

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

COMPLAINT NO: CC006000000000682

Harshad Patel

.. Complainant

Versus

Jayant Mehta

MahaRERA Registration No. P51800010479

..... Respondent

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

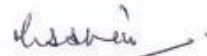
Date : 13th October, 2017

Order

1. The complainant has filed this complaint on behalf of four members of his family seeking directions to the respondent to handover possession of the flats to the buyers as per the registered agreements executed on 25-7-2017 by the respondent in the MahaRERA registered project bearing No. P 51800010479.
2. During the hearing on 11-10-2017, advocate Mr. Yogesh Gandhi appeared for the complainant and Mr. Ramesh Prabhu for the respondent as constituted attorney. The complainant stated that the respondent is selling the same flat to more than one person and therefore the complainant has an apprehension that his family members may not get the flats as per the registered agreements.
3. The respondent argued that the complainant is an investor in other project and in lieu of his investment, for security purpose, the respondent had given four agreements to the complainants and by misusing the power of attorney dt. 20-5-2017, the complainant at his own has got the said four agreements registered behind back of the respondent. He, therefore, contemplates action for cancellation of the said agreements.

Signature

4. From the rival submissions made by both the parties, it appears that the complainant, on behalf of and being a power of attorney holder of the respondent, has got four agreements for sale registered in favour of different members of family members. In the said agreements, no specific date of possession of the flat is mentioned. However, the possession is due on or before the occupation certificate. Since, the date of possession is not specified, this Authority feels that there is no cause of action for the complainant to present the complaint. Moreover, the agreements executed are not as per the prescribed format of RERA Act and Rules made there under.
5. In view of the above facts, this Authority does not find any merit in the complaint. Hence the complaint stands dismissed. However to safeguard the interest of the allottees, this Authority directs the respondent to file an undertaking on record of this Authority in a week, stating that he shall not register multiple agreements for the same flat.



(Dr. Vijay Satbir Singh)
Member-1