

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NOS: CC006000000023060

Harshad Bhanushali
Ashish Bafna
Arun Kumar Saraf

...

Complainants

Versus

Hubtown Limited
MahaRERA Regn. No: P51800001202

...

Respondent

Coram
Hon'ble Shri Gautam Chatterjee, Chairperson


Complainants were themselves present.
Respondent was represented by Mr. Amar Khanna, Adv.

Order

May 4, 2018

1. The Complainants are residents of a building which is not registered with MahaRERA but have filed this complaint by quoting the MahaRERA registration number of a different project of the same promoter.
2. The advocate for the Respondent submitted that since the occupation certificate for the part of the building in which the Complainants have taken possession and are residing was already obtained, the Respondent has not registered the said project with MahaRERA.
3. Section 31 (1) of the Real Estate (Regulation and Development) Act, 2016 reads as thus:
Any aggrieved person may file a complaint with the Authority or the adjudicating officer, as the case may be, for any violation or contravention of the provisions of this Act or the rules and regulations made thereunder against any promoter allottee or real estate agent, as the case may be.

...



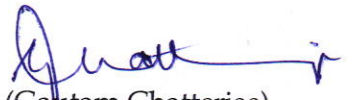
Further, Rule 6 (1) of the Maharashtra Real Estate (Regulation and Development) (Recovery of Interest, Penalty, Compensation, Fine Payable, Forms of Complaints and Appeal etc.) Rules, 2017 reads as thus:

...

Any aggrieved person, having any interest in the project, may file a complaint with the Authority for any violation under the Act or the rules and regulations made thereunder...

...

4. The Hon'ble High Court of Bombay in Writ Petition No. 2737 of 2017 in the matter of *Neelkamal Vs. State & Others*, decided on December 6, 2017 has also, in para 86, observed that the provisions of the Real Estate (Regulation and Development) Act, 2016 will apply only after getting the project registered.
5. In view of the above facts, since the Complainants are not allottees in the registered project mentioned in the complaint, the complaint is dismissed.


(Gautam Chatterjee)
Chairperson, MahaRERA