

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,  
BANDRA, MUMBAI

COMPLAINT NO: CC006000000000320

Vijaya Powar

Complainant

Versus

M/s. Sona Enterprises

Respondent

**MahaRERA Registration No - P51700008053**

Coram:

- 1) Hon'ble Shri Gautam Chatterjee, Chairperson
- 2) Hon'ble Dr. Vijay Satbir Singh, Member 1

Date- 18<sup>th</sup> September 2017

**Order**

1. The complainant has prayed before this Authority to hold that the development agreement executed between the complainant and the respondent stands terminated and to allow the complainant to appoint new promoter to complete the said project. She has further requested this Authority to direct the respondent to pay compensation for the huge monetary loss and the mental agony faced by the complainant.

2. The complainant states that she, being the owner of the project land, had given her development rights with respect to the said land to the respondent M/s.Sona Enterprise by executing registered development agreement dated 12-09-2012. As per the said agreement the complainant had to receive her 50% area share out of the total constructed area. However, the respondent has violated the said agreement and left the project incomplete. The respondent has also filed Civil Suit No. 924 of 2016 against the complainant and same is pending before the Court of Civil Judge (SD) at Thane.

3. This matter was heard on 7-09-2017. During the hearing, the complainant appeared in person and advocate Mr. N.J. Wathore appeared on behalf of the respondent promoter. The complainant stated that she being the owner of the land is having area sharing in the project and the respondent had agreed to give total 28 numbers of apartments in the project as per the development agreement. However the respondent, while registering the project known as "Sona Paradise" at Thane bearing registration No. P51700008053 has not mentioned the name of complainant as co-promoter of the said project and therefore has violated the provision of the RERA Act, 2017 and rules and regulations made there under. On the said date of hearing, the advocate for the respondent sought an adjournment for taking instructions in the matter. To verify the actual facts, this Authority directed the respondent to personally remain present for the next date of hearing and adjourned the matter for 18-09-2017.

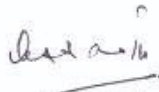
4. On 18-09-2017, the complainant appeared in person and advocate Mr. N.J. Wathore appeared for the respondent, along with the respondent. During the hearing, the respondent stated that, the competent authority has granted approval for construction of ground + 4 upper floors comprising of total 32 apartments, out of which 16 are to be sold by the respondent and remaining 16 by the complainant as per the development agreement. Hence, they have shown 16 apartments at the time of registration of the project. The respondent further stated that 80% work has been completed on site. However due to non-co-operation of the complainant they could not complete the remaining work and therefore they had filed civil suit before the District Court at Thane and it is pending. The respondent had uploaded whatever information was available with them for registration, but could not get any help from the complainant in this regard. The complainant, however, denied that the respondent had approached them for any information.



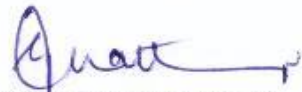
5. As per the provisions of RERA Act, the complainant and respondent are co-promoter and promoter respectively and therefore they should have disclosed the relevant information regarding the project. It is clear that due to their dispute, full information about the project has still not been disclosed.

6. MahaRERA, therefore, directs the complainant as well as the respondent to jointly upload the relevant information pertaining to the project such as name of co-promoter, development agreement, designated bank account details, Declaration in Form B, sanctioned layout plan, total number of apartment details etc. on the website of MahaRERA on or before the 22-09-2017 and submit compliance report before this Authority.

7) In view of the aforesaid directions, the complaint stands disposed of.



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



(Gautam Chatterjee )  
Chairperson, MahaRERA