

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

COMPLAINT NO: CC006000000000640

Samrat Ashok SRA Co-operative Housing Society & other three members

.. Complainants

Versus

M/s. Skylink Hospitality LLP

MahaRERA Registration No. P51800000370

..... Respondent

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

Advocate Mr. Mahesh Kadam appeared for the complainant.

Advocate Mr. Chirag Kamdar appeared for the respondent

Order

(18th December 2017)

1. The complainants, a slum dwellers' Society and other three members, have filed this complaint seeking directions to the respondent to revoke/cancel the project registered by the respondent with MahaRERA bearing No. P51800000370 on the ground of various alleged illegalities done by the respondent while implementing the S.R. Scheme under regulation 33(10) of DCR-1991 read with Appendix-IV.
2. This matter was heard today. The complainants stated that Samrat SRA Co-operative Housing Society was formed by the occupants of plot of land bearing CTS No.3670 to 3683/1.3684 to 3744, 3744/1, 3745 to 3752, 3752/1, 3753, 3753/1, 3754 & 3754/1 to 6 of Village Kole Kalyan, Ward HE,



Ashok Nagar, Vakola Bridge, Santacruz (East), Mumbai-400 055. The Society appointed the respondent as its promoter to implement their scheme under SRA. However, the respondent started making changes in the location of the Society by amalgamating the plot with an adjoining plot. The complainants, therefore, filed an application under section 13(2) of the Maharashtra Slum Areas (I, C &R) Act, 1971 for termination of the appointment of the respondent as promoter before the SRA and the same is pending. In view of the said facts, the complainants have requested to cancel the registration certificate issued by the MahaRERA in favour of the respondent.

3. The respondent has stated, as per the terms and conditions of the Development Agreement with the Society, he has every right to club/amalgamate the adjacent plots with the consent of the complainant society. Even while obtaining permissions from the SRA, the respondent has given an undertaking to take consent of the concerned, before obtaining revised permissions for amalgamation of the scheme. The respondent further stated that there are no valid grounds for cancellation of the registration issued by the MahaRERA. Moreover, this is not the proper forum to challenge the various permissions granted by the SRA. The respondent, therefore, requested to reject this complaint.
4. Considering the rival submissions made by both the parties, this Authority feels that by filing the present complaint, the complainants have made grievances about the permissions obtained by the respondent from SRA. This is not the appropriate forum to challenge the said permissions and for that the complainants have to take action as per provisions of Maharashtra Slum Areas (I, C &R) Act, 1971. Even the complainants have not submitted any documentary proof to show that the respondent has obtained MahaRERA registration certificate by fraud and misleading the MahaRERA

and as on date the respondent is not the promoter on record of SRA.
Therefore, it would not be proper to cancel the said registration.

5. In view of the above, there are no merits in the complaint. Hence the complaint stands dismissed.



(Dr. Vijay Satbir Singh)
Member-1