

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO. CC001000000000098

Vrushali Sudhakar Kamble

... Complainant

Versus

Prabhav Gruh Nirman Pvt Ltd
MahaRERA Regn. No. P51600012427

... Respondent (1)

M/s. Maitreya Realtors and Constructions Pvt. Ltd.

... Respondent (2)

M/s. Maitreya Services Pvt. Ltd.

... Respondent (3)

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was represented by Mr. Shyam Mohite, Adv.
None appeared for the Respondent (1).


Order

January 03, 2020

1. The Complainant has stated that she has purchased an apartment bearing no: A-401, IVY – (C-1) in the Respondent's project 'PRABHAV EVANA PHASE - I' situated at Pathardi, Nashik via registered agreement for sale dated November 20, 2013 (*hereinafter referred to as the said agreement*) from the Promoter (Land Owner/ Investor). The Complainant has stated that the Respondent has failed to complete the construction of the said project by August, 2017 as promised. Therefore, she prayed the Respondent be directed to handover possession with all amenities along with occupancy certificate at the earliest and pay her interest for delayed possession.
2. None appeared on behalf of the Respondent (1), despite service of notice.



3. On review of the Respondent's registration webpage it is observed that even the extended project registration has lapsed on October 31, 2019. Further, the Respondent has not uploaded the occupancy certificate or the Architect's Certificate on Completion of Project (Form 4) as annexed to the MahaRERA General Regulations, 2017 and as per the provisions of section 4 (2) (m) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the said Act).
4. At this stage when the project is incomplete and the registration period is over, the only way forward would be to protect the right of the allottees and enable them to form an Association.
5. In view of the above facts, the Respondent (1) is hereby directed to handover the list of allottees of the said project, along with their contact details, to the Complainants within 30 days from the date of this Order, to enable the allottees to take an informed decision pertaining to the said project and if the association of allottees may like to proceed under Section 7/8 of the Act as per the MahaRERA Order no. 8/2019 dated March 29, 2019 on Revocation of Registration of Project.
6. The Respondent (1) may seek the approval of the association of allottees for order under Section 7(3) of the said Act, as per MahaRERA Order no 7/2019 dated February 8, 2019 on Revocation of Registration of Project for reviving the said project.
7. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA