

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

1. COMPLAINT NO. CC005000000010883
2. COMPLAINT NO. CC005000000010959
3. COMPLAINT NO. CC005000000011065
4. COMPLAINT NO. CC005000000011170
5. COMPLAINT NO. CC005000000011228
6. COMPLAINT NO. CC005000000011212
7. COMPLAINT NO. CC005000000011169
8. COMPLAINT NO. CC005000000011288
9. COMPLAINT NO. CC005000000011074
10. COMPLAINT NO. CC005000000011900
11. COMPLAINT NO. CC005000000011833
12. COMPLAINT NO. CC005000000011958
13. COMPLAINT NO. CC005000000011914
14. COMPLAINT NO. CC005000000022242
15. COMPLAINT NO. CC005000000022267
16. COMPLAINT NO. CC005000000022291
17. COMPLAINT NO. CC005000000022292
18. COMPLAINT NO. CC005000000022297
19. COMPLAINT NO. CC005000000011210
20. COMPLAINT NO. CC005000000022622
21. COMPLAINT NO. CC005000000022642



22. COMPLAINT NO. CC005000000022267

23. COMPLAINT NO. CC005000000022681

24. COMPLAINT NO. CC005000000022699

25. COMPLAINT NO. CC005000000022834

... Complainants

Versus

D. S. Kulkarni and Associates

MahaRERA Regn. No: P52100005423


... Respondent

Coram: Shri. Gautam Chatterjee, Chairperson, MahaRERA

### Order


April 04, 2019

1. The present complaints have been filed by allottees of the Respondent's project 'DSK PUSHPABAN' located at Pirangut, Pune. The Complainants have stated that the date of handing over possession as promised by the Respondent is long over but the project work is incomplete and stalled and they are yet to receive possession of their apartments. Therefore, some of the Complainants have prayed, inter alia, that the Respondent be directed to handover possession of the apartments at the earliest and pay them interest for delay, while some of the Complainants have prayed the Respondent be directed to refund the amounts paid with interest and compensation.
2. The key persons managing the Respondent Company have been arrested for economic offences. The Government of Maharashtra, through two official gazettes No. EOF 1217/C.R.646/Pol 13. and No. EOF 1217/C.R.646/part I/Pol 13. dated May 05, 2018 (hereinafter referred to as the "said Notifications"), has provisionally attached certain properties/land and bank accounts standing in the name of DSK Group. The list includes properties/land on which real estate projects of DSK Group, registered with MahaRERA are underway and also lands which were duly mortgaged with financial institutions such as SBI, ICICI Bank etc. The list of properties and bank accounts attached under the said Notifications are appended to the said notifications. As per



the requirement of the Maharashtra Protection of Interest of Depositors (in Financial Establishment) Act, 1999 (Mah. XVI of 2000) (hereinafter referred to as "the MPID Act"), the Competent Authority has filed application before the MPID Court (Pune) to confirm the aforementioned provisional attachment and the same is pending for adjudication.

3. Keeping in mind, the ultimate objective of the Real Estate (Regulation and Development) Act, 2016, being project completion and handing over houses to the allottees, MahaRERA felt that the said properties/lands of the DSK Group that are part of the projects registered with MahaRERA, be delisted from the said Notifications to enable MahaRERA to use the provisions of Sections 7 and 8 of the Act to complete the balance work. It is pertinent to note that most of these MahaRERA registered projects of DSK Group are at an advanced stage of completion and a quick redressal of the issue at hand will result in close to 2000 allottees receiving their completed apartments. Therefore, in the interest of the home buyers, MahaRERA vide Letter dated January 29, 2019 has requested the State Government to delist the properties/lands, on which MahaRERA registered projects are underway.
4. In view of the said Notifications and the subsequent proceedings in the MPID Court, it has become untenable for MahaRERA to issue any directions/orders regarding project completion with the help of the Association of Allottees under Section 7 & 8 of the RERA Act or even give adjudication with regard to refund of amounts paid or rulings with regard to awarding interest on delay, under the provisions of Section 18 of the RERA Act, at this stage.
5. Therefore, it is ordered that while the Complainants' right as allottees in the MahaRERA registered project shall continue to be protected, liberty is hereby granted to the Complainants to file fresh complaints at an appropriate stage.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA