

MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL UNDER RERA Act

No.AT006000000000187

1. Mehboob Jafar Shaikh
2. Arif Mehboob Shaikh
R/o. Flat No.701,
7th floor, Kedy Tower,
Bellasis Road,Mumbai 400 008.

.. Appellant/s

V/s.

M/s. Kumar Builders
Kumar Capital, 2nd floor, 2413 East Street Camp,
Pune 411 001 and administrative office at
Office No. 7, Alli Chambers, 1st floor,
Nagindas Master Road, Fort,
Mumbai 400 023

.. Respondent/s

Adv. Ranjeev Carvalho a/w. Adv. Rishav Jain i/b IC Legal

Adv. Nilesh Gala for Respondent

CORAM :Hon'ble Shri K. U. CHANDIWAL, J.
Heard on : 12th April , 2018
Dictated/Pronounced on: 12th April, 2018
Transcribed on : 12th April, 2018

:-ORAL JUDGMENT:-

Heard finally.

1. The original complainant has questioned order dated January 22, 2018 of the Ld. Chairperson, MahaRERA urging again to cancel registration Certificate granted to respondent and/or direct the respondent to deposit a sum amounting to 5% of the cost of the entire Real Estate Project or any such amount as the Appellate Authority may deem fit for penalty for breach and violating provisions of RERA.
2. A chequered history of litigation is surfacing between the parties. To put it in condensed form, the parties need to adhere for the present, to the orders recorded on 15th September, 2014 in N/M 1771 of 2014 in Suit (L) 732 of 2014 and in particular on the statement made by the Ld. Counsel representing the respondent Kumar Builders before Hon'ble High Court and as reflected in the final order.




3. The grievance of the complainant was these details are not disclosed when the project was registered by the respondent with MahaRERA. I quite see that details as were expected, to disclose all litigations pertaining to the project being registered with RERA were not clearly indicated. However, after or during the course of proceedings of complaint, the respondent has corrected/rectified the details in the project registered with M.RERA. It is admitted by both the sides that the entire order in Notice of Motion, is annexed and could be read by anybody. The confirmation certificate as was discussed by the parties before the Ld. Chairperson, is also uploaded on 29th Jan. 2018.
4. Today a grievance is raised that the confirmation certificate should be in tune with the orders in Notice of Motion dated 15th September, 2014 specifying 1/6th share in the project.
5. The Ld. Counsel for the respondent Kumar Builders, during the course of submission agreed to upload the Confirmation Certificate as corrected by the Ld. Counsel for the appellant, incorporating therein para 4(1) and para 4(2) of the Order dated 15th September, 2014 of the Notice of Motion, draft whereof is exchanged by the Advocates.
6. Thus controversy of Appellant is resolved.

:ORDER:

1. In the light of above situation nothing survives in the appeal and it is accordingly disposed off.
2. No costs.

Dictated and pronounced in open Court today.

Place: Mumbai
Dated: 12th March, 2018


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