

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC005000000010549

Gitco Vincom Private Limited ... Complainant

Versus

Della Enclave Private Limited ... Respondent No 1
MahaRERA Regn.No. P52100006680

Della Adventure and Resorts Private Limited ... Respondent No 2
Jimmy Rusi Mistry ... Respondent No 3

Coram: Shri. Gautam Chatterjee, Chairperson, MahaRERA

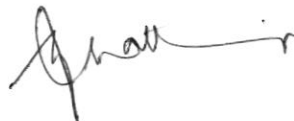
Complainant was represented by Mr. Summit Bhalotia and Dr. Pawan K Pandey and Associates, Advocates

Respondent was represented by Mr.R.S.Prabhu, C.A.

Order

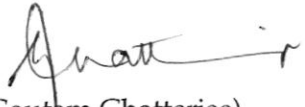
15th December 2017

1. The Complainant stated that in 2013 they had booked a bungalow bearing No. 45 through a booking letter in the project 'Della Villa Phase III' situated at Lonavla, Pune being developed by the Respondents. The allotment letter for the same was issued by Respondent no 3 on the letterhead of Respondent no 2.
2. The Complainant further stated that even though in 2016 the said project was already completed, the Respondents failed to register the agreement for sale for the said bungalow. Therefore, the complainant demanded that the money be refunded to them and that the Respondents have failed to refund the same. The Complainant also alleged that Respondent no 3 is the director of Respondent no 1 and 2 companies and since both these companies are owned by Respondent no 3 and that all the Respondents were involved in the above transaction, the Respondents are jointly and severally liable to refund the amounts to the complainant.



3. Respondent No 1 stated that the said bungalow was booked in a project that is already completed by Respondent No 2 and 3, who are different legal entities than Respondent No 1. The said bungalow is not part of the project which is registered with MahaRERA and for which Respondent No 1 is the promoter. The complainant also accepts the same.

4. In view of the above facts, it is evident that the dispute between the parties is that of a civil/criminal nature. Further, the complainant has failed to show any violations of the Real Estate (Regulation and Development) Act, 2016 by the Respondents. Therefore, the complaint is dismissed.


(Gautam Chatterjee)
Chairperson, MahaRERA