

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

1. COMPLAINT NO. CC006000000100479
Vicky Wadhwani
2. COMPLAINT NO. CC006000000100560
Vicky Wadhwani
3. COMPLAINT NO. CC006000000100561
Bhagwan Wadhwani and Sonia Bhagwani
4. COMPLAINT NO. CC006000000100562
Amit Wadhwani
5. COMPLAINT NO. CC006000000100563
Amit Wadhwai
6. COMPLAINT NO. CC006000000100565
Milton Mascarehnas

... Complainants

Versus

Steelfab Engineering Corporation
MahaRERA project Regn. No. P51700001388

... Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants nos. 1 to 5 were represented by Mr. Dharam Jumani, Adv. a/w Ms. Helina Desai, Adv. and Mr. Rickin Dang, Adv. (i/b. Ganesh & Co.).

Complainant 6 was himself present a/w Mr. Sanjay Chaturvedi, Adv. and Ms. Pooja Gaikwad, Adv. (i/b. Sanjay Chaturvedi & Associates)

Respondent was represented by Mrs. Reshma K. Gujarani, Adv. (i/b. Mirajkar & Associates).

Order

January 13, 2020

1. The Complainants have purchased apartments from the Respondent, in the Respondent's project 'ANA Avant Grade Phase 1' on CTS no 1335PT, 1424PT, 1291PT, 1426PT, 1427PT at

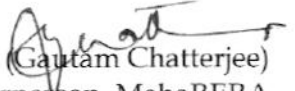


Kashimira Junction, Mira-Bhayandar (M Corp.), Thane 401104 via respective agreements for sale, in the period between September, 2018 to December, 2018. The Complainants have stated that the Respondent has failed to complete the project by December, 2018 as stated in the said agreements for sale. Therefore, they prayed to direct the Respondent to refund the principal amount and stamp duty, with interest. In CC006000000100565, the Complainant has prayed for interest, on delay for the inability of the promoter to complete the project.

2. The learned counsel for the Respondent submitted the project could not obtain Occupancy Certificate (OC) yet from the concerned competent authority and that the matter related to the same has been pending before Mira-Bhayander Municipal Corporation. The Respondent further submitted that the building is nearly completed.
3. The project registration webpage shows that the extended registration period of the said project has lapsed on December 31, 2019. Further, the Respondent has not uploaded the Annual Audit Report of Statutory CA - Form 5 for F.Y. 18-19 till date.
4. Since the Respondent has failed to complete the project even in the extended project registration period, at this stage, the only way forward would be to protect the right of the allottees and enable them to form an Association of Allottees (AOA) under the provisions of section 7/8 of the said Act to complete the project. Allowing withdrawal from the project at this stage will put pressure on the RERA designated Account, which needs to be judiciously managed by the AOA for project completion.
5. In view of the above facts, the Respondent is directed to handover the list of allottees of the said project to the Complainants, along with their contact details, within 30 days from the date of the Order, to enable them to take an informed decision pertaining to the said project. Further, the Respondent is directed to upload the Annual Audit Report of Statutory CA - Form 5 for F.Y. 18-19 within 15 days from the date of this Order.
6. The allottees are advised to form an association of allottees and thereafter 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.
7. The Respondent is hereby restrained from creating any further third party rights against unsold apartments in the project.



8. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA