

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,
MUMBAI**

Complaint No. CC00600000058113

Janardan Tulaskar

..... Complainant

Versus

Niranjan L. Hiranandani

..... Respondent

Project Registration No. P51700000129

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

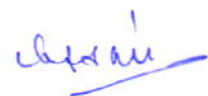
The complainant present in person.

Adv. Ashwini Sakpal appeared for the respondent.

ORDER

(3rd October, 2019)

1. The complainant has filed this complaint seeking directions from MahaRERA to the respondent to cancel the project known as "Clifton" bearing MahaRERA project registration No. P51700000129 at Ghodbunder Road, Thane and handover flats to the employees or demolish the constructed portion under the said project and to handover land to Government.
2. This matter was heard on several occasions and the same was heard finally on 22-08-2019, when both the parties have appeared and made their oral as well as written submissions. During the hearings, held on 22-08-2019, after hearing the matter at length, the MahaRERA had directed the complainant to produce the copy of order passed by the competent authority for demolition of construction under the project. However, the complainant has failed to submit the same within the stipulated period of time.
3. It is a case of the complainant that the respondent has undertaken the project to develop the factory lands at Ghodbandar Road, Thane (W) in the form of a project namely, Hiranandani Park consisting of several




buildings named as Fairway, Cloverdale, Hampton, Eagleton, Willow crest, Preston, Clifton, Barrington, Shopping and Club House. The present project ought to have been treated as scheme u/s 20 of ULC Act if at all any approval was to be accorded. However, the respondent has treated large piece of land into several sizes of properties to be treated as different projects for the purpose of registration with MahaRERA. The complainant therefore stated that the respondent has committed breach of terms and conditions of exemption of section-20 of urban land ceiling Act 1976, agreement of allotment of land dated 15-05-1961 and Sanad dated 16-04-1964. The complainant therefore requested for cancellation of this project.

4. The respondent filed written submission on record of MahaRERA and disputed the claim of the complainant on the ground of locus standi. The respondent has stated that the complainant has no locus standi to file the present complaint, since he is neither the allottee of the project nor landowner of the project land. Further, the present complaint is filed with ulterior motive to stop the construction work in the said project. The respondent further argued that the project under reference is completed and occupancy certificate has also been granted and there is no violation of any of the provision of the Real Estate (Regulation & Development) Act, 2016 by the respondent. The complainant has filed several litigation before various authorities and courts for same cause of action. Therefore, the present complaint is not maintainable before this Authority. However, the complainant has to approach the competent authority under the provisions of ULC Act, 1976. In the light of these facts, the respondent requested for dismissal of this complaint.
5. The MahaRERA has examined the arguments advanced by the complainant as well as the respondent. From the record, prima facie, it appears that the complainant herein has filed this complaint seeking cancellation of the project registered by the respondent under section-7 of the RERA Act, 2016 on the ground mentioned in section 7(1) 9(A) , (B) and (C) of the RERA Act, 2016. However, the complainant has failed to

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establish his locus standi to claim such relief. From the averments made in the complaint, it appears that the complainant is not an allottee nor the land owner which can be said to be aggrieved party. Moreover, the complainant is seeking relief under the provision of Urban Land Ceiling Act, 1976 and the MahaRERA has no jurisdiction to grant any relief under the provision of the said Act.

6. In addition to this, the MahaRERA further feels that the present project is complete and therefore, at this stage, for demolition of the construction carried out in this project, an order of the competent authority is required and during the hearing held on 22-08-2019, the MahaRERA directed the complainant to produce the same within a period of one week, which the complainant has not submitted on record of MahaRERA. Hence the MahaRERA feels that there is no substance in this complaint. Therefore, the relief sought by the complainant in the present complaint can not be granted. The complainant is required to approach the competent authority under the ULC Act, 1976 for Redressal of his grievances.
7. With these observations, the complaint stands dismissed for want of merits.


(Dr. Vijay Satbir Singh)
Member I/ MahaRERA