

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

1. COMPLAINT NO. CC005000000011122
2. COMPLAINT NO. CC005000000011115
3. COMPLAINT NO. CC005000000011202
4. COMPLAINT NO. CC005000000011368
5. COMPLAINT NO. CC005000000011605
6. COMPLAINT NO. CC005000000011229
7. COMPLAINT NO. CC005000000011683
8. COMPLAINT NO. CC005000000011687
9. COMPLAINT NO. CC005000000011258
10. COMPLAINT NO. CC005000000011259
11. COMPLAINT NO. CC005000000011261
12. COMPLAINT NO. CC005000000011263
13. COMPLAINT NO. CC005000000011264
14. COMPLAINT NO. CC005000000011265
15. COMPLAINT NO. CC005000000011230
16. COMPLAINT NO. CC005000000011325
17. COMPLAINT NO. CC005000000011326
18. COMPLAINT NO. CC005000000011328
19. COMPLAINT NO. CC005000000011330
20. COMPLAINT NO. CC005000000011342



21. COMPLAINT NO. CC005000000011343
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33. COMPLAINT NO. CC005000000011298
34. COMPLAINT NO. CC005000000011300
35. COMPLAINT NO. CC005000000011301
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39. COMPLAINT NO. CC005000000011306
40. COMPLAINT NO. CC005000000011307
41. COMPLAINT NO. CC005000000011309
42. COMPLAINT NO. CC005000000011311
43. COMPLAINT NO. CC005000000011313
44. COMPLAINT NO. CC005000000011314

A handwritten signature in black ink, appearing to be 'Guan' followed by a long horizontal stroke.

69. COMPLAINT NO. CC005000000011557
70. COMPLAINT NO. CC005000000011558
71. COMPLAINT NO. CC005000000011609
72. COMPLAINT NO. CC005000000011611
73. COMPLAINT NO. CC005000000011606
74. COMPLAINT NO. CC005000000011423
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79. COMPLAINT NO. CC005000000011431
80. COMPLAINT NO. CC005000000010593
81. COMPLAINT NO. CC005000000011661
82. COMPLAINT NO. CC005000000011897
83. COMPLAINT NO. CC005000000011654
84. COMPLAINT NO. CC005000000000181
85. COMPLAINT NO. CC005000000011070
86. COMPLAINT NO. CC005000000011267
87. COMPLAINT NO. CC005000000022049
88. COMPLAINT NO. CC005000000022057
89. COMPLAINT NO. CC005000000022061
90. COMPLAINT NO. CC005000000011887
91. COMPLAINT NO. CC005000000011892
92. COMPLAINT NO. CC005000000022136

A handwritten signature in black ink, appearing to be 'J. M. A. R.', located in the bottom right corner of the page.

93. COMPLAINT NO. CC005000000022137
94. COMPLAINT NO. CC005000000022131
95. COMPLAINT NO. CC005000000022104
96. COMPLAINT NO. CC005000000022182
97. COMPLAINT NO. CC005000000022179
98. COMPLAINT NO. CC005000000022067
99. COMPLAINT NO. CC005000000022186
100. COMPLAINT NO. CC005000000022195
101. COMPLAINT NO. CC005000000022111
102. COMPLAINT NO. CC005000000022236
103. COMPLAINT NO. CC005000000022244
104. COMPLAINT NO. CC005000000022235
105. COMPLAINT NO. CC005000000011160
106. COMPLAINT NO. CC005000000022173
107. COMPLAINT NO. CC005000000022084
108. COMPLAINT NO. CC005000000011303
109. COMPLAINT NO. CC005000000011312
110. COMPLAINT NO. CC005000000011316
111. COMPLAINT NO. CC005000000011556
112. COMPLAINT NO. CC005000000011561
113. COMPLAINT NO. CC005000000011562
114. COMPLAINT NO. CC005000000011563
115. COMPLAINT NO. CC005000000011564
116. COMPLAINT NO. CC005000000011607

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117. COMPLAINT NO. CC005000000011608
118. COMPLAINT NO. CC005000000011860
119. COMPLAINT NO. CC005000000011862
120. COMPLAINT NO. CC005000000011864
121. COMPLAINT NO. CC005000000011865
122. COMPLAINT NO. CC005000000011937
123. COMPLAINT NO. CC005000000011938
124. COMPLAINT NO. CC005000000011939
125. COMPLAINT NO. CC005000000011940
126. COMPLAINT NO. CC005000000011941
127. COMPLAINT NO. CC005000000011942
128. COMPLAINT NO. CC005000000022039
129. COMPLAINT NO. CC005000000022040
130. COMPLAINT NO. CC005000000022041
131. COMPLAINT NO. CC005000000022042
132. COMPLAINT NO. CC005000000011861
133. COMPLAINT NO. CC005000000022477
134. COMPLAINT NO. CC005000000011728
135. COMPLAINT NO. CC005000000011427
136. COMPLAINT NO. CC005000000011430
137. COMPLAINT NO. CC005000000022154
138. COMPLAINT NO. CC005000000022610
139. COMPLAINT NO. CC005000000011559
140. COMPLAINT NO. CC005000000011560

A handwritten signature in black ink, appearing to read "Quatt", with a long horizontal stroke extending to the right.

