BEFORE THE

MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

MUMBAI

SOURCE COMPLAINT NO: SC10000716

Khawaja Husain Shaikh

Complainant

Versus

Uday Sampant

Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was himself present. Respondent did not appear.

Order

May 22, 2019

- 1. The Complainant has stated that he has booked an apartment in the year 2009, in the Respondent's proposed project known as 'Dhwani Height situated at Mira-Bhayander (M. Corp), Thane. He further stated that the project has been stalled for a long time and even though the proposed project is an ongoing project, the Respondent has failed to register it with MahaRERA. Therefore, the Complainant has prayed for directions to the Respondent to register the project under the relevant provisions of Real Estate (Regulation and Development) Act, 2016.
- 2. The Respondent/Promoter did not appear.
- 3. Mr. Harshil Shailesh Shah, Promoter/Landowner (hereinafter referred to as the said Promoter/Landowner) was present. During the course of the hearing, the said Promoter / Landowner made a submission that pursuant to an agreement for sale executed in the year 2007, he sold the FSI rights to the Respondent/ Promoter. He further stated that the project had a valid IOD and CC from the concerned Planning Authority in the year 2007. But thereafter, the construction work of the building has stopped and the Respondent/Promoter has failed to revalidate the building permissions, till date.

quat ,

- 4. The proposed project cannot be registered in the absence of a valid CC and IOD and other building plan approvals as prescribed under Section 4 of Real Estate (Regulation and Development) Act, 2016, at this stage. Therefore, no direction can be issued to the Respondent to register the project immediately. However, the Respondent shall apply for MahaRERA registration within 30 days of them receiving valid IOD and CC for the project.
- Merits of the other grievances made by the Complainant, have not been gone into. The Complainant has the liberty to raise the same in an appropriate forum.
- 6. Consequently, the complaint for registration of the project stands disposed of.

(Gautam Chatterjee)

Chairperson, MahaRERA