

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

COMPLAINT NO: SC10000634.

Vilas Vasantrya Bhagwat

... Complainant.

Versus

Abhinandan Promoters Pvt.Ltd,

.....Respondents.

PROJECT NAME :

ABHINANDAN CRYSTAL

S No 22 Hissa No 13 3 Old S No 192 A
13 Phursungi, Mauje Shewalewadi,
Tal-Haveli, Dist-Pune
Pune :412307

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

Complainant : Adv. Sudeep Kinjalkar a/w
Adv.Nilesh Borate.

Respondents : Absent.

**Order
(10th December 2018)**

The complainant is present. Respondents have failed to appear despite the notice.

2. The complainant has produced the occupation certificate of A, B, C buildings. It is the grievance of the complainant that 'D' building which is ongoing project has not been registered by the respondents.

3. The complainant admits that he is the land owner and Joint Venture Agreement had been executed between him and the respondents. It is his contention that he is going to retain 50% of the built-up area in building no. 'D' as per Joint Venture Agreement. The complainant has produced the copy of the approved plan of 'D' building which shows that the net gross area of the plot is 400.82 sq.mtrs. and proposed FSI is 382.39 sq.mtrs.



4. The complainant is the land owner who has agreed with the respondents to share area. Therefore, he is a promoter and therefore, he is also liable for contravention of Section 3 of RERA. The responsibility of the complainant and that of the respondents is 50:50. After taking into consideration the area of the development, its location and the current market price, I find that in no circumstance, the project cost of the 'D' building would be less than Rs. four crores. The promoters are liable to pay 2% penalty of the estimated project cost.


5. The complainant has brought to my notice that the Joint Venture Agreement entered into by the parties and the learned advocate points out Paragraph no. 13 'L' & 'O' thereof. On perusal of these paragraphs, I find that it is the responsibility of the respondent to bring all the permissions at his cost. Therefore, complainant denies his liability to pay the penalty. This clause is silent on the point of penalty. Hence all the promoters are liable to pay penalty. Hence, the order.

ORDER

The promoters shall register the project within three weeks from the order. They shall pay 2% of the penalty on the estimated cost of Rs. four crores under Section 59 of RERA.

Mumbai.

Date: 10.12.2018.


10.12.18

(B. D. Kapadnis)
Member II, MahaRERA, Mumbai.