

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO. CC001000000000094

Dattatray Khedekar

...

Complainant

Versus

M/s. ShreePrakash Creative Buildcon J.V.  
MahaRERA Regn. No. P51600007163

...

Respondent

**Corum:** Shri Gautam Chatterjee, Chairperson, MahaRERA

Complainant was himself present.  
Respondent did not appear.

**Order (Ex-parte)**

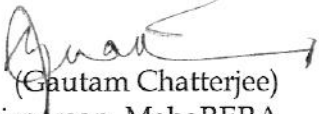
May 16, 2019

1. The Complainant has stated that he had booked an apartment in the Respondent's project 'Le Regalia Phase II BLDG E AND F' situated at Nashik in 2012. The Complainant stated that thereafter he cancelled the said booking, however, the Respondent is yet to refund the amount paid. Therefore, he prayed that the Respondent be directed to refund the amount paid with interest.
2. The Respondent was not present on the date of hearing, despite service of notice.
3. On review of the Respondent's registration webpage it is observed that the extended project registration granted under the provisions of section 6 of the Real Estate (Regulation and Development) Act, 2016 has also lapsed on December 31, 2018.
4. During the course of the hearing, it was explained to the Complainant that since the project registration has lapsed and the project is still incomplete, the only way forward would be to protect the right of the allottees and enable them to form an Association so as to explore the



possibility of invoking the provisions of section 7/8 of the said Act to take the project towards completion. At this stage, when the project is at a stand-still, it would not be proper to create further charge on the project in the nature of allowing refund of money to any allottee, from the dedicated RERA account specially created as a ringed fenced account for the purpose of completion of the project.

5. In view of the above facts, the Respondent is directed to handover the list of allottees of the said project to the Complainant within 30 days from the date of the said Order, to enable the allottees to take an informed decision pertaining to the said project. The allottees are advised to proceed under Section 7/8 of the Act as per the MahaRERA Order no. 8/2019 dated March 29, 2019 on Revocation of Registration of Project.
6. The Respondent may seek the approval of the association of allottees for order under Section 7(3) of the said Act, as per MahaRERA Order no 7/2019 dated February 8, 2019 on Revocation of Registration of Project for reviving and completing the said project.
7. Consequently, the matter is hereby disposed of.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA