

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,
BANDRA, MUMBAI

COMPLAINT NO: CC005000000000193

Mr. Vishal Kamble

.. Complainant

Versus

Mr. Amol Lalchand Bhilare and Mr. Kiran Ambadas Gote

..... Respondents

MahaRERA Registration No - P52100001226

Coram: Hon'ble Dr. Vijay Satbir Singh, Member 1

Date- 26th September 2017

Order

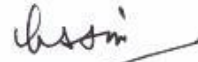
1. The complainant has prayed before this Authority to direct the respondents to give his 50% share in the project as per the registered development agreement executed between him as the landowner and the respondents. The complainant alleged that the respondents had forged the agreement with malafide intension and shown area in sq.ft in the agreement instead of 50% share. Further the respondents have allotted only two bike parking and two four-wheeler parking to the complainant. He further alleged that one of the respondents had been using two different names i.e. Mr Sachin Ambadas Gote on Project Plan submitted to Pune Municipal Corporation and Kiran Ambadas Gote on agreement document and it is noticed from the MAHARERA website. Even major bookings of flats and parking space were made to the customers without any notice to the landlord.



2. This matter was heard today i.e. on 26-09-2017, when the complainant and the respondents appeared in person. During hearing, the complainant prayed to MahaRERA that the respondents be directed to give his 50% share in the project as per the agreement.
3. The respondents replied that they had executed the registered development agreement with the complainant and other owners in the year 2012. Now after a lapse of 5 years, the complainant is disputing the agreement on the ground of alleged forgery. There is no substance in the allegation of complainant, as the agreement clearly mentioned the area in sq. ft. to be shared without any doubt and agreed upon by both sides. With regard to the allegations about the use of two names by the respondents, they stated that it was due to typographical mistake of the concerned Architect on the record of planning authority and the said mistake has been rectified by them. The respondent has submitted revised IOD plan, Aadhar Card, Pan Card etc. in support of his arguments.
4. Considering the rival submissions made by both the parties and after perusing the record available with this Authority it appears that the complainant is seeking directions for specific performance of the development agreement executed between the complainant and the respondents. However, the MahaRERA has no jurisdictions to try or entertain such civil disputes.
5. The MahaRERA also observed that the complainant is one of the co-owner of the plot of land under the registered project bearing No. P52100001226. There are about 40 co-owners of the said plot of land and they are having area sharing in the project as per the registered development agreement executed in the year 2012. However, their names have not been not uploaded as co-promoters in said project. As per the provisions of RERA

Act, 2016, Rules and Regulation issued there under, all relevant information should be disclosed while registering the project with the MahaRERA. However, this has not been happened in this case due to the internal disputes of the parties.

6. The MahaRERA, therefore, directs the complainant to provide the details such as Bank account, declaration Form B of co-promoters, Aadhar Card etc. to the respondents within a period of two days from today. On receipt thereof, the respondents are directed to correct and update the relevant information in registered project with the MahaRERA by joining complainant and other owners as co-promoters within a period of 5 days. The compliance report shall be submitted to this Authority within a period of one week i.e. on or before 3-10-2017.
7. In view of these directions, the complaint stands disposed of.



(Dr. Vijay Satbir Singh)
Member-1, MahaRERA