141. COMPLAINT NO. CC005000000022144
142. COMPLAINT NO. CC005000000022145
143. COMPLAINT NO. CC005000000022285
144. COMPLAINT NO. CC005000000022286
145. COMPLAINT NO. CC005000000022287
146. COMPLAINT NO. CC005000000011730
147. COMPLAINT NO. CC005000000011732
148. COMPLAINT NO. CC005000000022716
149. COMPLAINT NO. CC005000000022732
150. COMPLAINT NO. CC005000000022733
151. COMPLAINT NO. CC005000000022752
152. COMPLAINT NO. CC005000000022765
153. COMPLAINT NO. CC005000000022769

... Complainants

Versus

D. S. Kulkarni Developers Limited
MahaRERA Regn. No: P52100005158

... Respondent

Coram: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Order

April 04, 2019

1. These complaints have been filed by the allottees of the Respondent's project 'DSK ANANDGHAN' located at Haveli, Pune. The Complainants have stated that the Respondent had promised to handover possession of the apartments by August, 2018 but the work is incomplete and stalled and the Respondent has failed to complete the project. Therefore, some of the Complainants have prayed, inter alia, that the Respondent be directed to handover possession of the apartments at the earliest and



pay them interest for delay or while some of the Complainants have prayed the Respondent be directed to refund the amounts paid with interest and compensation.

2. The key persons managing the Respondent Company have been arrested for economic offences. The Government of Maharashtra, through two official gazettes No. EOF 1217/C.R.646/Pol 13. and No. EOF 1217/C.R.646/part I/Pol 13. dated May 05, 2018 (hereinafter referred to as the "said Notifications"), has provisionally attached certain properties/land and bank accounts standing in the name of DSK Group. The list includes properties/land on which real estate projects of DSK Group, registered with MahaRERA are underway and also lands which were duly mortgaged with financial institutions such as SBI, ICICI Bank etc. The list of properties and bank accounts attached under the said Notifications are appended to the said notifications. As per the requirement of the Maharashtra Protection of Interest of Depositors (in Financial Establishment) Act, 1999 (Mah. XVI of 2000) (hereinafter referred to as "the MPID Act"), the Competent Authority has filed application before the MPID Court (Pune) to confirm the aforementioned provisional attachment and the same is pending for adjudication.
3. Keeping in mind, the ultimate objective of the Real Estate (Regulation and Development) Act, 2016, being project completion and handing over houses to the allottees, MahaRERA felt that the said properties/lands of the DSK Group that are part of the projects registered with MahaRERA, be delisted from the said Notifications to enable MahaRERA to use the provisions of Sections 7 and 8 of the Act to complete the balance work. It is pertinent to note that most of these MahaRERA registered projects of DSK Group are at an advanced stage of completion and a quick redressal of the issue at hand will result in close to 2000 allottees receiving their completed apartments. Therefore, in the interest of the home buyers, MahaRERA vide Letter dated January 29, 2019 has requested the State Government to delist the properties/lands, on which MahaRERA registered projects are underway.
4. In view of the said Notifications and the subsequent proceedings in the MPID Court, it has become untenable for MahaRERA to issue any directions/orders regarding project completion with the help of the Association of Allottees under Section 7 & 8 of the RERA Act or even give adjudication with regard to refund of amounts paid or



rulings with regard to awarding interest on delay, under the provisions of Section 18 of the RERA Act, at this stage. Therefore, in Complaint number CC005000000022043, MahaRERA has already passed an Order that at this stage no orders can be passed for revocation of the said project under the provisions of Sections 7 and 8 of the Real Estate (Regulation and Development) Act, 2016 or any other provisions of the Act. Further, it was ordered that the Complainants' right as allottees in the MahaRERA registered projects shall continue to be protected and liberty was granted to the Complainants to file fresh complaints at an appropriate stage.

5. Some of the present Complaints were being heard before various benches of MahaRERA, however, pursuant to the MahaRERA Order No. 8/19 dated March 29, 2019, all the present complaints filed against the said project are therefore clubbed together and it is hereby ordered that while the Complainants' right as allottees in the MahaRERA registered project shall continue to be protected, liberty is granted to the Complainants to file fresh complaints at an appropriate stage.


(Gautam Chatterjee)
Chairperson, MahaRERA