

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

1. Complaint No. CC006000000089749

M/s. Housing Development and Infrastructure Ltd Complainant

Versus

Mrs. Shaila Alwin Raja Respondent

Along with

2. Complaint No. CC006000000089750

M/s. Housing Development and Infrastructure Ltd Complainant

Versus

Mrs. Shaila Alwin Raja Respondent

Along with

3. Complaint No. CC006000000089752

M/s. Housing Development and Infrastructure Ltd Complainant

Versus

Mrs. Shaila Alwin Raja Respondent

Along with

4. Complaint No. CC006000000089753

M/s. Housing Development and Infrastructure Ltd Complainant

Versus

Mrs. Shaila Alwin Raja Respondent

Along with

5. Complaint No. CC006000000089755

M/s. Housing Development and Infrastructure Ltd Complainant

Versus

Mrs. Shaila Alwin Raja Respondent

Along with

6. Complaint No. CC006000000089756

M/s. Housing Development And Infrastructure Ltd Complainant

Versus

Mrs. Shaila Alwin Raja Respondent

Along with

7. Complaint No. CC006000000089757

Mr. Housing Development and Infrastructure Ltd Complainant

Versus

Mrs. Shaila Alwin Raja Respondent

Along with

8. Complaint No. CC006000000089758

Mr. Housing Development and Infrastructure Ltd Complainant

Versus

Mrs. Shaila Alwin Raja Respondent

Project Registration No. P51800010758

Coram: Dr. Vijay Satbir Singh, Hon'ble Member – I/MahaRERA


Adv. Ram Dayal appeared for the complainant.

Adv. Jeeva Joseph appeared for the respondent.

ORDER

(24th January, 2020)

1. The complainant has filed these 8 complaints seeking directions from MahaRERA to the respondent to execute a cancellation deed or alternatively, pay the outstanding dues along with interest Under Section 19(6) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as RERA) in respect to the booking of 8 shops in the complainant's project known as **"Galaxy Apartments CDF Wings"** bearing MahaRERA registration No. P51800010758 situated at Kurla (E), Mumbai.
2. The complaints were heard on several occasions and the same were heard finally today, when both the parties appeared and made their respective submissions.
3. During the course of the hearing, it has been brought to the notice of the MahaRERA by both the parties that, by virtue of an order dated 20th August 2019 in CP (IB) No. 27/I & BP/MB/2019 passed by the National Company Law Board Tribunal (NCLT), Mumbai bench, the complainant is under an insolvency resolution process and that an insolvency resolution professional has already been appointed by the said order.
4. In light of the above fact, the MahaRERA has passed various orders in the complainant's various project. Further, the complainant vide its letter dated 30th September 2019, has informed MahaRERA about the same and



requested to keep all the complaints in abeyance till final disposal of the matter pending before the National Company Law Board Tribunal (NCLT). Further, pursuant to section-7 (2) of the Insolvency and Bankruptcy Code, 2016, the National Company Law Board Tribunal (NCLT) has already imposed a moratorium against institution or continuation of any suits or proceedings against the respondent till the Insolvency Resolution Process is completed.

Para 10 (IV) of the said Order dated August 20, 2019 reads as thus:

...The order of moratorium shall have effect from 20.08.19 till the completion of the corporate insolvency resolution process or until this Bench approves the resolution plan under sub-section (1) of section 31 or passes an order for liquidation of Corporate Debtor under section 33, as the case may be....

5. In view of the above facts, since the insolvency petition pending before National Company Law Board Tribunal (NCLT) may take some time, it is not justified to keep these complaints pending till final disposal of the said process. Therefore, the present complaints stand disposed of. However, the complainant is at liberty to approach the MahaRERA after final disposal of the insolvency resolution process.
6. Consequently, the above 8 complaints stand disposed of with liberty to the complainant to file the complaints afresh after the completion of insolvency proceedings.



(Dr. Vijay Satbir Singh)
Member – 1/MahaRERA