

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

SOURCE COMPLAINT NO. SC10000909

Manish Thatte Complainant

Versus

M/S. Richa Homes Pvt. Ltd. ... Respondent

Coram: Shri Gautam Chatterjee, Chairperson, Maharera

Complainant Was Represented Through Ms. Varsha Sawant, Adv.
Respondent Did Not Appear.

Order

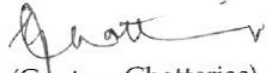
June 03, 2019

1. The present complaint pertains to non-registration of the proposed project situated at Chembur, Mumbai taken on CTS no. 470 pt 471 pt 366 6 Pt Chembur village. The learned counsel for the Complainant has stated that the complainant is an allottee of the said proposed project and even though he has paid a substantial consideration amount, the construction work has not started yet. He further stated that the respondent has not obtained the requisite building plan approvals for the proposed project. Therefore, he is praying that appropriate directions be issued to the respondent to register the project in accordance with the provisions of real estate (regulation & development) Act, 2016 (*hereinafter referred to as the said act*).
2. 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.
3. 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.

4. Since the respondent does not have requisite building plan approvals, no directions can be issued to the respondent to register the project, at this stage. However, the respondent shall apply for MahaRERA registration within 30 days of them obtaining the valid approvals for the project.
5. 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.
6. In view of the above, the complaint for registration of the project stands disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA