

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

1. COMPLAINT NO. CC006000000012598
Sameer Kachhi & Sajid Kachhi
2. COMPLAINT NO. CC006000000012781
Preeti Vazirani and Raju Khan
3. COMPLAINT NO. CC006000000012783
Vibhuti Narayan Dubey
4. COMPLAINT NO. CC006000000012785
Shamrao Shashikant Tambe and Neha Shamrao Tambe
5. COMPLAINT NO. CC006000000012786
Nilesh C Narshana & Bindu N Narshana
6. COMPLAINT NO. CC006000000012790
Sudarshan Shankar Shetty
7. COMPLAINT NO. CC006000000012791
Suhas Shantaram Bharadkar
8. COMPLAINT NO. CC006000000022846
Saurabh Vaish
9. COMPLAINT NO. CC006000000022893
Sandeep Daulat Lakhan
10. COMPLAINT NO. CC006000000022895
Rahul Waval
11. COMPLAINT NO. CC006000000023150
Aditya Churi
12. COMPLAINT NO. CC006000000023171
Siddhesh P. Mayekar
13. COMPLAINT NO. CC006000000023301
Bhawesh Binod Jha & Mrs Sapna Bhawesh Jha

... Complainants

Versus



Mandar Associates

MahaRERA project Regn. No. P99000011492

... Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants were themselves present.

Respondent did not appear.

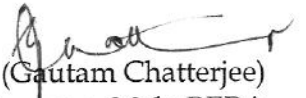
Order

January 01, 2020

1. The Complainants have filed the present applications for noncompliance of the previous Orders passed by MahaRERA in the above Complaints.
2. On review of the Respondent's registration webpage it is observed that the registration of the said project has lapsed on July 31, 2019. Further, the Respondent has not uploaded the Annual Audit Report of Statutory CA - Form 5 for FY 17-18 and FY 18-19 till date as required under the provisions of section 4 (2) (l) and section 11(1) of the Real Estate (Regulation and Development) Act, 2016 read with Regulation 4 of the MahaRERA General Regulations, 2017.
3. None appeared for the Respondent, despite service of notice.
4. During the course of hearings, it was explained to the Complainants that since the project is presently at a standstill and that the Respondent has failed in the statutory compliances required under the Real Estate (Regulation and Development) Act, 2016 and also failed to complete the project in the stipulated time, the allottees should explore the possibility of invoking the provisions of section 7/8 of the said Act to complete the project. At this stage, the only way forward would be to protect the right of the allottees and enable them to form an Association and decide on the way ahead.
5. In view of the above facts, the Respondent is directed to handover the list of allottees of the said project to the Complainants within 30 days from the date of the Order, to enable them to take an informed decision pertaining to the said project. Further, the Respondent is directed to upload the Annual Audit Report of Statutory CA - Form 5 for F.Y. 17-18 and F.Y. 18-19 within 15 days from the date of this Order



6. The allottees are advised to form an association of allottees and thereafter take an informed decision pertaining to the said project and 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.
7. Consequently, the present applications are hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC00600000023150

Aditya Churi ... Complainant

COMPLAINT NO: CC00600000023301

Sapna and Bhavesh Jha ... Complainants

Versus

Mandar Associates ... Respondent
MahaRERA Regn.No. P99000011492

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants represented themselves.

Respondent was represented by Ms. Shilpa Nair, Adv., Ms. Bella Lopes, Adv.

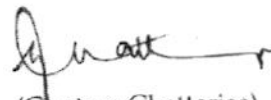
Order

April 5, 2018

1. The Complainants have purchased apartments in the Respondent's project 'CASSA BILSS' situated at Virar, Thane. The Complainants have alleged that at the time of booking, the Respondent had promised to make provisions of two lifts in the said project; however, he has failed to make provisions for the same. Further, they alleged that the Respondent was to handover possession of the apartments in 2014 but the Respondent has failed to do so. Therefore, the Complainants prayed that the Respondent be directed to handover possession of their apartments at the earliest along with the amenities as mentioned in the agreements for sale and to make provisions for the second lift as promised earlier. They have also prayed for interest for the delay.



2. The advocates for the Respondent submitted that the project could not be completed due to mitigating circumstances beyond the control of the promoter. They added that the Respondent has already installed the second lift and that the Respondent will complete the project along with amenities as stated in the agreements for sale, within two months. Further, they submitted that the present Complainants have bought the apartments not directly from the Respondent but from earlier buyers and certain payments towards taxes, which had become due in accordance with the agreements for sale, are yet to be paid by the Complainants. She also submitted that by an earlier Order dated March 5, 2018 MahaRERA, after taking into consideration the mitigating circumstances, has directed the Respondent to handover possession by May, 2018. The parties agreed to the revised timeline for possession.
3. In view of the above facts, the respondent shall, therefore, handover the possession of the apartments, with Occupancy Certificate, to the Complainants before the period of May, 2018, failing which the Respondent shall be liable to pay interest to the Complainants from June 1, 2018 till the actual date of possession, on the entire amount paid by the Complainants to the Respondent. The said interest shall be at the rate as prescribed under Rule 18 of the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rate of Interest and Disclosures on Website) Rules, 2017.
4. The Complainants shall pay the amounts due towards taxes to the Respondent, at the time of possession.
5. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA