

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,  
MUMBAI**

COMPLAINT No. CC006000000011577

Machindra M. More  
Babasaheb M More

.....Complainants

**Versus**

Omkar Developers and Associates  
Dyaneshwar Kisan Kute  
Manoj Shivram Dagade  
Pramod Pratapsingh Shitole

..... Respondents

MahaRERA Registration No: P52100011290

Coram: Hon'ble Dr. Vijay Satbir Singh, Member-I

Adv. Rahul Bhosale appeared for the complainants

Adv. Mahesh Bhapkar appeared for the respondents.

**Order**

(27<sup>th</sup> June, 2018)

1. The complainants being the land owners of MahaRERA registered Project bearing No. P52100011290 known as "Mahadev Park" (Akurdi Mawal) at Pune, Maharashtra have filed this complaint seeking directions from this Authority to the respondents to pay compensation and rent of an amount of Rs. 74,70,000/- and also damages of Rs. 1 crore with addl. compensation and possession of the agreed flat within a period of three months.
2. During the hearing, the complainants stated that they are the owners of a land under the aforesaid MahaRERA registered Project and they executed a Development Agreement on 27<sup>th</sup> March, 2008 with the respondent. As per the terms and conditions of the said Agreement, the respondent agreed to give 40% saleable area with consideration

*Issued*

amount to the complainant within a period of 27 months after obtaining the sanction plan. Though the plan was sanctioned in the year 2012, the respondent promoter has not complied with the terms and conditions of the registered Development Agreement. Hence, this complaint has been filed by the complainant.

3. After hearing the arguments of the parties, this Authority feels that, the present dispute is between the land owner and the promoter for specific performance of the registered Development Agreement entered into between them. MahaRERA is not an appropriate forum to deal with such a dispute as the Civil Court has jurisdiction to try and entertain such disputes.
4. In the light of the above, the complaint filed by the complainants stands dismissed for want of jurisdiction.



(Dr. Vijay Satbir Singh)  
**Member I/ MahaRERA**