

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

1. COMPLAINT NO. CC006000000078614
Sujit Kumar Sinha
2. COMPLAINT NO. CC006000000078650
Mamta Kedarnath Joshi and Vikash Gaur
3. COMPLAINT NO. CC006000000079265
Chandan Kumar and Nidhi

... Complainants

Versus

Shantee Housing
MahaRERA project Regn. No. P99000001441

... Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants (1), (2) and (3) were themselves present a/w Mr. Sanjay Gaikwad, Adv. and Mr. Rahul Mhaske, Adv.

Respondent was represented by Mr. Manish Gala, Adv.

Order


September 18, 2019

1. The Complainants have purchased apartments in the Respondent's project 'SUNSHINE SAPPHIRE' situated at Vasai-Virar, Thane via registered agreements for sale. The Complainants have stated that the date of handing over possession as stipulated by the said agreements is long over but the Respondent is yet to hand over possession of the apartments till date. Therefore, the Complainants have *interalia* prayed that the Respondent be directed to refund the amounts paid along with interest and compensation.
2. The Learned counsel for the Respondent in an earlier Complaint had submitted that the Respondent has completed the construction of the building in 2018 and that other allottees of the said project have already taken possession of their apartments. Further, he submitted the



Respondent is yet to obtain the occupancy certificate (OC) for the said project, as due to certain mitigating circumstances there is a pending writ petition in the Hon'ble Bombay High court.

3. On review of the Respondent's registration webpage it is observed that the project registration has lapsed on May 30, 2019.
4. During the course of the hearing, it was explained to the Complainants and their learned counsels that since the project registration has lapsed, the allottees should explore the possibility of invoking the provisions of section 7/8 of the said Act to complete the project. At this stage when 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 allottees are advised to take an informed decision pertaining to the said project and 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 shall handover the list of allottees of the said project to the Complainant within 30 days from the date of the said Order, to enable the allottees to take an informed decision pertaining to the way forward in the said project.
7. Consequently, the matters are hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA