

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

SOURCE COMPLAINT NO. SC10001830

Amit Bangar Complainant

Versus

Thakkers Developers Limited Respondent

Coram: Shri. Gautam Chatterjee, Hon'ble Chairperson, MahaRERA

Complainant was himself present.

Respondent was represented by Adv. Anwar Landge.

Order

October 17, 2019


1. This complaint is pertaining to a project named 'Eva Luxuria' situated at Tarwala Nagar, Nashik. It is the contention of the Complainant that though the Respondent is under obligation to register the project in accordance with the provisions of Real Estate (Regulation & Development) Act, 2016 (herein after referred to as the *said Act*), he has not registered the same and therefore is praying that appropriate directions be issued to the Respondent to register the project.
2. During the course of hearing the Respondent submitted that this project is complete before the MahaRERA came into existence and the OC was received on April 29, 2017. Therefore, he has not registered the project as it is exempted from registration under the Act. The Complainant has also mentioned in his complaint that the status of the project is complete.
3. On the background explained above, it is necessary to consider whether the respondent can be directed to register the project in accordance with the provisions of the said Act and rules and regulations made thereunder.
4. In accordance with the provisions of Section 3 of the said Act, the promoters are under obligation not to advertise, market, book or offer for sale or invite in any manner



apartment or building, as the case may be without registering the Real Estate Project with the Real Estate Regulatory Authority under the provisions of the said Act.

Provided that projects that are ongoing on the date of commencement of the said Act and for which completion certificate has not been issued, promoter shall make application for registration within a period of three months from the date of commencement of the said Act.

5. In this present case the construction is already completed before the MahaRERA came into existence and OC has been obtained. Hence it has ceased to be an ongoing project and it does not fall under the ambit of the said Act.
6. Therefore, no directions can be issued to the Respondent to register the said project as per the relevant provisions of the said Act.
7. It was also explained that as stated in Para 86 of the judgement of Hon'ble Bombay High Court in *Writ Petition No. 2737/- U Neelkamal Realtors. Vs. Union of India*, RERA will apply after getting the project registered. Therefore, merits of the other grievances made by the Complainant have not been gone into. The Complainant has the liberty to raise the same in an appropriate forum.
8. In view of the above, the complaint for registration of the project stands disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA