

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000001849

Ashwin R. Parekh ... Complainant
Versus

Om Sai Complex ... Respondent
MahaRERA Regn. No: P99000010987

Coram

Shri Gautam Chatterjee, Hon'ble Chairperson

ORDER


17th December, 2107

Complainant pleaded by himself.
Respondent pleaded by herself.

1. The complainant is the land owner and has entered into registered development agreement dated 4th May 2013 with the respondent on revenue share basis and to complete the project within a period of 30 months. The complainant further stated that the respondent has failed to construct the project even after a lapse of four years, is operating the project designated bank account, but the share of complaint has not be transferred to the complainant. Moreover, he said, the respondent has registered only building No. 1 and building No. 3 on the MahaRERA website and not building No.2. Therefore, complainant has approached MahaRERA to direct the respondent to complete building construction and disclose correct information on MahaRERA website.
2. During the hearing the respondent stated that due to unavoidable reasons the project completion has got delayed. He further stated that building no.1 and 3 are ongoing projects, therefore, these two are registered on MahaRERA website with proposed date of completion as 31st December 2021. Building no. 3 is not an ongoing project as on date, therefore, not registered on the MahaRERA website.



3. It is observed that both the complainant and respondent are Promoters of the project and during the hearing the respondent has accepted this fact. The dispute between them is of a civil nature. The complainant has failed to point out any violation of the provisions of The Real Estate (Regulation and Development) Act, 2016 or the rules or regulations made thereunder. For resolution of such complaints, MahaRERA should not be the proper forum. Hence, the matter is dismissed.
4. However, we direct the complainant and respondent, as both are Promoters, to update / correct the factual position of the project on MahaRERA website, with pending litigations, if any, within 15 days from the date of this Order.


(Gautam Chatterjee)
Chairperson, MahaRERA