

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

SOURCE COMPLAINT NO. SC 10001552

Dipika Manish Shah Complainant

Versus

Haresh Chandan ... Respondent

Coram: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was represented by authorised representative Mr. Raul Shah a/w Adv. Sneha.
Respondent did not appear.


Order

December 02, 2019

1. The complaint pertains to non-registration of a stalled project named 'Balaji Kripa' situated at CTS No 1341 1341/1 1341/2, Plot No 390 Of Suburban Scheme No III Chembur, Mumbai- 400071. 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 (herein after referred to as the said Act), he has not registered the same and therefore it is her prayer that appropriate directions be issued to the Respondent to register the project.
2. During the hearing, the Complainant submitted that the project which was initially started with building plan approvals which were then valid has got stalled since last many years, as the Respondents have failed to obtain revalidated building plan approvals from the Competent Planning Authority.
3. The Respondents did not appear on the date of hearing, in spite of service of notice at the address details provided by the Complainant.
4. 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.



5. In accordance with the provisions of Section 3 of the said Act, the promoters are under obligation not to advertise, market, book or offer for sale or invite in any manner any plot or apartment or building, as the case may be, without registering the Real Estate Project with the Real Estate Regulatory Authority under the provisions of the said Act.
Provided that projects that are ongoing on the date of commencement of the said Act and for which completion certificate has not been issued, promoter shall make application for registration within a period of three months from the date of commencement of the said Act.
6. 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 valid approvals and valid commencement certificate, sanctioned plan, layout plan, etc. from the competent authority.
7. Since the Respondent does not have the requisite building plan approvals which are valid as on date, no directions can be issued to the Respondent to register the project, at this stage. However, the Respondent shall be required to apply for MahaRERA registration within 30 days of them obtaining the requisite revalidated commencement certificate for the project.
8. It was also explained that as stated in Para 86 of the judgment of Hon'ble Bombay High Court in *Writ Petition No. 2737/- U Neel Kamal Realtors. Vs. Union of India*, RERA will apply after getting the project registered. Therefore, merits of the other grievances made by the Complainant have not been gone into. The Complainant has the liberty to raise the same in an appropriate forum.
9. In view of the above, the complaint for registration of the project stands disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA