

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY, MUMBAI**  
**COMPLAINT NO: CC005000000010979**

Mr. Somendra Narayan Mukherjee

..... Complainant

**Versus**

M/s. Orient Shivam Promoters & 2 others.

MahaRERA Registration No - P52100002253

..... Respondent

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

Adv. Prashant Chavan appeared for the complainant.

Adv. Amit Patil appeared for the respondent No. 1

M/s. Orient Shivam Developers.

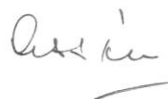
Adv. Vijay Upadhyay appeared for the Respondent No. 3

M/s. Shivam Promoters.

**Order**

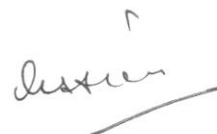
(26<sup>th</sup> June, 2018)

1. The complainant has filed this complaint seeking directions from this Authority to the respondent to refund the money paid by him to the respondent with interest and compensation under section 18 of the Real Estate (Regulation & Development) Act, 2016 for the delayed possession in respect of booking of a flat bearing No. 12, in Wing B on 3<sup>rd</sup> floor in the building known as "Lotus B ", at Pune.
2. The complainant has argued that he had booked a flat in the respondent's project for a total consideration amount of Rs. 24,69,583/-. The agreement for sale was registered on 15-01-2014. He has paid an amount of Rs. 20,78,383/- to the respondent No.1 towards the cost of the said flat. As per the agreement for sale, the respondent No.1 was liable



to hand over possession of the said flat to the complainant by 31<sup>st</sup> March 2014. The respondent No. 1 has given possession of the flat to him on 24/2/2016. However, he has failed to provide all amenities to him as per the registered agreement. Hence, the present complaint has been filed under section 18(1) (a) and (b) of the RERA Act, 2016 seeking refund of the amount with interest and compensation.

3. The respondents have disputed the claim of the complainant and raised an issue of maintainability of the present complaint. The respondents stated that the complainant has booked a flat in the wing B of the building known as Lotus and the completion certificate has been received for the said building on 29-07-2017. Therefore, in view of the provision of section 3 of the RERA Act, 2016, the respondents have not registered the said wing with MahaRERA. The complainant has filed this complaint about another wing which is registered separately with MahaRERA, i.e. Wing A-3. Under these circumstances, the respondents have prayed for dismissal of this complaint.
4. This Authority has examined the arguments advanced by both the parties and also the relevant record of MahaRERA. It appears from the record that admittedly, the complainant has booked a flat in wing B of the building known as Lotus and the respondents have already obtained completion certificate for the said wing. The respondents have not registered the said wing in MahaRERA. The MahaRERA registration number mentioned in the complaint pertains to another ongoing project. Moreover, as per the explanation of section 3 of the RERA Act, 2016, the promoter of the real estate project is entitled to register his project in phases and every such phase shall be considered a stand alone real estate project, and the promoter shall obtain registration under this Act for each phase separately.



5. In view of these facts, this Authority feels that the present complaint filed by the complainant for different MahaRERA registered project bearing No. P52100002253 is not maintainable since the complainant is not an allottee of the said registered project.
  
6. In the light of these facts, the complaint stands dismissed for want of jurisdiction.



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