

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC00600000023067

Adhirkumar S. Phani

... Complainant

Versus

Mallhar Realtors Pvt Ltd
MahaRERA Regn.No. P51800000274

... Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was himself present.

Respondent was represented by Mr. Devang Thale, along with Mr. Milind Nar, Adv.


Order

April 20, 2018

1. The Complainant has booked two apartments bearing nos. 1001 and 1002 in the Respondent's project 'BHIMASHANKAR HEIGHTS' situated at Borivali, Mumbai on June 10, 2013. The Complainant has alleged that even though he has paid substantial amount towards the consideration of the said apartments, the Respondent has failed to execute and register the agreement for sale. Therefore, he prayed that the Respondent be directed to execute and register the agreement for sale as per the provisions of section 13 of the Real Estate (Regulation and Development) Act, 2016.
2. The advocate for the Respondent stated that they are willing to execute the agreement for sale, however, the Complainant's apartments are on the 10th floor and the Respondent has the approvals only till the 7th floor. Further, he submitted that if the Complainant is willing, the Respondent will shift the Complainant to apartments on floors below. Alternatively, he submitted that the Respondent is willing to execute and register the agreements for sale for the allotted apartments, after the requisite approvals are received.



3. In view of the above facts, the parties are directed to execute the agreement for sale as per the provisions of section 13 of the Real Estate (Regulation and Development) Act, 2016 and the rules and regulations made thereunder, within 60 days from the date of this Order.
4. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA