

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000001039

Abbas Sayed Zulfiquar ... Complainant

Versus

Landmark Real Estate Developers Limited ... Respondent
MahaRERA Regn.No: P52000007113


Coram
Shri Gautam Chatterjee, Chairperson, MahaRERA

Order

11th December 2017

Complainant pleaded by Ms.Priti Jaiswal, Adv.
Respondent pleaded by Valimohammed Ismail Merchant, Director

1. The Complainant has reserved three villas and five apartments in the Respondent's Project known as CASA UNICO PHASE - 1 in 2014. The said Project is registered under MahaRERA vide registration No. P52000007113.
2. The Complainant states that till date, the Respondent neither gave his invested money back with interest nor is giving the possession of the apartments earmarked for him. Therefore, he prayed that MahaRERA pass an appropriate order for recovery of the principal amount with interest. Further, the Complainant prayed that appropriate action be taken u/s. 357 of the Criminal Procedure Code 1973.
3. Documents filed by the complainant along with his complaint, show that the Complainant and Respondent have signed a 'Letter of Allotment' and 'Letter of Assurance' dated September 25, 2012 from which it is seen that the Complainant is an investor in the said Project and not an allottee. The 'Letter of Allotment' and 'Letter of Assurance' mention that on possession of the said villas and apartments and further sales, the complainant will earn 75% to 100% profit on his investment.
4. Clearly, the complainant is not an allottee in the said project but a Promoter (investor) and that the dispute between the promoters (parties) is of a civil/criminal nature. Moreover, the complainant is unable to point out which provisions of the Real Estate (Regulation and Development) Act 2016 or the rules or regulations made thereunder are violated. Hence, the matter is hereby dismissed.


(Gautam Chatterjee)
Chairperson, MahaRERA