

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC005000000000343

Madhuri Hansraj Patil

... Complainant.

Versus

1.Sadanand Hajare & SPH

Agro Farms & Estate Pvt.Ltd.

2.Shubham Vijaykumar Jain

3.Virendra Omprakash Agarwal

(Tulip Homes,Pune)

... Respondents.

MahaRERA Regn: P52100004304

Coram: Shri B.D. Kapadnis, Hon'ble
Member & Adjudicating Officer.

Complainant: Represented by Adv. Mr.Avinash J. Pawar.

Respondent No.2: Represented by Adv.Abir P.,Wadia Gandy & Co.

Final Order

26th December 2017.

The complainant has filed the complaint to complain that the respondents while registering their project have provided incorrect building details. According to her, they have mentioned that 187 flats/shops have been booked. This information is false. Respondents have furnished the incorrect/false information to create false evidence and to buster the sales of their project.

2. The complainant has filed the complaint as she has the grievance that the respondents have not correctly uploaded the information regarding the flats sold in their project while registering their project. The



complainant has also filed application for amendment of the complaint, to insert prayers namely to call upon the respondents to produce booking details, registered title deeds, to check index two copies and revoke registration certificate etc.

3. The respondents have filed application for dismissal of the complaint on the ground that complainant does not come within the definition of 'aggrieved person' and therefore, she does not have locus standi to file the complaint. Special Suit No. 403 of 2016 is pending between the parties before the learned Civil Judge (Sr. Dn.), Thane which involves the dispute regarding the land on which the project is erected and therefore, this authority does not have jurisdiction to entertain this dispute

4. Heard the learned Advocates for the parties. I have perused the papers. They disclose that Civil Suit No. 403 of 2016 has been filed by the complainant & Others against the respondents & Others for partition of Survey No. 110/1, 25/3, 110/4, 112/4, 110/3 of village Ghodbundar, Taluka & District Thane and for restraining the respondents from creating third party interest in respect of the said property. The respondents have mentioned about this Suit in column of pending litigation related to their project. The matter is before the learned Civil Judge (Sr. Division) which is competent to decide the matter. Hence, this authority has no jurisdiction to decide the issue of title relating to the property lying between the parties.

4. The complainant wants that the respondents should produce the documents showing that 187 plots/shops have been booked and furnish other information mentioned in amendment application. I find that she wants to collect the evidence for her suit through this authority which amounts to abuse of process of law. It is not permissible.

5. Section 31 of RERA empowers any aggrieved person to file complaint before this authority, even though the term "aggrieved person"



could not be restricted only to the promoter, allottee or the registered agent, I find that in facts and circumstances of the case the complaint does not come under the definition of 'aggrieved person' and therefore, she has no locus standi to file this complaint. Hence the following order.

ORDER

The complaint is dismissed.



Mumbai.

Date: 26.12.2017.

(B.D. Kapadnis)
Member & Adjudicating Officer,
MahaRERA, Mumbai.