

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

1. COMPLAINT NO. CC006000000057076
Rosy S Petters
2. COMPLAINT NO. CC006000000078285
Yogesh Shivaji Deshmukh
3. COMPLAINT NO. C006000000078288
Goraksha Genu Tandale
4. COMPLAINT NO. CC006000000078290
Dilip Balkrishna Uplekar
5. COMPLAINT NO. CC006000000078292
Amita Mukesh Shinde
6. COMPLAINT NO. CC006000000078293
Ashish Prakash Sutar
7. COMPLAINT NO. CC006000000078297
Kiran Ramkrishna Satav
8. COMPLAINT NO. CC006000000078299
Priyanka Pravin Mane
9. COMPLAINT NO. CC006000000078302
Sachin Shrikant Puranik
10. COMPLAINT NO. CC006000000078303
Sanju Manohar Makawana
11. COMPLAINT NO. CC006000000078446
Rupesh Rajaram Mohite
12. COMPLAINT NO. CC006000000078479
Rajkiran Gangaram Ingole
13. COMPLAINT NO. CC006000000078500
Balkrishna Vilas Tare
14. COMPLAINT NO. CC006000000078535
Rajesh Suresh Shevare



15. COMPLAINT NO. CC006000000078539

Rajendra Balu Phuke

16. COMPLAINT NO. CC006000000078542

Pandharinath Daulat Raut

17. COMPLAINT NO. CC006000000078543

Gayatri Mahadev Prasad Sharm

18. COMPLAINT NO. CC006000000078609

The Consumer's Guidance & Protection Society

... Complainants

Versus

Assets Reality

MahaRERA Regn. No. P51700008568

... Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant no. 1 was represented by Ms. Kiran Shinde, Adv. and Mr. Usha Singh, Adv. a/w Ms. Vidhya Kulkarni, Adv. (i/b NKS Legal).

Complainat nos. 2 - 12 were represented by Mr. R. M. Deshmukh, Adv.

Complainant nos. 13 - 18 did not appear.

Respondent was represented by Mr. Ritesh Mishra, Partner.

Order

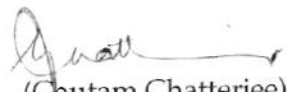
May 09, 2019

1. The Complainants have purchased apartments in the Respondent's project 'THE CHALETS AVENUE' situated at Badlapur, Thane via registered agreements for sale. The Complainants have alleged that the date of possession as stipulated by the said agreements is long over. Therefore, they prayed *interalia* that since the Respondent has failed to hand over the possession of the apartments within the stipulated period, they be directed to pay interest, on delay or refund the amounts paid as per the provisions of section 18 of the Real Estate (Regulation and Development) Act, 2016 (*hereinafter referred to as the said Act*).
2. The learned Counsel for the Respondent submitted that the project work is 85% completed and that outer plastering and plumbing work is pending. Further, he



explained that the construction work of the project could not be completed because of reasons which were beyond the Respondent's control. Specifically, he submitted that the due to financial constraints, internal issues between the Promoter partnership firm, stop work notice issued by the Planning Authority the project has got stalled. However, he added, that the Respondent is now in process of vacating the stop work notice issued by the Planning Authority. He also submitted that 90% of the allottees are in arrears of payments of their due consideration amounts.

3. On review of the Respondent's registration webpage it is observed that the extended project registration timeline granted under section 6 of the said Act, has also expired on November 30, 2018. Therefore, during the course of the hearing, it was explained to the Complainants that since the project registration has lapsed, the allottees should explore the possibility of invoking the provisions of section 7/8 of the said Act to complete the project through the association of allottees.
4. At this stage when the project is at stand still due to stop work notice of the Planning Authority and since the association of allottees is already formed, the only way forward would be to protect the right of the allottees.
5. In view of the above facts, the allottees are advised to take an informed decision pertaining to the said project and proceed under Section 7/8 of the Act as per the MahaRERA Order no. 8/2019 dated March 29, 2019 on Revocation of Registration of Project.
6. The Respondent may seek the approval of the association of allottees for order under Section 7(3) of the said Act, as per MahaRERA Order no 7/2019 dated February 8, 2019 on Revocation of Registration of Project for reviving and completing the said project.
7. Consequently, the matters are hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA