

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,  
MUMBAI

Complaint No. CC006000000120933

Mr. Bharat Dattu Bhoir

..Complainant

**Versus**

M/s Onkareshwar Developers

..Respondent

MahaRERA Project Registration No. P51700018517  
Along with

Complaint No. CC006000000120934

Mr. Bharat Dattu Bhoir

..Complainant

**Versus**

M/s Onkareshwar Developers

..Respondent

MahaRERA Project Registration No. P51700018430

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

Adv. Jyoti Thakur appeared for the complainant.

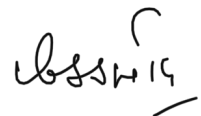
Adv. P. S. Abhyankar appeared for the respondent.

**ORDER**

(5<sup>th</sup> November, 2020)

(Through Video Conferencing)

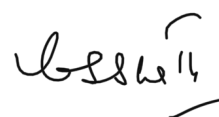
1. The complainant has filed this complaint seeking directions from MahaRERA to revoke the MahaRERA registration is granted in favour of the respondent promoter under section 7 of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred to as 'RERA') on the ground the respondent has no valid title with respect to the project land in respect respondent's registered project known as "Balaji Siddhivinayak Complex Building No. 1 A Wing" and "Balaji Siddhivinayak Complex Building No. 1 B Wing" bearing MahaRERA registration No. P51700018517 and No. P51700018430 at Dombivali, Dist-Thane.



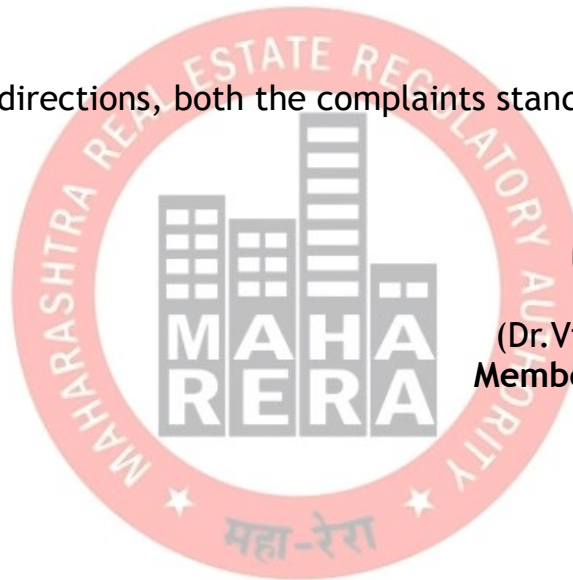
2. These complaints were heard on several occasions in presence of both the parties and same were heard finally today as per the Standard Operating Procedure dated 12-06-2020 for hearing of complaints through Video Conferencing. Both the parties have been issued prior intimation of this hearing and they were also informed to file their written submissions, if any. Accordingly, both the parties appeared for the hearing and made their oral as well as written submissions on record of MahaRERA. The MahaRERA has heard the arguments of both the parties and also perused the record.
  
3. It is the case of the complainant that he is one of the co-owners of the property bearing Survey No. 49, Hissa No. 8, Survey No. 49, Hissa No. 7, Survey No. 49 Hissa No. 13, Survey No. 49, Hissa No. 5/1 and Survey No. 49 Hissa No. 6A and 6B of Village Dombivali, Taluka Kalyan, Dist- Thane. The said land belonged to his late grandfather and after his demise there are total 104 legal heirs to succeed in the said property, who gave registered power of attorney to 4 to 5 legal heirs in the year 1997. The complainant mainly stated that the respondent has submitted development agreement which is signed by the dead person. Hence he has challenged the said development agreement before the civil as well as criminal court of law and as on date the matters are subjudice. The respondent has registered these projects based on the said fake development agreement. Hence the complainant prayed for revocation of MahaRERA registration issued in favour of the respondent promoter bearing Nos. P51700018517 and P51700018430. The complainant further stated that the said pending litigation is not disclosed by the respondent on the MahaRERA website in the said projects. Hence the present complaints have been filed.
  
4. During the hearing, the respondent resisted the claim of the complainant on the ground that no relief has been granted by any court of law in the

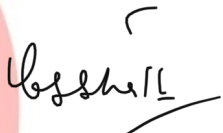
litigation filed by the complainant as on date. However, the respondent showed its readiness and willingness to upload the pending litigation pertaining to the land under the said project on MahaRERA website.

5. The MahaRERA has examined the arguments advanced by both the parties as well as perused the record. In the present case by filing this complaint, the complainant is mainly seeking revocation of MahaRERA registrations issued in favour of the respondent promoter on the ground of ownership dispute under section 7 of the RERA and directions to the respondent promoter to disclose all pending litigations pertaining to these projects land on MahaRERA website.
6. Further with regard to the relief sought by the complainant under section 7 of the RERA for cancellation of these projects registered by the respondent, the MahaRERA is of the view that as per the provision of section 7 of the RERA, the MahaRERA registration may be cancelled if the promoter makes default in doing anything required by or under this Act or if the promoter violates any of the terms or conditions of the approval given by the competent authority or if the promoter is involved in any kind of unfair practice or irregularities as specified under section 7 (1) (a) to (c) and (A) and (B) of the RERA. However, in the instant case, the complainant has not produced any cogent documentary evidence to show that the respondent has violated any of the terms or conditions stipulated in the provisions of section 7 of the RERA. Therefore the prayer for revocation of projects registered by the respondent with the MahaRERA sought by the complainant is devoid of any merits. Moreover the complainant has not established the fact that the respondent is involved in any kind of unfair trade practice or irregularities by submitting any order passed by the competent court of law. Therefore the relief sought by the complainant under section 7 of the RERA for revocation of the MahaRERA project registrations granted to the respondent stands rejected.



7. With regard to the other reliefs sought by the complainant for disclosure of pending litigations pertaining to the project land on MahaRERA website, during the course of hearing, the respondent agreed to upload the same on MahaRERA website with respect to the said projects registered by it.
8. In view of the aforesaid fact, the MahaRERA feels that nothing survives in these complaints. The respondent promoter is hereby directed to disclose all pending litigations pertaining to the project land on MahaRERA website within a period of 30 days.
9. With the above directions, both the complaints stand disposed of.



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