

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

COMPLAINT No: CC006000000001284

Mr. Dilip Maganlal Sangoi  
Versus

..... Complainant

M/s. Veena Developers

..... Respondent

MahaRERA Registration No. P51800002804

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

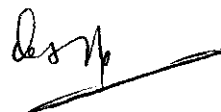
Heard the complainant in person.

Advocate Mr. Hasan Khan i/b Mr. Yadunath Chaudhary appeared for the respondent

**Order**

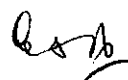
(21<sup>st</sup> December, 2017)

1. The complainant has filed this complaint seeking direction from this Authority to the respondent to disclose true and correct facts with MahaRERA about the litigation and to comply with the orders issued by the Hon'ble City Civil Court and Hon'ble Bombay High Court at Bombay in MahaRERA registration No. P51800002804.
2. This matter was finally heard today. The complainant has stated that he had booked a flat and paid Rs. 50,000/- towards the booking amount. Thereafter, the respondent had issued an allotment letter on 1st May, 2004 for a flat in the building named Veena Sarang-II, 'F' Wing, 3rd Floor, Room No.321, having 915 sq.ft. situated at sector No.9, Building No.2 in Survey No.163(pt), C.T.S. No.128/A/77-77/1 & 2(pt) of Kandivali Village, Taluka - Borivali, Borivali (West), Mumbai-400 092. However the respondent refused to sell the flat to him and hence he filed Suit No. 730



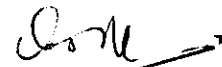
of 2012 before the Hon'ble High Court at Bombay, which was transferred to Hon'ble City Civil Court at Bombay due to pecuniary jurisdiction. In the said Suit No. 2990 of 2012 filed before the City Civil Court, an order has been passed on 15-2-2013, whereby the Hon'ble Court partly allowed the Notice of Motion taken out by the complainant and restrained the respondent from creating third party rights with respect to the flat No. F/321 on 3<sup>rd</sup> floor of building known as Veena Sarang II. While registering the said project, the respondent has changed the name of the building from Veena Sarang-II to Veena Signature and has not disclosed the said litigation while registering the said project with MahaRERA.

3. However, the respondent has disputed the contentions raised by the complainant and stated that he is developing this project on plot of land bearing Survey No. 163(Part), bearing CTS No. 128/A/77 (Part) of Village Kandivali Taluka Borivli in phase-wise i.e Veena Sarang –Phase I (Building I comprising of Wings A to E) and Veena Signature which is standalone building. He has obtained occupancy certificate for Building known as Veena Sarang-I in two parts on 13-12-2004 and 17-3-2012. As per Section-3 of the RERA Act, for registration of standalone building in phases and the Rules also defines the phase. Accordingly, the promoter can register the standalone building in different phases and that phase includes vertical floors too. The complainant's flat No. F/321 in Veena Sarang Phase-II was booked in 2004 for which plan were approved on that date. The complainant is making a case that F- wing of Veena Sarang is the same as the building which is registered with MahaRERA in the name of Veena Signature. However, he has not submitted any documentary proof for the same and therefore, there is no question to mention the said litigation in that building. Even the matter is also sub-judice before the Hon'ble City Civil Court and the flat which is the subject matter of this complaint is not a part of the project which is



registered with MahaRERA known as Veena Signature. Hence the respondent requested to reject this complaint.

4. Considering the rival submissions made by both the parties, this Authority feels that the complainant has made grievance about the non-disclosure of relevant information i.e. the litigation pending before the Hon'ble City Civil Court on MahaRERA website by the respondent. The respondent contended that the alleged flat of the complainant which is reserved as per the order of city civil court is not a part of the registered project. In this regard, this Authority rely upon the judgment given by the Hon'ble Full Bench of MahaRERA dated 17-11-2017 in Complaint No.CC006000000000182, whereby it is held that as per section 3 of the RERA Act, 2016 the ongoing projects which have received the completion certificate/part occupancy certificate do not require registration and where the project is to be developed in phases, every such phase shall be considered a standalone real estate project. In the present case, the respondent has registered the project in phases and if the flat of the complainant is not a part of this registered phase, in that event the respondent need not mention the pending litigation pending on MahaRERA website.
5. Since the matter is still to be decided by the Hon'ble City Civil Court, the respondent is directed by this Authority to take appropriate action as and when the Hon'ble Court pass final decision in this matter.
6. With the above directions, the complaint stands disposed of.



(Dr. Vijay Satbir Singh)  
Member-1/MahaRERA