

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

SOURCE COMPLAINT NO. SC10001316

Raveendra Naik ... Complainant

Versus

Expat Projects and developments Private Limited .... Respondent

**Coram:** Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was represented by Mr. S. N. Shinde, Adv.

Respondent was represented by Mr. Yashvant Bhoir, Authorised representative.

**Order**

October 01, 2019


1. The present complaint pertains to non-registration of an alleged plotted development project named 'Florence Phase I' situated at Village: Parinche, Taluka: Purandar, District: Pune. The Complainant submitted that the Respondent has sold an agricultural plot in the year 2013 to him after he paid a substantial amount of consideration with an understanding that the Respondent would get him NA permission. But, the NA permission of the plot of land has not been obtained by the Respondent and the Respondent has also failed to register the said plotted development project under MahaRERA. Therefore, Complainant is praying to issue appropriate directions to the Respondent to register the project in accordance with the provisions of Real Estate (Regulation & Development) Act, 2016 (herein after referred to as the *said Act*).
2. On the background explained above, it is necessary to consider whether the respondent can be directed to register the project in accordance with the provisions of the said Act and rules and regulations made thereunder.



3. In accordance with the provisions of Section 3 of the said Act, the promoters are under obligation not to advertise, market, book or offer for sale or invite in any manner apartment or building as the case may be without registering the Real Estate Project with the Real Estate Regulatory Authority under the provisions of the said Act. Provided that projects that are ongoing on the date of commencement of the said Act and for which completion certificate has not been issued, promoter shall make application for registration within a period of three months from the date of commencement of the said Act.
4. A Real Estate project is defined under Section 2 (zn) of the Act as, the development of a building or a building consisting of apartments, or converting an existing building or a part thereof into apartments, or the development of land into plots or apartment, as the case may be, for the purpose of selling all or some of the said apartments or plots or building, as the case may be, and includes common areas, the development works, all improvements and structures thereon, and all easement, rights and appurtenance belonging thereto;
5. Section 2 (s) of the Act defines "development" as, "development" with its grammatical variations and cognate expressions, means carrying out development of immovable property, engineering or other operations on, on, over or under the land or the making of any material changes in any immovable property or land and includes re-development. Essentially development would mean development of immovable property in accordance with permissions for such development which are given by the Competent Planning Authority.
6. In the present case, it is an admitted fact that the Complainant has purchased a parcel of agricultural land from the Respondent. It is also a fact that, till date, there is no permission granted by the Competent Authority by way of N.A. Order or otherwise. Such transactions of immovable property do not get covered under the definition of a real estate project and the said Act. Hence, the mandatory requirement under section 4 (2) (d) and 4 (2) (e) of the Act, of having a valid development permission, is not fulfilled.



7. It was also explained that as stated in Para 86 of the judgement of Hon'ble Bombay High Court in *Writ Petition No. 2737/- U Neelkamal Realtors. Vs. Union of India*, RERA will apply after getting the project registered. Therefore, 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.
  
8. In view of the above, the complaint for registration of the project stands disposed of.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA