

**THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI.**

**COMPLAINT NO: SC10000674.**

Ramesh Kalanke

.... Complainants.

**Versus**

Sankalp developers & consultants

.... Respondents.

**Sankalp Project**

**No 55 56 57 93 94 96 101102 of Village Oshiwara  
Taluka Andheri (west), Mumbai 400 102.**

**Coram: Hon'ble B.D. Kapadnis,  
Member-II.**

**Appearance:**

Complainant: Adv. Sampat Wadte.

Respondents: Adv. S. A. Waradkar.

**Order  
(28<sup>th</sup> December 2018)**

Heard both the parties and perused the documents.

2. The respondents have submitted that they have been developing the real estate project named Shri Sai Leela SRA Scheme, on CTS No. 55(pt), 56, 57, 73, 94, 96(pt), 101 (pt) & 102 (pt) of Oshiwara. The slum rehabilitation area has been declared by the Slum Rehabilitation Authority (SRA) and slum rehabilitation scheme has been approved by it on the above numbered land owned by MHADA on 20.02.2003. On grant of revised NOC No. ALM/ A/SRA/Sai Leela - 68/1497/2002 dated 01.04.2002, the plans for rehab building no. 1 A & B wings are also approved and they have been completed and occupied by slum dwellers of Sai Cooperative Housing Society on receiving their occupancy certificates. The respondents further contend that the building plan for sale component has not been approved because the land where the proposed sale component is to be constructed has not been cleared by the slum dwellers fully




and some other persons have encroached thereon. They admit that they have issued allotment letters of the flats to some of the buyers of the proposed flats. They are ready to register the project and pay reasonable amount as penalty. In their estimation the sale components built-up area is 140,000 sq.ft.

3. Section 3(1) of RERA prevents the promoter from advertising, marketing, booking, selling or offering for sale or inviting persons to purchase in any manner any apartment, plot or building as the case may be, in the real estate project or part of it, in any planning area without registering the real estate project with Real Estate Regulatory Authority. Section 4 requires the promoter to enclose various documents enlisted in Sub Section (2) of Section 4 while submitting the application for registration of the project. Clause (c) thereof provides that the promoter shall submit an authenticated copy of the approvals and commencement certificate from the Competent Authority obtained in accordance with the laws as may be applicable for real estate project mentioned in the application.

4. This Authority has held in Umesh Magar - v/s- Cool Developers Pvt. Ltd. CC005000000000093 that Intent of Disapproval is different from the commencement certificate contemplated by Section 4(2) (c) of the Act and commencement certificate is mandatory for the registration of the project. On this backdrop I find that the project cannot be registered because the respondents do not have approved plans of building/s and commencement certificate also. Hence complaint is disposed off.

Mumbai.

Date: 28.12.2018.

  
28-12-18  
(B. D. Kapadnis)  
Member & Adjudicating Officer,  
MahaRERA, Mumbai.