

**MAHARASHTRA REAL ESTATE APPELLATE  
TRIBUNAL UNDER RERA Act**

**No.AT005000000010411**

PIL Developers Pvt. Ltd.  
304/305 Shubham Centre,  
B-2 Cardinal Gracious Road, Chakala,  
Andheri (East), Mumbai 400 099.

... Appellant/s

V/s.

S.R. Shah Realtors  
Raj Deep Building, Station Road,  
Vasai (W), District : Palghar

..Respondent/s

The Appellant and the Adv. called absent.

Adv. Sanjay Chaturvedi, Counsel for Respondent

CORAM :Hon'ble Shri K. U. CHANDIWAL, J.  
Heard on : 30th August , 2018  
Dictated/Pronounced on:30th August, 2018  
Transcribed on : 31st August, 2018

**-:ORAL JUDGMENT:-**

Heard.

1. The Respondent as Allottee had initiated proceedings before the MahaRERA Authorities and the Ld. Chairperson after hearing the parties on April 17, 2018 directed the Promoters to execute agreement for sale as per the provisions of section 13 of the Real Estate (Regulation & Development) Act, 2016 and the rules and regulations made thereunder within 30 days from the date of the order.




2. The Respondent as Allottee had invested for purchase of 11 flats in the project known as 'PIL TOWER' situated at Vasai, Thane through an Allotment Letter dated May 9, 2018. Owing to amicable relations between the parties, out of 11 such allotments, in respect of 5 such Allotment letters the Allottee has received his Earnest and consideration from Promoter.
3. The grievance before Adjudicating Officer, was either to direct to refund the money or direct to execute the Agreement for Sale. The Promoter's grievance is that the original Complainants are not bonafide purchasers of the flat, rather the investors and consequently provisions of RERA will not be applicable. His submission would be against the spirit of the statute as there is no distinction carved out between the Allottee / Flat Purchaser and the Investor. There is no such definition to identify the Investor. No perversity is surfacing in the order. No interference.
4. In the situation since the project was already registered, it was imperative for the Promoter to enter into Agreement for Sale or refund the amount received from the Respondent as allottee.

**-:ORDER:-**

1. No merits in the Appeal.
2. Appeal dismissed.
3. No costs.

Dictated and pronounced in open Court today.

Place: Mumbai  
Dated: 30th August, 2018

  
(K. U. CHANDIWAL, J.)  
President,  
Maharashtra Revenue Tribunal,  
Mumbai  
& I/c. Maharashtra Real Estate  
Appellate Tribunal, (MahaRERA),  
Mumbai