

Coram

Hon'ble Shri Gautam Chatterjee, Chairperson

Complainants represented themselves along with Mr. Saurabh Sudhir Avachat, Adv.
Respondent was absent. Hence, order passed ex-parte.

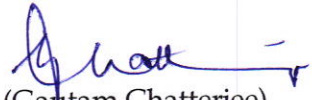
April 17, 2018

1. The Complainants are resident in the Respondent's project 'SATYAM SHREY-A' at Mulshi, Pune. The Complainants have stated that the Respondent has completed the construction of the said project around November 2014 and handed over possession of the respective apartments to the Complainants during the period of 2014 to 2016. However, they alleged that the Respondent, till date, has not obtained the occupancy/completion certificate from the competent authority. Further, they alleged that the Respondent has mentioned the revised proposed date of completion as December, 2023 in their registration webpage on MahaRERA website. They also alleged that the Respondent has not constructed the project as per sanctioned layout plans and that the apartments of the Complainants do not admeasure as per the areas mentioned in the respective agreements and the actual area of the apartment is less than the area mentioned in the agreements. They also alleged that the Respondent has retained the possession of ground floor, which is sanctioned as parking, with him and is using it for commercial purpose. Finally, they alleged that in spite of majority of the apartments being booked, the Respondent has not formed co-operative society of the allottees till date. They also submitted that the response to an RTI query filed in



PMRDA shows that the project is not as per sanctioned plans. Therefore, they prayed the Respondent may be directed to obtain completion/occupancy certificate from competent authority, to form co-operative society of the allottees and to handover possession of ground floor parking to the association of allottees. Further, they prayed the Respondent be directed to pay the Complainants interest at the rate of 24% per annum on the amount of consideration paid by the allottees from the agreed date of possession.

2. During the course of the hearing it was explained to the complainants that provisions of section 18 of the Real Estate (Regulation and Development) Act, 2016 do not apply to the present case as the complainants have already taken possession of their apartments. Further, it was also explained to the Complainants that the concerned planning authority is the competent authority to take action against the Respondent for any irregularities in the sanctioned plan like misuse of parking space etc.
3. On review of the respondent's MahaRERA registration it is observed that the respondent has put December, 2023 as the revised proposed date of completion and that 98% of the project work is already completed. As per the provisions of the Rule 4 of the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017 the revised date of possession for an ongoing project has to be commensurate with the extent of balance development and therefore the revised timeline stated by the Respondent is unreasonable.
4. In view of the above facts, the respondents are directed to complete the project with occupancy/completion certificate, before the period ending December 31, 2018. Further, the Respondent shall initiate the process of formation of co-operation housing society within 30 days from the date of this Order.
5. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA