

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC00600000023078

Mumtaz Jamal Ali Siddi

...

Complainant

Versus

Bharat Mahan Developers & Builders
MahaRERA Regn.No. P51800005064

...

Respondent

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was herself present along with Mr. Parvinder Singh Sethi, Adv.

Respondent was represented by Mr. Balasaheb K. Shinde, Authorised representative along with Mr. Ashok Sagar, Adv.

Order


April 26, 2018

1. The Complainant has stated that she is a co-owner of the land (*hereinafter referred to as the said land*) on which the Respondent is developing their project 'ORCHID METROPOLIS' situated at Kurla, Mumbai. She has alleged that under the Articles Indenture dated September 25, 1998, the Respondent is liable to handover 31% constructed area (*hereinafter referred to as the said area*) in the saleable building to her and other co-owners but has failed to do so. Therefore, she prayed that the Respondent be directed to handover the said area to her and other co-owners along with interest for delay in handing over the same.
2. During the hearing held on 25th April, 2018, the advocate for the Complainant argued that the Complainant's name should also be stated in the Respondent's MahaRERA registration as Promoter (Land Owner/ Investor).
3. The advocate for the Respondent accepted that the Complainant is a co-owner of the said land. Further, he submitted that at the time of registration of the project with



MahaRERA, details of the Complainant, required for adding her name as the Promoter (Land Owner/ Investor), were not available and therefore her name could not be added in the registration webpage. He also submitted that the Complainant is not the sole owner of the said land and there are certain disputes between the owner parties pertaining to the area that is to be handed over to the owners.

4. The advocate for the Complainant submitted that the Complainant will submit to the Respondent all the details required for adding her name as the Promoter (Land Owner/ Investor), along with declaration in Form B, in the said project within 7 days.
5. Upon the Complainant doing so, the Respondent is directed to add the Complainant's details in their MahaRERA registration webpage as required under the provisions of the Real Estate (Regulation and Development) Act, 2016 and the rules and regulations made thereunder, within 15 days thereafter. Further, on the basis of arguments made by the parties, it is evident that the dispute pertaining to the allocation of the area is between two promoters and MahaRERA is not the proper forum to resolve such issues, raised by the Complainants.
6. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA