

**MAHARASHTRA REAL ESTATE APPELLATE  
TRIBUNAL UNDER RERA ACT**

**No. AT006000000000266**

Kishor Jadhav  
104/A Wing, Ganga Buiding,  
Vasant Sagar Complex, Thakur Village,  
Kandivali (E),  
Mumbai 400 101

.. Appellant/s

V/s.

1. Jayantilal Patel

2. Hiral Patel

M/s. Vinayak Associates  
103/A Saidham Complex,  
New Link Road, Shankar Pada,  
Behind Lalji Pada Police Chowky,  
Kandivali (W)  
Mumbai 400 067.

..Respondent/s

Adv. Pravin Kamble for the Appellant.

Shri Kalpesh Joshi undertakes to file Vakalatnama on behalf of the Promoter.

CORAM :Hon'ble Shri K. U. CHANDIWAL, J.

Heard on : 16th October, 2018

Dictated/Pronounced on : 16th October, 2018

Transcribed on : 17th October, 2018

**-:ORAL JUDGMENT:-**

Heard finally.

1. The present appeal takes exception to the order dt. 19th September, 2017 recorded by the Bench of Ld. Chairperson with Ld. Member-1 of MahaRERA, Mumbai.



2. The appellant Kishor Jadhav presented a complaint alleging violation of Section 4 (2) (b), 4(2) (1) (b) and (d) of RERA, by the Respondent M/s. Vinayak Associates, while registering the real estate project known as Vinayak Heights Phase-I at Ghatkopar Mumbai.
3. The Authorities had heard the matter and noticed that the respondent as per the Joint Development Agreement was having a share of 87% and the complainant has 13% share in the project. Consequently the respondent M/s. Vinayak Associates said that they were the actual promoters of this project.
4. Today it is informed by both the side that the share of M/s. Vinayak Associates is 82.66% while 17.33% in the project.
5. It is a matter of record that there was registration by M/s. Vinayak Associates and also simultaneous registration by Kishor Jadhav. The Authorities have, after giving audience allowing deliberations to them felt it imperative and just to direct that there can't be two registration for the same project and the Registration No. P51800003929 was directed to be deleted and cancelled and the project should be known under P51800000626 and accordingly orders were recorded. The compliance was expected before 26.9.2017.
6. The appellant Kishor Jadhav in addition to his Advocate has also argued the matter however his tone appeal and tune was highlighting the practical difficulties in accounting, dealing with, receiving the amounts certification. However, that will not be the scope in the present appeal between the two promoters. Incidentally, it is pointed out on behalf of M/s. Vinayak Associates that name of Shri Kishor Jadhav is shown after name of society as a promoter. If this is the situation, I do not see any technical or otherwise error in the order of the Authority dated 19th September, 2017 as due care is taken and mess of registration is removed.
7. The practical grievance of Kishor Jadhav or M/s. Vinayak Associates will have to be sorted amongst them across the table otherwise the project registration would face termination and both may face difficulties including difficulty to the stakeholder, the SRA Project Authority.



-: ORDER :-

1. Appeal is dismissed.
2. If the orders are not complied the aggrieved appellant has the remedy with MahaRERA Authority which he may exhaust.
3. No costs.

Dictated and pronounced in open Court today.

Place: Mumbai

Dated: 16th October, 2018

  
(K. U. CHANDIWAL, J.)  
President,  
Maharashtra Revenue Tribunal,  
Mumbai  
& I/c. Maharashtra Real Estate  
Appellate Tribunal, (MahaRERA),  
Mumbai