

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

1. Complaint No. CC006000000056595

M/s. Prism Corporation

.... Complainant

Versus

M/s. Orbit Enterprises

Indian Newspaper Society

.... Respondents

Project Registration No. P51800006763

Along With

2. Complaint No. CC006000000056597

M/s. Office Depot

.... Complainant

Versus

M/s. Orbit Enterprises

Indian Newspaper Society

.... Respondents

Project Registration No. P51800006763

Along With

3. Complaint No. CC006000000056620

M/s. Office Depot

.... Complainant

Versus

M/s. Orbit Enterprises

Indian Newspaper Society

.... Respondents

Project Registration No. P51800006763

Along With

4. Complaint No. CC006000000056760

M/s. Vinar Overseas Pvt. Ltd.

.... Complainant

Versus

M/s. Orbit Enterprises

Indian Newspaper Society

.... Respondents

Project Registration No. P51800006763

Along With

5. Complaint No. CC006000000056953

Mr. Suresh Hassanand Vazirani

.... Complainant

Versus

M/s. Orbit Enterprises

Indian Newspaper Society

.... Respondents

Project Registration No. P51800006763

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Along With

6. Complaint No. CC006000000057197

Mr. Suresh Vazirani

.... Complainant

Versus

M/s. Orbit Enterprises

Indian Newspaper Society

.... Respondents

Project Registration No. P51800006763

Along With

7. Complaint No. CC006000000057464

Mr. Suresh Hassanand Vazirani

.... Complainant

Versus

M/s. Orbit Enterprises

Indian Newspaper Society

.... Respondents

Project Registration No. P51800006763

Along With

8. Complaint No. CC006000000057716

Mr. Kishanchand K Ramani

.... Complainant

Versus

M/s. Orbit Enterprises

Indian Newspaper Society

.... Respondents

Project Registration No. P51800006763

Along With

9. Complaint No. CC006000000057769

Mr. Saif Ali Khan Pataudi

.... Complainant

Versus

M/s. Orbit Enterprises

Indian Newspaper Society

.... Respondents

Project Registration No. P51800006763

Along With

10. Complaint No. CC006000000078632

M/s Alliance Business Solutions

.... Complainant

Versus

M/s. Orbit Enterprises

Indian Newspaper Society

.... Respondents

Project Registration No. P51800006763

Along With

11. Complaint No. CC006000000089592

Mr. Govindarajan Sankaran

.... Complainant

Versus

M/s. Orbit Enterprises

Indian Newspaper Society

.... Respondents

Project Registration No. P51800006763

Along With

12. Complaint No. CC006000000100423

M/s. Maniratna Enterprises

.... Complainant

Versus

M/s. Orbit Enterprises

Indian Newspaper Society

.... Respondents

Project Registration No. P51800006763

Along With

13. Complaint No. CC006000000100545

M/s. S R Gems Exports

.... Complainant

Versus

M/s. Orbit Enterprises

Indian Newspaper Society

.... Respondents

Project Registration No. P51800006763

Along With

14. Complaint No. CC006000000100547

M/s. Jagruti Gems

.... Complainant

Versus

M/s. Orbit Enterprises

Indian Newspaper Society

.... Respondents

Project Registration No. P51800006763

Along With

15. Complaint No. CC006000000100551

Mr. Rajeev Bothra

.... Complainant

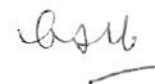
Versus

M/s. Orbit Enterprises

Indian Newspaper Society

.... Respondents

Project Registration No. P51800006763



Along With

16. Complaint No. CC006000000100556

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.... Complainant

Versus

M/s. Orbit Enterprises

Indian Newspaper Society

.... Respondents

Project Registration No. P51800006763

Along With

17. Complaint No. CC006000000100558

Mr. Chetankumar K Shah & Ors.

.... Complainants

Versus

M/s. Orbit Enterprises

Indian Newspaper Society

.... Respondents

Project Registration No. P51800006763

Along With

18. Complaint No. CC006000000100602

M/s. Samkit Diamond Export Pvt Ltd.

.... Complainant

Versus

M/s. Orbit Enterprises

Indian Newspaper Society

.... Respondents

Project Registration No. P51800006763

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

Adv. Raina a/w. Adv. Parag Khandhar a/w, Mr. Ashok Suthar a/w.

CA Ashwin Shah appeared for a few complainants.

Other complainants appeared in person.

Adv. Vibhav Krishna a/w. Adv. Sachin Karia appeared for the respondents.

INTERIM ORDER

(16th December 2019)

1. The complainant - allottees have filed these 19 separate complaints seeking directions from the MahaRERA to the respondents to execute agreements for sale under Section-13 and formation of society under section 11(4) (e) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as "RERA"). Besides this, the complainants have also prayed for

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interest and compensation for the delayed possession under section-18 of the RERA in respect of the booking of their commercial units in the project known **"Indian Newspaper Society INS BKC"** bearing MahaRERA registration No. P51800006763 situated at Bandra Kurla Complex (BKC), Mumbai.

2. In this case, the MahaRERA has observed that in many complaints, compensation has been demanded. Complaint No. CC006000000057769 at Sr. No. 9 has been addressed to Adjudicating Officer (in Form B), demanding interest and compensation for various commissions & omissions in the project of the respondent. In the said complaint the complainant has contended that the said complaint falls within the jurisdiction of Adjudicating Officer, MahaRERA.
3. In this regard, the MahaRERA feels that the RERA provides for appointment of Adjudicating Officer, to decide and adjudicate the quantum of compensation under sections-71 & 72 of the RERA. It is therefore necessary to send these complaints to the Ld Adjudicating Officer, Mumbai, only to decide the issue of compensation. After decision, the Ld Adjudicating Officer, may refer back these complaints to MahaRERA to decide any other issues raised by the complainants.
4. In addition to this, MahaRERA observed that in a few matters, the complainants are seeking reliefs u/s-13 of the RERA for execution of agreement for sale. From the records, it appears that those complainants have admittedly paid more than 10% amount to the respondents towards the booking of their respective commercial units. Therefore, the MahaRERA is of the view that the respondents are liable to execute agreements for sale with those complainants within a period of 30 days from the date of this order.
5. The MahaRERA observed that in all these complaints, the complainants have sought directions from MahaRERA to the respondents u/s 11 (4) (e) of

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the RERA for the formation of the society. From the information available on the MAHARERA website, pertaining to this project, the MahaRERA has observed that more than 51 % of the allottees have booked their units in the project and therefore, the respondents are liable to take action for formation of association/society as required u/s 11 (4) (e) of the RERA.

6. The Ld. Adjudicating Officer, Mumbai may send back these complaints to the MahaRERA after adjudging the quantum of compensation.



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

