

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

SOURCE COMPLAINT NO. SC10000936

Aafiyah Realtors ... Complainant

Versus

Yash Infraventures Pvt. Ltd. ... Respondent

Coram: Shri Gautam Chatterjee, Chairperson, MahaRERA

Complainant appeared along with Mr. Avinash Pawar, Adv.
Respondent was represented through his Authorized Representative.

Order

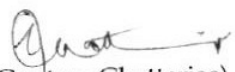
June 03, 2019

1. The present complaint pertains to non-registration of a proposed project named 'Aafiyah Heights II' situated at Byculla, Mumbai having CTS No. 1464. The Learned Counsel for the Complainant has stated that the Complainant is an allottee of the said proposed project. The construction work has not yet started till today. It is the contention of the Complainant that though the Respondent is under obligation to register the project in accordance with the provisions of Real Estate (Regulation & Development) Act, 2016 (*hereinafter referred to as the said Act*), he has not registered the same and therefore he is praying that appropriate directions be issued to the Respondent to register the project. He further contended that the Respondent has valid IOD but he has not applied for CC.
2. The Respondent submitted that it is a redevelopment project and there are certain disputes with respect to a few tenants who have refused to vacate the premises. After



resolving the same he shall be able to demolish the old building, apply for the commencement certificate and upon approvals, apply for MahaRERA registration.

3. On the background explained above, it is necessary to consider whether the Respondent can be directed to register the project in accordance with the provisions of the said Act and rules and regulations made thereunder.
4. As per section 4 of the said Act, it is obligatory on the part of the promoter to make an application to the Authority for registration of the Real Estate Project in such a manner and within such time and accompanied by such fee as may be specified by the regulations made by the Authority. As per Section 4(2) (c) and (d) of the said Act, it is obligatory on the part of the promoter to enclose along with the application for registration, the authenticated copy of the approvals and commencement certificate, sanctioned plan, layout plan, etc. from the competent authority.
5. Since the Respondent does not have requisite building plan approvals, no directions can be issued to the Respondent to register the project, at this stage. However, the Respondent shall apply for MahaRERA registration within 30 days of them obtaining the valid building plan approvals from the competent planning authority.
6. In view of the above, the complaint for registration of the project stands disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA