

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO: CC00600000023310

Rajendra Keny ... Complainant

Versus

Rajkumar Kushwaha  
MahaRERA Regn. No: P51800002257 ... Respondent

Coram  
Hon'ble Shri Gautam Chatterjee, Chairperson

**Order**

April 17, 2018

Complainant was present himself along with Mr. Avinash Pawar, Adv.


Respondent was represented by Mr. Harsh Patel, CA.

1. The Complainant in his complaint has stated that he has been allotted an apartment of 550 sq. feet in the Respondent's project 'SIDDHARTH PALACE' vide a registered conveyance deed dated July 27, 2012 entered between the Complainant and the Respondent. He prayed that the Respondent be directed to execute and register the agreement for sale for the said apartment.
2. During the hearing, the Complainant stated that he was one of the landowners of the plot on which the Respondent is developing the said project. He further stated that pursuant to the said conveyance deed the Respondent promised to allot an apartment to him in lieu of the land sold.
3. The Respondent submitted that the clause of the said conveyance deed stipulates that the Respondent is required to allot an apartment to the Complainant in a proposed project, and that the said conveyance deed does not specifically mention in which



project the apartment is to be allotted, since the plot consists of a larger layout. He submitted that the Complainant is insisting that he be allotted apartment 702 in the said project but the said apartment is already sold to someone else. Respondent further submitted that he is committing to allot an apartment to the Complainant in the project 'Sky Tower' which is being developed in the same layout.

4. The Complainant insisted that the Respondent allot an apartment in the project 'SIDDHARTH PALACE'.
5. The Respondent via letter dated March 29, 2018 has submitted an undertaking to MahaRERA that he shall allot a 1BHK apartment to the Complainant in the project 'SIDDHARTH PALACE' on the 11<sup>th</sup> or 12<sup>th</sup> floor subject to getting commencement certificate and other necessary approvals from MCGM and other authorities. Further, he submitted that in case the 11<sup>th</sup> and 12<sup>th</sup> floor in the project 'SIDDHARTH PALACE' are not constructed, then he shall allot a 1BHK apartment to the Complainant in the project 'Sky Tower'.
6. In view of the above facts, the complaint is disposed of.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA