

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC00600000001180

United Mulund Residents Welfare Association ... Complainant

Versus

Runwal Constructions
MahaRERA Regn. No. P51800012621 ... Respondent

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants were themselves present along with Mr. Anand Patwardhan, Adv.
Respondent was represented by Mr. Subhit Chakrabarty, Adv., (i/b Vidhii Partners.) a/w
Ms. Kerban Ankleseria, Adv.

Order

June 5, 2018

1. The Complainant is an association of the members of the apartment owners in the Respondent's project 'Runwal Infinity' situated at Mulund, Mumbai. The Complainant has alleged that the Respondent has failed and neglected to declare all essential disclosures and misrepresented the facts in violation of the provisions of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the *said Act*). Further, the Complainant alleged, inter alia, the Respondent has failed to execute agreements for sale, has proposed an unreasonable time to complete the remaining 25% of project in their MahaRERA registration and is making changes in plan without the consent of requisite number of the allottees. Therefore, the Complainant prayed that the Respondent be directed to disclose true and correct disclosures in their MahaRERA registration webpage, execute the agreements for sale and commit to a reasonable timeline for the completion of the said project.
2. During the course of the hearing, the Complainant alleged that the Respondent has registered 5 buildings with MahaRERA out of which three are registered as sanctioned



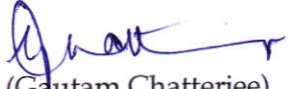
buildings and two as proposed buildings. However, they further submitted that the Respondent had valid and subsisting sanctions, in the form of IODs, for the fourth and fifth buildings on the date of registering the said project with MahaRERA but has failed to upload the said approvals in their MahaRERA webpage.

3. The Respondent submitted that the two buildings (towers) registered as proposed buildings, in accordance with the revised layout plan uploaded on the webpage, are still in the proposed stage, as they do not have IODs. However, they accepted that they have erred in not disclosing the status of the two buildings which had validated IODs but could not be constructed because they did not have the approval to commence the construction work for the same. They added that there was no *mens rea* involved in not disclosing the same. Further, they accepted that the alleged violation of the provisions of the Act were totally inadvertent and they did not have any intention to show non-compliance towards the provisions of the Act or rules or regulations made there under. They offered unconditional apology for the same.
4. In the Orders dated April 2, 2018 passed by MahaRERA in various complaints filed against the said project, this Authority has already passed orders on the other prayers that form a part of this complaint. It has been inter alia held that the reasonable time period which can be allowed to the Respondent for completion of the project in accordance with Rule 4 of 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, can only be established after the mitigating circumstances get over and the project work recommences. At present, the project work cannot be carried out due to the stop work notice issued by the BMC, pendency of the receipt of the environmental clearance and the status-quo Order issued by the Hon'ble Bombay High Court. Consequently, the time period which can be attributed to the Respondent for delay in handing over possession can neither be ascertained nor the date of handing over possession can be determined, at this stage.
5. In view of the above facts, this Authority accepts the contention of the Respondent that the aforesaid violations of the provisions of the Act have happened unintentionally. Therefore, only a token penalty, under the provisions of section 60 of the said Act, of INR 5,00,000 each of the two non-disclosed IODs is imposed and the Respondent is hereby directed to pay the said penalty of INR 10,00,000 within 30 days from the date



of this Order and is further warned to ensure that such violation is not repeated in future. Further, the Respondent is directed to upload correct and full disclosures in their registration webpage within 7 days from the date of this Order.

6. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA