

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000012340

Akshay Raheja
Viren Raheja

... Complainants

Versus

Courtyard Real Estate Private Limited
MahaRERA Regn.No. P51700000611

... Respondent

Corum:

Shri Gautam Chatterjee, Chairperson, MahaRERA

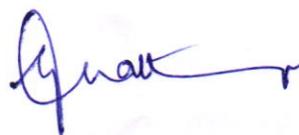
Complainants were represented by Mr. Vaibhav Sanghvi, Company Secretary with Adv.Sridhar Gorthi, Adv. Udit Mendiratta and Adv.. Sonal Mashankar (i/b Trilegal, Advocates)

Respondent was represented by Adv. Parimal K. Shroff, Adv. (Parimal K. Shroff & Co, Advocates)

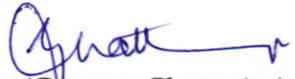
Order

January 15, 2018

1. The advocate for the Complainants stated that the Complainants are plaintiffs in Commercial Suit No. 591 of 2017 along with Notice of Motion No. 487 of 2017 (*herein after referred to as the said Suit*) filed against the Respondent before the Hon'ble Bombay High Court which is pending adjudication and this complaint has been filed with regard to the misleading and incomplete disclosures made by the Respondent to MahaRERA regarding the aforementioned suit. Therefore, he alleged the Respondent has violated section 4 (2) (1) of the Real Estate (Regulation and Development) Act 2016 (*herein after referred to as the said Act*) and Rule 3 (2) (c) of the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017 (*herein after referred to as the said Rules*).



2. Specifically, they alleged that the Legal Title Report, uploaded by the Respondent in their MahaRERA registration, make reference to the said Suit but misstate that it is suit for damages, without disclosing details of any other reliefs sought in the said Suit. Therefore, they prayed that:
 - a) Respondent's MahaRERA registration be revoked/suspended
 - b) Respondent be directed to inform allottees, admitting the misrepresentation, and to immediately rectify/ re-submit all the relevant documents, and
 - c) appropriate penalties be imposed.
3. The advocate for the Respondent argued the Complainants are not an aggrieved party as per section 31 of the said Act and therefore they have no *locus standi* in the said project and that the complaint be dismissed accordingly. Further, he argued the disclosures made in the said Legal Title Report are appropriate as required under section 4 (2) (1) of the said Act and Rule 3(2) (c) of the said Rules.
4. Since the Complainants are party to the said Suit, therefore, they do have a *locus standi* in the said matter. However, on review of the respondent's MahaRERA registration it is observed that the disclosures made by the Respondent pertaining to the said Suit are sufficient, both in the Legal Title Report section as well as in the Litigation section, and a detailed disclosure in the Legal Title Report, of all the reliefs sought in the Suit, as prayed by the Complainants, is not mandatorily necessary.
5. Consequently, the prayers made by the Complainant are disallowed and the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA