

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,
MUMBAI**

1. COMPLAINT No: CC006000000044525

M/s Prime Life Space Pvt. Ltd. Complainant
Versus	
M/s. A.A. Estates Pvt Ltd & 5 Ors Respondents.

Along with

2. COMPLAINT No: CC006000000044526

Mr Rajiv Ajmera & Mrs. Ritu Ajmera Complainants
Versus	
M/s. A.A. Estates Pvt Ltd & 5 Ors Respondents.

Along with

3. COMPLAINT No: CC006000000054635

Mr Jayesh Shah & Mrs. Binita Shah Complainants
Versus	
M/s. A.A. Estates Pvt Ltd & 5 Ors Respondents.

Along with

4. COMPLAINT No: CC006000000054639

M/s. Shrem Constructions Pvt. Ltd. Complainant
Versus	
M/s. A.A. Estates Pvt Ltd & 5 Ors Respondents.

Along with

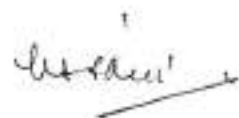
5. COMPLAINT No: CC006000000054680

Mr. Amarjit Singh Sethi Complainant
Versus	
M/s. A.A. Estates Pvt Ltd & 5 Ors Respondents.

Along with

6. COMPLAINT No: CC006000000054699

Mr. Bharat N. Parikh Complainant
Versus	
M/s. A.A. Estates Pvt Ltd & 5 Ors Respondents.



Along with

7. COMPLAINT No: CC006000000054775

Mr. Mohit Maheshwari

..... Complainant

Versus

M/s. A.A. Estates Pvt Ltd & 5 Ors

..... Respondents.

Along with

8. COMPLAINT No: CC006000000054799

Mrs Jagruti V. Mehta & Mr Vikas N. Mehta

..... Complainants

Versus

M/s. A.A. Estates Pvt Ltd & 5 Ors

..... Respondents.

Along with

9. COMPLAINT No: CC006000000054896

Mrs Hemani Gowani

..... Complainant

Versus

M/s. A.A. Estates Pvt Ltd & 5 Ors

..... Respondents.

Along with

10. COMPLAINT No: CC006000000054909

M/s. Shringar Film Pvt. Ltd.

..... Complainant

Versus

M/s. A.A. Estates Pvt Ltd & 5 Ors

..... Respondents.

Along with

11. COMPLAINT No: CC006000000054992

Mr. Sanjeev Kumar Arora

..... Complainant

Versus

M/s. A.A. Estates Pvt Ltd & 5 Ors

..... Respondents.

Along with

12. COMPLAINT No: CC006000000055088

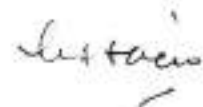
Mrs. Arti Kothari

..... Complainant

Versus

M/s. A.A. Estates Pvt Ltd & 5 Ors

..... Respondents.



Along with

13. COMPLAINT No: CC006000000055123

Mr. Tanuj Chopra & Mrs. Ruchita Chopra Complainants

Versus

M/s. A.A. Estates Pvt Ltd & 5 Ors Respondents.

Along with

14. COMPLAINT No: CC006000000055099

Mr. Vishnu Patel & Mr. Dilip Patel Complainants

Versus

M/s. A.A. Estates Pvt Ltd & 5 Ors Respondents.

Along with

15. COMPLAINT No: CC006000000055158

Mr. Chandru S. Watwani (HUF) Complainants

Versus

M/s. A.A. Estates Pvt Ltd & 5 Ors Respondents.

Along with

16. COMPLAINT No: CC006000000055174

Mr. Chandru S. Watwani & Mr. Sujeet C. Watwani Complainants

Versus

M/s. A.A. Estates Pvt Ltd & 5 Ors Respondents.

Along with

17. COMPLAINT No: CC006000000055102

M/s. Riya Infrastructure Pvt. Ltd. Complainant

Versus

M/s. A.A. Estates Pvt Ltd & 5 Ors Respondents.

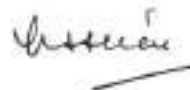
Along with

18. COMPLAINT No: CC006000000055105

Mr. Hiten Patel & Mrs. Jayshree Patel Complainants

Versus

M/s. A.A. Estates Pvt Ltd & 5 Ors Respondents.



Along with

19. COMPLAINT No: CC006000000055109

Mrs. Parul Ashvin Patel & Mr. Ashvin Patel Complainants
Versus
M/s. A.A. Estates Pvt Ltd & 5 Ors Respondents.

Along with

20. COMPLAINT No: CC006000000055172

Capt. V. K. Khosla Complainant
Versus
M/s. A.A. Estates Pvt Ltd & 5 Ors Respondents.

Along with

21. COMPLAINT No: CC006000000055176

Mr. Sanjeev Saggi Complainant
Versus
M/s. A.A. Estates Pvt Ltd & 5 Ors Respondents.

Along with

22. COMPLAINT No: CC006000000055182

Mr. Umanath Agarwal Complainant
Versus
M/s. A.A. Estates Pvt Ltd & 5 Ors Respondents.

