

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

MUMBAI

Source Complaint No. SC10000898

Mr. Sunil Eknath Hajare and Others Complainants

Versus

M/s Abhang Associates Respondent

Coram: Hon'ble Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant: Present

Respondent: Present

ORDER

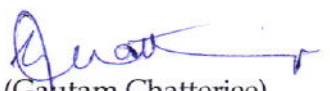
May 14, 2019

1. This complaint is pertaining to a building "Abhang's Vaishnav Vihar" on the land situated at CTS No. 979 & 980 Village Dehu Road, Haveli, Pune.
2. The Complainants have already taken possession of his apartment in the said building. They have alleged that the Respondent has failed to procure the Occupancy Certificate from the concerned planning authority till date and subsequently has also failed to register the said project with MahaRERA. Therefore, the Complainants have prayed for directions to the Respondent to register the project under the provisions of Real Estate (Regulation and Development) Act, 2016.
3. In accordance with proviso to Section 3 of the Act, projects that are ongoing on the date of commencement of the Act and for which the completion certificate has not been issued, are required to be registered under the Act. In the instant case, the project construction work was already completed and the building was occupied, prior to the Real Estate (Regulation and Development) Act, 2016 coming into effect. Therefore, the occupied building cannot be treated as an



ongoing project when the Act came into effect. Though it is a fact that the second condition, required for registration, is not fulfilled and the building has not obtained completion or occupancy certificate, keeping in view the objective of the Act of completing project work and handing over possession, such buildings of the past, which have been occupied prior to the coming into effect of the Act but which do not have completion or occupancy certificate, should not be brought under the ambit of the Act and should not be directed to register merely to obtain OC.

4. In view of the above, since the project is already completed prior to the commencement of the said Act and it is occupied, it is not mandatorily required to be registered under the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016. Merits of the other grievances made by the Complainants, have not been gone into. The Complainants have the liberty to raise the same in an appropriate forum.
5. Consequently, the Complaint for registration of the project stands disposed of.


(Gautam Chatterjee)
Chairperson/MahaRERA