

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC005000000022324

Ganesh Sahebrao Gole

... Complainant

Versus

Moraya Developers
MahaRERA Regn. No. P52100011636

... Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was himself present.
Respondent remained absent.

Exparte Order

May 09, 2019

1. The Complainant has purchased an apartment in the Respondent's project 'Vedant Heights' situated at Haveli, Pune via registered agreement for sale dated November 5, 2015 and the date of possession as stipulated by the said agreement was December, 2016. However, the possession was handed over in March, 2018. Further, he has alleged that the work quality in the said project has defects and that even though 70% of the allottees have taken possession, the Respondent has not initiated the process of society formation and handed over amenities as promised. Therefore, he prayed *interalia* that the Respondent be directed to pay interest, on delay and compensation for the lack of amenities.
2. The Respondent remained absent on both the dates of hearing, despite service of notice.
3. The Complainant has already taken possession of his apartment, though he claims that he has received only fitout possession.
4. Section 14(3) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the *said Act*) reads as:


(3) In case any structural defect or any other defect in workmanship, quality or provision of services or any other obligations of the promoter as per the agreement for sale relating to such development is



brought to the notice of the promoter within a period of five years by the allottee from the date of handing over possession, it shall be the duty of the promoter to rectify such defects without further charge, within thirty days, and in the event of promoter's failure to rectify such defects within such time, the aggrieved allottees shall be entitled to receive appropriate compensation in the manner as provided under this Act.

In the instant case, since the Complainant has already been handed over possession of his apartment, the Complainant may in accordance with the provisions stated above, notify the Respondent of the alleged concerns in the work quality.

5. On review of the Respondent's registration webpage it is observed that the project registration has lapsed on December 31, 2018. Therefore, during the course of the hearing, it was explained to the Complainant that the allottees should explore the possibility of invoking the provisions of section 7/8 of the said Act to complete the project through the association of allottees.
6. In view of the above facts, the Respondent 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.
7. The Respondent 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.
8. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA