

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

COMPLAINT NO: CC00600000001739

Mr. Pravin Malshi Shah and Sunny P.Shah

.... Complainants

Versus

M/s. Bellissimo Crown Buildmart Pvt Ltd (Lodha Developers Pvt Ltd)

MahaRERA Registration No. P51900000314

..... Respondent

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

Advocate Mr. Gala appeared for the complainants.

Advocate Rahul Vardhan a/w Advocate Sunilraja appeared for the respondent

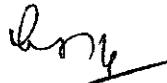
Date : 18th December, 2017

Order

1. The complainants have filed this complaint seeking directions of this Authority to the respondent to pay interest for the delayed possession in the MahaRERA registered project bearing No. P51900000314.
2. This matter was heard today. The complainants stated that they had purchased a 3BHK flat No. B-3004 vide registered agreement dated 23-1-2012 for consideration amount of Rs. 3,40,95,087/- (excluding other charges). As per the agreement, the date of possession was 31-12-2015. However, the complainants are still to get the possession of the flat.
3. The respondent denied the contention raised by the complainants and stated that the present complaint was not maintainable, as the complainants had booked a flat bearing No. No. B 3004 on 30th in B-wing of Building known as Lodha Elisium tower for which the part occupation certificate had already been issued by the competent

authority on 8-06-2017. Therefore, the said completed phase of the project has not been registered with MahaRERA. The respondent has submitted a copy of the part occupation certificate on record of this Authority.

4. Considering the rival submissions made by both the parties, this Authority has observed that the Hon'ble Full Bench of MahaRERA, in its order dated 17-11-2017 passed in Complainant No. CC006000000000182 along with other two matters had decided that the phase for which part occupation certificate has been obtained need not be registered with MahaRERA.
5. In the present case, since the part occupation certificate for ground plus 40 upper floors which includes the flat of the complainants, has been obtained, there is no need to have registration with MahaRERA. As the flat of the complainants is in a project for which occupancy certificate has already been issued, the complaint can't be entertained.
6. In view of above, the present complaint stands dismissed for want of jurisdiction.


(Dr. Vijay Satbir Singh)
Member-1