

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

1. Complaint No. CC006000000078926

Mr. M.A. Khan

..... Complainant

Versus

Mr. Sapan Naskar

..... Respondent

Project Registration No. **P52000020116**

Along with

2. Complaint No. CC006000000079017

Mr. M.A. Khan

..... Complainant

Versus

Mr. Sapan Naskar

..... Respondent

Project Registration No. **P52000020116**

Along with

3. Complaint No. CC006000000079034

Mr. M.A. Khan

..... Complainant

Versus

Mr. Sapan Naskar

..... Respondent

Project Registration No. **P52000020116**

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

Adv. Vandana appeared for the complainant.

Adv. Bishwajeet Mukherjee appeared for the respondent.

ORDER

(6th November, 2019)

1. The above three complaints have been filed by the Secretary of Sunflower CHS seeking directions to the respondent promoter to complete the project and handover possession of the flats in the respondent's project known "**Sunflower**" bearing MahaRERA registration No. P52000020116 at Ulwe, Dist. Raigarh.

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2. These complaints were clubbed together and heard on several occasions and finally heard on 16-10-2019. During the hearings, the complainant and the respondent appeared through their respective advocates.
3. It is the case of the complainants that, the respondent has started this project in the year 2010 and promised to handover possession of the flats to the complainant and other 33 members on or before December, 2013. However, till date he has failed to complete this project and handover possession of the flats to the complainant and other 33 members. Hence, the complainant has filed these complaints seeking possession of the flats along with compensation. The complainant further stated that the respondent is selling one flat to more than one person and thereby committed criminal offence. Hence, the present complaint is filed.
4. During the hearings, the respondent has stated that, the complainant has already approached Hon'ble High Court seeking possession and compensation by filing suit No. 462 of 2017 and the said suit is pending. Considering the facts brought on record, MahaRERA is of the view that, since the matter is pending in Hon'ble High Court for identical relief, there cannot be two parallel proceedings go ahead. Hence, the complaints filed by the complainant cannot be entertained at this stage.
5. With regard to the issues raised by the complainant regarding the double sale, the MahaRERA is of the view that, the criminal case is going on before the EOW and that case will take to its logical end. MahaRERA cannot take decision on such a criminal issue.
6. Consequently, all three complaints stand dismissed.



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