

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

COMPLAINT No: CC006000000054603

Mr. Samnan Shahid Mir

..... Complainant

**Versus**

Mr. Imtiaz Saigara & Ahmedi Delawala

MahaRERA Registration No. P51900007731 ..... Respondent

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

Adv. Salman Shaikh appeared for the complainant.

Mr. Vijay Gawde, representative of the respondent in person.

**ORDER**

(19<sup>th</sup> July , 2018)

1. The complainant is an allottee in the MahaRERA registered project bearing No. P51900007731 known as "White Pearl" at Byculla, Mumbai. He has filed this complaint seeking directions to the respondent to execute the registered agreement for sale with the complainant under section 13 of the Maharashtra Real Estate (Regulation and Development) Act, 2016.
2. This matter was heard finally. The complainants argued before this Authority that in the year 2010, he had booked a flat No. 1604 in the respondents project for total consideration amount of Rs. 26,00,000/-. He had paid entire amount to the respondent and accordingly the respondent had issued him allotment letter dated 18-05-2010. Though he has paid entire amount, the respondent has not executed registered agreement for sale with him. Hence the present complaint has been filed.
3. The respondent has argued that due to changes in building plan, the flat No. 1604 allotted to the complainant got converted into rehab

tenement under S.R. Scheme and therefore the registered agreement for sale was not executed with the complainant. However , he is ready and willing to execute the agreement with the complainant for the alternate flat as agreeable to the complainant.

4. In view of this fact, this Authority feels that, admittedly the complainant allottee has paid more than 10% amount towards the booking of his flat. Therefore, as per the provisions of Section-13 of the RERA Act, 2016, the respondent is liable to execute the registered agreement for sale with the complainant.
5. In view of the aforesaid facts, this Authority directs the respondent to execute registered agreement for sale with the complainant for a flat as agreeable by the complainant within a period of 45 days from the date of this order.
6. With these directions, the complaint stands disposed of.



(Dr. Vijay Satbir Singh)  
**Member-1/MahaRERA**