

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,
MUMBAI**

COMPLAINT NO: CC005000000000236

Mr. Yogesh Balghare

.. Complainant

Versus

Mr. Mukesh Manohar Yeole and 3 others

MahaRERA Registration No. P52100002798

..... Respondents

Coram: Hon'ble Dr. Vijay Satbir Singh, Member 1

Date : 11th October, 2017

Order

1) The complainant has filed this complaint seeking directions from MahaRERA to issue stop work notice to the MahaRERA registered project bearing No. P52100002798. It is the case of the complainant that he is the owner of the 23.34 R of the land located at survey No. 211/1 at Lohegaon on which project is being developed by the respondents. The complainant and his family members have only given 19.92 R land for development, however the respondent is using the FSI for remaining land which is not given for development. Further, the nalla shown in the DP plan and the DP road have been diverted by the respondents without any permission. Even the respondents are using the temporary NOC given by Air Force for 5 years, which is ambiguous and recently Bombay High Court in the writ petition No 13216/2016, have made it clear that such NOC is illegal. The complainant stated that he has already made application to Pune Municipal Corporation to issue stop work notice to the said project, however till date no action has been taken.

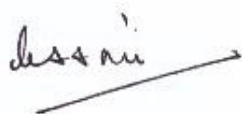
2. This matter was kept for hearing today i.e. on 11-10-2017, when the son of the complainant Mr. Pralhad Balghare appeared in person and Advocate Mr.

Nandakumar Shinde appeared for the respondents. During the hearing the complainant reiterated his contention. He further stated that the respondents are not executing the supplementary agreement as per the original development agreement executed by them and without his NOC the respondents are selling out the flats in the market.

3) During hearing the advocate for the respondent, denied the contentions raised by the complainant. He further stated that they are liable to handover the flats to the complainant as per the development agreement and though they have sent the draft copy of the supplementary agreement to the complainant, he is not co-operating and not executing the same.

4) From the rival submissions made by the both the parties ,it appears that the complainant failed to establish his case as to which provisions of RERA Act, 2016 has been violated. Hence this Authority does not find any merits in this complaint. Further the complainant is seeking directions from the MahaRERA to issue directions for specific performance of development agreement executed by both the parties. The MahaRERA has no jurisdiction to try and entertain such civil disputes.

5) In view of these facts, there is no substance in the complaint. Hence the complaint stands dismissed.


(Dr. Vijay Satbir Singh)
Member-1