

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

SOURCE COMPLAINT NO. SC10001892

Shaikh Amjad Ali

.... Complainant

Versus

M/s M. R. Builder and Developer

... Respondent

**Coram:** Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was present himself.

Respondent was represented by Adv. U. G. Menon


**Order**

December 02, 2019

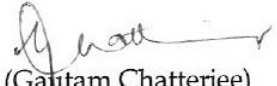
1. The complaint pertains to non-registration of a stalled project named 'Emperor Court CHSL' Situated at Survey No 46, Hissa No 5/1B, Vakola, Santacruz East, Mumbai - 400098. The Complainant has stated that he is an allottee in the said project which was initially started but thereafter due to lack of revalidation of the building plan approvals and valid commencement certificate, has got stalled since last so many years. It is the contention of the Complainant that though the Respondent is under obligation to register the project in accordance with the provisions of Real Estate (Regulation & Development) Act, 2016 (herein after referred to as the *said Act*), he has not registered the same and therefore he is praying that appropriate directions be issued to the Respondent to register the project and to refund the amount paid to him.
2. During the hearing, it is transpired that the similar complaints No. SC10000225 and SC10001278 were heard and the order was passed on May 20, 2019 directing Respondent to register the project within 30 days of them obtaining the revalidated approvals for the project.



3. During the hearing the authorised representative of Respondent submitted that at present, the project does not have the revalidated building plan approvals and commencement certificate from the competent planning authority as yet. The Respondent has applied to the competent planning authority to get a revalidation and extension to the approvals, from the SRA which is the competent planning authority. The Respondent stated that he shall apply for registration of the project with MahaRERA after receiving the approvals from the competent planning authority.
4. On the background explained above, it is necessary to consider whether the Respondent can be directed to register the project in accordance with the provisions of the said Act and rules and regulations made thereunder.
5. In accordance with the provisions of Section 3 of the said Act, the promoters are under obligation not to advertise, market, book or offer for sale or invite in any manner any plot or apartment or building, as the case may be, without registering the Real Estate Project with the Real Estate Regulatory Authority under the provisions of the said Act. Provided that projects that are ongoing on the date of commencement of the said Act and for which completion certificate has not been issued, promoter shall make application for registration within a period of three months from the date of commencement of the said Act.
6. As per section 4 of the said Act, it is obligatory on the part of the promoter to make an application to the Authority for registration of the Real Estate Project in such a manner and within such time and accompanied by such fee as may be specified by the regulations made by the Authority. As per Section 4(2) (c) and (d) of the said Act, it is obligatory on the part of the promoter to enclose along with the application for registration, the authenticated copy of the approvals and commencement certificate, sanctioned plan, layout plan, etc. from the competent authority.
7. Since the Respondent has submitted that he has applied to the competent planning authority to issue revalidated approvals and extension, therefore, it is reiterated that the Respondent shall apply for MahaRERA registration within 30 days of them obtaining the requisite revalidated building plan approvals and commencement certificate for the project.



8. It was also explained that as stated in Para 86 of the judgment of Hon'ble Bombay High Court in *Writ Petition No. 2737/- U Neelkamal Realtors. Vs. Union of India*, RERA will apply after getting the project registered. Therefore, merits of the other grievances made by the Complainant have not been gone into. The Complainant has the liberty to raise the same in an appropriate forum.
9. In view of the above, the complaint for registration of the project stands disposed of.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA