

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

1. COMPLAINT No: CC006000000055727

Mr. Tukaram Numba Bilware Complainant

Versus

M/s. Rupji Constructions Respondent.

Along with

2. COMPLAINT No: CC006000000055737

Mr. Krishna Baburao Redekar Complainant

Versus

M/s. Rupji Constructions Respondent.

Along with

3. COMPLAINT No: CC006000000055735

Mr. Sayajirao Madhukar Borkar Complainant

Versus

M/s. Rupji Constructions Respondent

Along with

4. COMPLAINT No: CC006000000055739

Mr. Mangesh Baban Nalawade Complainant

Versus

M/s. Rupji Constructions Respondent



Along with

5. COMPLAINT No: CC006000000055729

Mr. Johar Singh

..... Complainant

Versus

M/s. Rupji Constructions

..... Respondent

Along with

6. COMPLAINT No: CC006000000055741

Mr. Nitin Eknath Jagtap

..... Complainant

Versus

M/s. Rupji Constructions

..... Respondent

Along with

7. COMPLAINT No: CC006000000055757

Mr. Rahul Babusha Dumbre

..... Complainant

Versus

M/s. Rupji Constructions

..... Respondent

Along with

8. COMPLAINT No: CC006000000055759

Mr. Nitin Shashikant Raste

..... Complainant

Versus

M/s. Rupji Constructions

..... Respondent

Along with

9. COMPLAINT No: CC006000000055760

Mr. Vishal Abhay Parkar

..... Complainant

Versus

M/s. Rupji Constructions

..... Respondent

Along with

10.COMPLAINT No: CC006000000055761

Santosh Tukaram Labde

..... Complainant

Versus

M/s. Rupji Constructions

..... Respondent

Along with

11.COMPLAINT No: CC006000000055762

Mr. Ulhas Dattaram Parab

..... Complainant

Versus

M/s. Rupji Constructions

..... Respondent

Along with

12.COMPLAINT No: CC006000000055808

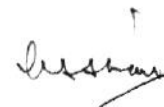
Mr. Vilas Pandurang Benke

..... Complainant

Versus

M/s. Rupji Constructions

..... Respondent



Along with

13.COMPLAINT No: CC006000000055782

Mr. Madhukar Tatyaji Lohokare

..... Complainant

Versus

M/s. Rupji Constructions

..... Respondent

Along with

14.COMPLAINT No: CC006000000055788

Mr. Devendra Shridhar Shirodkar

..... Complainant

Versus

M/s. Rupji Constructions

..... Respondent

Along with

15.COMPLAINT No: CC006000000055795

Mr. Pandurang Radhuji Dhonnar

..... Complainant

Versus

M/s. Rupji Constructions

..... Respondent

Along with

16.COMPLAINT No: CC006000000055797

Mr. Ghanshyam R.Hule

..... Complainant

Versus

M/s. Rupji Constructions

..... Respondent

Along with

17.COMPLAINT No: CC006000000055813

Mr. Mangesh Anil Rane

..... Complainant

Versus

M/s. Rupji Constructions

..... Respondent

Along with

18.COMPLAINT No: CC006000000055811

Mr. Mahendra Chintaman Patil

..... Complainant

Versus

M/s. Rupji Constructions

..... Respondent

Along with

19.COMPLAINT No: CC006000000055914

Mr. Sandip A. Soni & Mr. Vikram R. Warriar

..... Complainants

Versus

M/s. Rupji Constructions

..... Respondent

MahaRERA Registration No. **P51900007380**

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

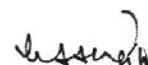
Adv. Sandeep Bane appeared for all 19 complainants.

None appeared for the respondent.



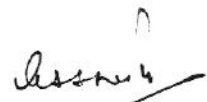
ORDER
(25th October, 2018)

1. The above named 19 complainants have filed these complaints seeking directions from MahaRERA to the respondent to pay interest for the delayed possession under section 18 of the Real Estate (Regulation & Development) Act, 2016 in respect of booking of their respective flats in the respondent's project known as "Akanksha" bearing MahaRERA Registration No. **P51900007380** at Andheri (West) Mumbai. The complainants further requested the MahaRERA to direct the respondent not to create third party interest in respect of their respective flats and to execute the registered agreement for sale with them in the above mentioned project.
2. These matters were clubbed together and heard finally today. During the hearing, the complainants appeared through their advocate Shri Sandeep Bane. However, none appeared for the respondent. It was brought to the notice of MahaRERA that the respondent / promoter is in jail for last more than six months and therefore he is unable to attend this hearing.
3. The complainants have argued that they have booked their respective flats in the respondent's project in the year 2009 and paid more than 10% amount to the respondent. However, till date, neither the registered agreements for sale have been executed with the complainants nor the possession of their respective flats have been given by the respondent. The complainants therefore requested to direct the respondent to execute the registered agreement for sale with the complainants as per provisions of RERA, Act 2016 and the Rules and Regulations made there under.
4. Considering the aforesaid facts brought to the notice, the MahaRERA feels that since the respondent / promoter is in jail custody and till he is released



from jail, he would not be able to execute the registered agreements for sale with the complainants. Therefore, as on today, the MahaRERA cannot issue directions under section 13 of the RERA Act for execution of registered agreement for sale with the complainants. However, since the complainants have shown the allotment letters issued in favor of all the complainants which shows that they have booked their respective flats in the respondent's project and paid the booking amounts to the respondent, they are the allottees as defined under section 2(d) of the RERA Act of the said project.

5. With regard to the claim of the complainants for interest for the delayed possession as sought by the complainants, the MahaRERA feels that there is no agreement for sale executed between the complainants and the respondent and therefore there is no agreed date of possession for handing over of the flats to the complainants. Hence, the complainants cannot seek interest under section 18 of the RERA Act, 2016 and the Rules and Regulations made thereunder.
6. In view of these facts and in compliance of principles of natural justice, the MahaRERA directs the respondent not to create third party interest in respect of the flats booked by the complainants in this project till the execution of registered agreement for sale.
7. With the above directions, all 19 complaints stands disposed of.


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