

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

COMPLAINT No: CC006000000001311

Smt. Varsha Dharap
Versus

..... Complainant

M/s. Kamalnath Universal Pvt Ltd

MahaRERA Registration No. P51800005722

..... Respondent

Coram: Hon'ble Dr. Vijay Satbir Singh, Member 1

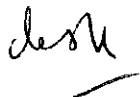
Heard Mr. Nitin M. Dharap, son of the complainant in person.

Advocate Mr. T. Radhakrishna appeared for the respondent

Order

(18th December, 2017)

1. The complainant, who is an existing member of the redevelopment Society viz Purvanchal CHS Ltd. at Mulund, has filed this complaint for following reliefs;
 - a) To disallow the revised completion date mentioned by the respondent while registering the project with MahaRERA.
 - b) To cancel/revoke the registration for furnishing false information and take action for various irregularities and fraudulent practices.
 - c) To direct the MCGM to regularize irregularities by imposing fine on the respondent and to grant occupancy certificate of the building if it is structurally strengthened or to vacate the building immediately in the interest of all concerned.



- d) To direct the respondent to pay Rs. 10,000/- (Rupees Ten Thousand only) as expenses for filing the complaint in MahaRERA for cancellation of MahaRERA registered project bearing No. P51800005722.
2. This matter was heard today. The complainant has stated that the respondent while registering the project with MahaRERA has submitted false information, regarding address of his company, total FSI consumed, Society's share, numbers of covered parkings, carpet area etc., He had also guaranteed 100% water supply to the said project. Due to failure in fulfilling the commitments made by the respondent, the complainant has prayed for cancellation of MahaRERA project registration certificate issued. The complainant further stated that the revised completion date mentioned by the respondent is unreasonable and the construction by the respondent was not as per the sanctioned plan by the competent authority. Hence, the complainant requested not to accept the revised completion date.
- 3) The respondent has denied the contentions raised by the complainant and stated the following:
- i) The complainant is represented by her son, Mr. Nitin Dharap, who is a habitual complainant and he has filed several cases against him including Consumer Court, Legal Metrology Department, Additional Metropolitan Magistrate 27th Court, Mulund etc., Though the possession of the flat was not given to the complainant, he entered into the premises and conducted the measurement of the flat and filed frivolous complaint against the respondent.
 - ii) The respondent has constructed the building as per the approved building plan by MCGM attached to the agreement executed by the respondent with the complainant on 30-12-2009.
 - iii) The MCGM has initiated action under section 53(1) of MR & TP Act, 1966 and the same is still pending.

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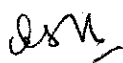
iv) Whatever information was submitted by the respondent with the MahaRERA is not misleading or incorrect.

v) The respondent has given completion date as 31-12-2025 since the criminal cases that were filed by the complainant may take quite some time to resolve. The building is ready in all respects since 2012; but, due to some reasons which are beyond the control of the respondent and also due to non-availability of the construction material, the project got delayed.

vi) All points raised by the complainant in this complaint are contended before the State Consumer Redressal Forum and pending for decision. Even in that proceeding, an interim order dated 5-12-2017 has been passed by the forum and the respondent is bound to comply with the same.

In addition to this, the respondent has filed written undertaking on record of this Authority stating that the respondent will rectify the proposed completion date mentioned in MahaRERA registration from 31-12-2025 to 31-12-2018 and he will submit online application for the said correction.

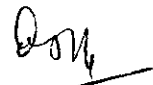
4) Considering the rival submissions made by both the parties, this Authority feels that by filing this complaint, the complainant has challenged the alleged irregularities committed by the respondent while implementing the said project. However, this Authority is not competent to entertain such disputes and the State Consumer Redressal Forum has already dealt with such grievances of the complainant. The order passed by the said forum is binding upon both the parties. With regard to the information uploaded by the respondent at the time of MahaRERA registration, the complainant has not submitted any cogent documentary proof to show that the said information is incorrect. With regard to the revised completion date mentioned by the respondent for MahaRERA registration, the respondent has filed an undertaking on record of this Authority



stating that he will make necessary corrections and change the date from 31-12-2025 to 31-12-2018.

5) In view of the above, nothing survives in this complainant. Both the parties are directed to act as per the order passed by State Consumer Redressal Forum.

6) With these directions the complainant stands disposed of.



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