Along with

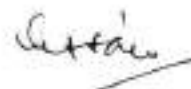
23. COMPLAINT No: CC006000000055288

Mr. Ravendra Balivada & Mrs. Kinjal Balivada Complainants
Versus
M/s. A.A. Estates Pvt Ltd & 5 Ors Respondents.

Along with

24. COMPLAINT No: CC006000000055361

Mr. Lachman P. Belani & Mrs. Madhu L. Belani Complainants
Versus
M/s. A.A. Estates Pvt Ltd & 5 Ors Respondents.



Along with

25. COMPLAINT No: CC006000000055358

Suresh M. Shetty & Mrs. Madhushree S. Shetty Complainants

Versus

M/s. A.A. Estates Pvt Ltd & 5 Ors Respondents.

Along with

26. COMPLAINT No: CC006000000055292

Mr. Sunil Tourani Complainant

Versus

M/s. A.A. Estates Pvt Ltd & 5 Ors Respondents.

Along with

27. COMPLAINT No: CC006000000055360

Mrs. Suha Mohan Anchan Complainant

Versus

M/s. A.A. Estates Pvt Ltd & 5 Ors Respondents.

MahaRERA Registration No. P51800005826.

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

Mr. Ramesh Prabhu appeared for all 28 complainants

Adv. Dipashri Raorane a/w Adv. Subit Chakrabarty appeared for the respondent No. 1 to 4.

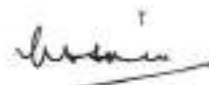
Adv. Shruti appeared for the respondent No. 5 Society viz D.N. Nagar Samrat CHS Ltd.

None appeared for the respondent No. 6. Viz Pulkit CHS Ltd.

ORDER

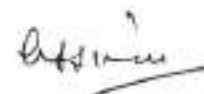
(28th September, 2018)

1. The above named 27 complainants have filed these complaints seeking directions from MahaRERA to the respondents to execute registered agreements for sale with them under section-13 of the Real Estate (Regulation & Development) Act, 2016 in respect of booking of their respective flats in the project known as "Samrat & Pulkit CHS Ltd- RNA



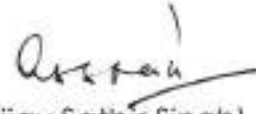
Splendour" bearing MahaRERA Registration No. P51800005826 at Andheri (West), Mumbai.

2. These matters were clubbed together and heard on several occasions and the same were finally heard today, when all concerned parties have appeared through their representative advocates and made their respective submissions. The respondent No. 1, in these complaints, is the promoter who has taken re-development project of the respondent No. 5 and 6 Societies viz. D.N. Nagar Samrat CHS Ltd. and Pulkit CHS Ltd. and the respondent No. 2 to 4 are the directors of the respondent No. 1 company.
3. In these cases, the complainants have argued that they have booked their respective flats in the respondents' project between the year 2010 & 2013 and paid more than 20% amount to the respondent No. 1. However, till date the respondent No. 1 has not executed registered agreements for sale with them even after lapse of eight years.
4. During the hearing the respondent Nos. 1 to 4 have argued that due to dispute between the respondent promoter and the societies, the matter went in the Arbitration and there is status quo order passed by the Hon'ble Arbitrator on 11-10-2017, which is extended further. Due to this, the respondents could not execute agreement with the complainants.
5. The MahaRERA by taking into consideration all these facts, including the pending arbitration proceedings, has passed an interim order on 2-08-2018 in compliance of principles of natural justice and that till final disposal of the present complaints, the respondents were restrained from terminating the allotment letters issued in favour of the complainants and they were further directed to maintain status quo with respect to the respective flats of the complainants.
6. There is a status quo order dated 11-10-2017 passed by the Hon'ble Justice V.M. Kanade, Ld sole Arbitrator with respect to the re-development



project undertaken by the respondent No. 1 of the respondent Nos. 5 and 6 Societies. Hence, as on today, though admittedly, more than 10% of the cost of the flats have been paid by the complainants and now it is mandatory on the part of the respondent No. 1 to execute registered agreements for sale with the complainants, this action will have to be deferred due to the status quo order.

7. The MahaRERA further observed that the respondent No. 5 and 6 societies viz., D.N. Nagar Samrat CHS Ltd and Pulkit CHS Ltd are the owners of the land and they have undertaken the re-development of their societies through the respondent No. 1 promoter by executing development agreements. Therefore, the respondent Nos. 5 and 6 are also owners / promoters of the said project as per the definition of the promoter provided under section 2(zk) of the RERA Act, 2016.
8. In view of these facts the MahaRERA issues following directions:
 - a) The respondent No. 1 is directed to provide the details of the sold and unsold inventory in the said project to the complainants.
 - b) The respondent No. 5 and 6 societies viz D.N. Nagar Samrat CHS Ltd & Pulkit CHS Ltd. be joined as promoter owners in the MahaRERA registration No. P51800005826.
 - c) The respondent No. 1 to execute the registered agreements for sale with the complainants after the status quo order passed in the arbitration proceeding has been vacated finally.
9. With these directions, all 27 complaints stand disposed of.


(Dr. Vijay Satbir Singh)
Member-1/MahaRERA