

**MAHARASHTRA REAL ESTATE APPELLATE  
TRIBUNAL UNDER RERA ACT**

**(24)**

**No.AT005000000010322**

M/s. Marvel Edge Realtors Pvt.Ltd.& Ors.  
.. Appellant/s

**V/s.**

Mustafa Hussain Kanchwala & Ors. ..Respondent/s

CORAM :Hon'ble Shri K. U. CHANDIWAL, J.  
President, Maharashtra Revenue Tribunal,  
Mumbai  
& I/c. Maharashtra Real Estate Appellate  
Tribunal under Maharashtra RERA Act

DATED:-4<sup>th</sup> September, 2018

**:- ORDER :-**

Called out at 3.20 PM.

Heard Shri Amit Patel for Promoter/ Appellant

None present for the Respondents.

Heard Ld. Counsel for the Appellant / Promoter. There were basically more complaints faced by the Promoter. However the present appeal is restricted in respect of Complaint No. CC005000000010407 (Mustafa Hussain Kanchwala).

The Ld. Member and Adjudicating Officer, MahaRERA by impugned order dated 20th March 2018 has held that the complaints are maintainable and has directed its further adjudication by Adjudicating Officer, Pune. The point of controversy has already been dealt with by this Appellate Tribunal in the matter of Jitendra Jagdish Tulsiani V/s.



M/s. Lavasa Corporation wherein this Tribunal has held that long term lease takes the colour of sale and hence MahaRERA has the jurisdiction to entertain the complaint.

The matter was carried in second appeal before Hon High Court in Second Appeal bearing Stamp No. 9717 of 2018 by Lavasa Corporation Ltd. V/s. Jitendra Tulsiani. By Order dated 7<sup>th</sup> August, 2018, Hon'ble Ladyship of High Court of Judicature at Bombay, while confirming the judgement of this Appellate Tribunal endorsed that long lease is covered within the scope and ambit of provisions of the Real Estate (Regulation & Development) Act, 2016.

Exploration of facts, not in controversy are not dealt with.

In the backdrop of above facts, the appeal lacks merits and hence dismissed.

No costs.



Place: Mumbai (K. U. CHANDIWAL, J.)  
Dated: 4<sup>th</sup> September, 2018 President,  
Maharashtra Revenue Tribunal,  
Mumbai  
& I/c. Maharashtra Real Estate  
Appellate Tribunal, (MahaRERA),  
Mumbai