

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

1. COMPLAINT NO. CC006000000057249
Ramasubramanian R. Nadar
2. COMPLAINT NO. CC006000000057227
R. Ganeshan and Suvarnalatha Ganeshan
3. COMPLAINT NO. CC006000000057241
Jayaben V. Pasad and Priyesh V. Pasad
4. COMPLAINT NO. CC006000000058065
Pradip Parab

... Complainants

Versus

Siroya Yug Realtors
MahaRERA Regn. No. P51800006461

... Respondent (1)

Vishwas Co-operative Housing Society Ltd.

... Respondent (2)

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants were themselves present a/w Mr. Raj Sanghvi, Adv. and Ms. Ulka khandekar, Adv. a/w Ms. Urvika Shah, Adv. and Ms. Rehana Nulevla, Adv. (i/b. Lex Services).

Respondent (1) did not appear.

Respondent (2) was represented by Mr. Dharam Juman, Adv. and Mr. Rikin Dang, Adv. and Ms. Helina Desai, Adv. (i/b. Ganesh & Co.).

Interim Order

November 20, 2019

1. The Complainants have booked apartments in the real estate project 'VISHWAS CHS' which is registered with MahaRERA. The Respondent (1) is the promoter of this MahaRERA registered project. Respondent (2) is a cooperative housing society and owner of the land on which the said project is being developed.

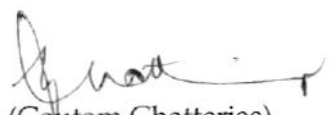


2. In accordance with Section 2(d) of the Real Estate (regulation and Development) Act, 2016, every member of the owner co-operative housing society, to whom reconstructed apartment is to be allotted and transferred, is an allottee in relation to the said registered real estate project. The purchasers in the said registered real estate project, to whom apartments have been sold and allotted, are also allottees as per the definition in Section 2(d) of the Act.
3. The Complainants have, further, stated that Respondent (2) in February 2018 has terminated the Development Agreement executed between the Respondents and revoked the Power of Attorney and invited proposals from other developers to complete the construction of the said project, out of which Respondent (2) allegedly has accepted the proposal of one M/s Mangal Build Home Private Limited in contravention to Section 15 of the Real Estate (Regulation and Development) Act, 2016.
4. The Complainants have therefore prayed that:
 - i. The Respondents be directed to execute and register the agreements for sale
 - ii. the Respondents be directed to complete the project and handover possession of the apartments at the earliest and pay them interest for the delay in handing over possession.
 - iii. the Respondent (2) be directed to cancel the acceptance of new developer 'M/s Mangal Buildhome Pvt. Ltd.' and to initiate a fresh process to appoint a new developer as per the provisions of Section 15 of the said Act.
 - iv. Respondents be directed to give an undertaking for maintaining *status quo* with respect to the said project to safeguard the Complainants' interest and money.
 - v. Respondent (2) be directed to induct them as members of the said society and handover the possession to them in case Respondent (2) decides to change the promoter of the said project or otherwise.
5. Respondent (1) was not present for the hearings, despite service of notice.
6. The learned counsel for Respondent (2) submitted that the society has terminated the development agreement with Respondent (1) and appointed a new Promoter in his place. He further stated that the society has filed an application with MahaRERA for



revocation of registration of the MahaRERA project which is registered with Respondent (1) as the promoter.

7. The learned counsel for the Complainants submitted that Respondent (2) has not taken the Complainants and the other purchasers of apartments in the said project, on board while making the said application.
8. It was explained that for the revocation of any project, the application will have to be filed as an online complaint, in accordance with the MahaRERA Order on Revocation of Registration of Project dated March 28, 2019.
9. The learned counsel for the Complainants submitted the said new developer has been marketing this MahaRERA registered project without having his name reflected as the promoter of the project in the project's registration webpage, in contravention of the provisions of the said Act and the rules and regulations made thereunder and therefore, the Respondents be refrained from creating any third party rights in the said project.
10. In view of the above, it is hereby directed that:
 - i. Respondent (2) shall convene a meeting of all the allottees, consisting of all the members of the owner co-operative housing society and all the purchaser allottees, within 45 days from the date of this Order and come up with a proposed way ahead for project completion.
 - ii. Respondents and the new developer, allegedly appointed by Respondent (2), are restrained from creating any third-party rights, marketing and advertising the said project and are also directed to maintain status quo till further directions.
11. Next date of hearing to be scheduled accordingly.


(Gautam Chatterjee)
Chairperson, MahaRERA