

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

SOURCE COMPLAINT NO: SC10000965

Rajesh Bahendwar Complainant

Versus

Mr. Ramesh BoseNiranjan Baburaoji Bisne Respondent

Coram: Shri Gautam Chatterjee, Chairperson, MahaRERA

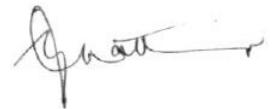
Complainant did not appear.

Respondent was appeared along with Mr. Prashant Samarth, Adv.

Order

June 20, 2019

1. These complaints pertain to a building named 'Keshavalay Apartment' situated at Village: Besa, Taluka: Nagpur (Rural), District: Nagpur - 440009 having CTS No. 9/9.1/other/14-15/57. The Complainant has stated that the construction of the said building is not carried out as per the sanctioned plan. Therefore, Complainant has prayed for directions to the Respondent to register the project under the provisions of Real Estate (Regulation and Development) Act, 2016. (*hereinafter referred to as the said Act*).
2. The Respondent submitted that he has completed the construction of the said Building and handed over possession to the allottees in 2015 and the total area of the land on which construction has been carried out is 432 sq. mts. Therefore, his building does not



require registration under the provisions of Real Estate (Regulation and Development) Act, 2016. (hereinafter referred to as the said Act).

3. On the background explained above, it is necessary to consider whether the Respondent should be directed to register the project in accordance with the provisions of the said Act and rules and regulations made thereunder.

4. In accordance with the provisions of Section 3(2) of the said Act:

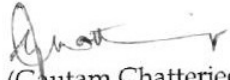
Notwithstanding anything contained in sub-section (1), no registration of the real estate project shall be required: -

- (a) where the land proposed to be developed does not exceed five hundred square meters or the number of apartments proposed to be developed does not exceed eight inclusive of all phases, for exemption from registration under this Act;

5. In view of above, since said project area is of less than 500 sq. mts, it is not mandatorily required to be registered under the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016.

6. It was also explained that as stated in Para 86 of the judgement 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 has not been gone into. The Complainant has the liberty to raise the same in an appropriate forum.

7. In view of the above, the complaint for registration of the project stands disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA