

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY, MUMBAI

COMPLAINT NO: CC006000000001321

Mr. Raju Vazirani and 8 others

.. Complainants

Versus

M/s. Transcon- Seth Creators Pvt Ltd.

..... Respondent

MahaRERA Registration No. P51800000970.

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

The complainants appeared in person.

Advocate Abir Patel for the respondent.

Order

(21st December, 2017)

1. The complainants have filed this complaint seeking following directions from this Authority in the MahaRERA registered project bearing No. P51800000970;
 - (a) To direct the respondent to give possession of the flats latest by 2019-20, which is possible in Auris Serenity Tower and also to pay interest for delay @21% as mentioned in the allotment letter for the period of delay in the commencement of the Project from a promised 6 to 8 months' period from the date of allotment letter till the date of actual commencement of the work.
 - (b) The respondent has changed the entire design of the building/Project. Earlier, it was planned to construct 12 flats per floor and now there are only 8 flats per floor and not allotting flat numbers as committed, i. e. numbers 9 to 12. Customers who were allotted flat nos. 9 to 12 have not received any communication from the respondent till date in this respect.

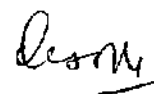


(c) The respondent should execute the registered agreement with the complainants at the earliest on the same terms, conditions and cost mentioned in the original allotment letter in the MahaRERA registered project known as "Auris Serenity".

2. This matter was heard on a number of occasions and the same was finally heard today. The complainants have stated that in the year 2011, they had booked the flats admeasuring 585.59 Sq. Mtrs carpet area in the building No. 1, by paying 25% amount. At that time, the respondent issued allotment letters to the complainants by mentioning the CTS numbers. However, till date the respondent has not executed registered agreement with them. Now he is ready to provide them flats in other building known as "Auris Bliss". However, the complainants say that they want to be provided their residential flats in the building which was started earlier and which is known as "Auris Serenity".

3. The respondent has disputed the claim of the complainants. He stated that he had accepted the booking of flats admeasuring 585.59 sq.ft. from the complainants and given them a provisional allotment letters in the year 2011. Later on, he gave the final allotment letters to the complainants in the year 2014. He started the constructions work of two buildings "Auris Serenity" and "Auris Bliss" after getting necessary approvals from the competent authorities. The residential flats having 585.59 sq.ft. which have been booked by the complainants are only available in the building known as "Auris Bliss". The flats in "Auris Serenity" are bigger in size and hence, can not be allotted to the complainants. The respondent further clarified that in allotment letter issued in 2014, he had mentioned the CTS numbers of the building in which he proposed to give flats to the complainants. These CTS numbers are same which are there in the registration certificate of the building known as "Auris Bliss". Hence, the complainants claim to provide them flats in "Auris Serenity" is not supported by the documents on record and hence not justified.

3. Considering the submissions made by both the parties and after perusing the record of this Authority, it is observed that the present complaint is filed in



respect of MahaRERA registered Project bearing No. P51800000970 known as "Auris Bliss" at Malad (West) and the complainants are seeking directions to the respondent to execute registered agreement for sale in the another projects known as "Auris Serenity" which is registered in different phases. Therefore, the present complainant is not maintainable. Further, the allotment letters issued to the complainants in the year 2014 clearly mention about the CTS numbers and the same have tallied with the CTS numbers of registration certificate issued for project known as "Auris Bliss", and therefore, the complainant cannot raise any grievance for the said allotment.

4) Further, this Authority has already decided a similar matter in another complainant bearing No. CC00600000000805 filed by Mr. Shailesh Dudhani. The present complainants have not brought any new facts on record of this Authority to substantiate their case.

5) In view of above observations, the present complaint stands dismissed for want of merits.


(Dr. Vijay Satbir Singh)
Member-1