

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

(1) COMPLAINANT NO : CC00600000001257

Srinivasan Sundaresan,
Satish Kumar B Iyer,
Krishna Satish Iyer .. Complainants

(2) COMPLAINANT NO : CC006000000012496

T.G.Ramachandran .. Complainant

(3) COMPLAINANT NO : CC006000000012460

Prachi Chindarkar .. Complainant

(4) COMPLAINANT NO : CC006000000012486

Sudhir Ray .. Complainant

(5) COMPLAINANT NO : CC006000000012466

Parag Sawant, Aditi Sawant .. Complainants

(6) COMPLAINANT NO : CC006000000012039

Garfield Deepak D'souza .. Complainant

(7) COMPLAINANT NO : CC00600000000647

Lovely S Agarwal .. Complainant

(8) COMPLAINANT NO : CC006000000012589

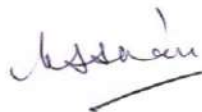
Samira Halim Mohd. .. Complainant

(9) COMPLAINANT NO : CC006000000023486

Pravir M. Karmokar .. Complainant

(10) COMPLAINANT NO : CC006000000012440

Satish M. Shirsekar .. Complainant



(11) COMPLAINANT NO : CC006000000012446

T.A. James Pereira

..

Complainant

Versus

Runwal Constructions
MahaRERA Regn.No. P51800012621

... Respondent

Corum:

Shri. Gautam Chatterjee, Chairperson, MahaRERA
Dr. Vijay Satbir Singh, Member 1, MahaRERA

Complainant No. 1 and 7, themselves present.

Complaint Nos. 2, 3, 4, 5, 8, 9, 10 and 11, Complainants themselves present along with Mr. Anand Patwardhan, Adv.

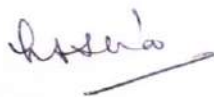
For Complainant No. 6, Mr. Vinod Sharma, Representative was present

Respondent was represented by Mr. Subit Chakrabarty, Adv., (i/b. Vidhii Partners) a/w Ms. Kerban Ankelsaria, Nitin Jadhav and Archana Gupte.

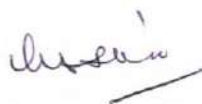
Order

April 2, 2018

1. The Complainants have entered into registered agreements for sale (*hereinafter referred to as the said agreements*) to purchase apartments in the Respondent's project 'Runwal Infinity' situated at Nahur Village, Mulund, Taluka Kurla, District Mumbai Suburban. The Complainants, in their complaints, have alleged that even though the said project was started in 2006, the Respondent has failed to complete the construction of the said project and handover possession of their apartments till date. They have also alleged that the Respondent has wilfully delayed the completion of the said project. Specifically, they submitted their apprehension that the Respondent may further delay the completion of the said project by making changes in the sanctioned plans and layout, with the intension of maximising profits.
2. The Complainants have, inter-alia, prayed that the Respondent be directed to pay interest, on delay, as per the provisions of section 18 of the Real Estate (Regulation and Development) Act 2016 and to commit to a reasonable timeline for handing over possession of their apartments.

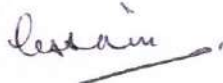


3. It transpired during the course of hearing that all the pending litigations and orders issued by various competent authorities have not been uploaded on the webpage of the registered project. The Respondent was asked to comply with the same. The advocate for the Respondent submitted that the construction work in the said project has been stalled for quite some time due to various mitigating circumstances. Specifically, he submitted that environment clearance certificate for the said project has expired and that the Respondent is in to process of obtaining the same. He further submitted BMC, the Planning Authority, on 22nd January, 2018 has issued stop work notice especially due to non-availability of valid environmental clearance from the concerned authority. He also submitted that the Hon'ble Bombay High Court via Order dated February 14, 2018 has also ordered the Respondent to maintain *status quo* in one of the buildings in the said project. Therefore, he argued that, at this stage, the Respondent is not in a position to commit to a timeline for completing the said project and handing over possession due to the continuing mitigating circumstances, beyond the control of the Respondent.
4. During the hearing on 28th March, 2018 the advocate for the Respondent, at the outset stated that they have updated their webpage by uploading the latest status of pending litigations in the "Others" upload section.
5. The Complainants stated that the Respondent may make changes in the sanctioned plans, layout plans etc., in the said project. It was clarified by MahaRERA that the provisions of section 14 of the Real Estate (Regulation and Development) Act, 2016 shall apply, if the Respondent effects changes in the plans vis-à-vis what is uploaded in their registration webpage. The Complainants further requested that the copies of the application to the concerned Authorities made by the Respondent, for obtaining the required environmental clearance, be made available to them for their perusal and follow up, if required.
6. 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,

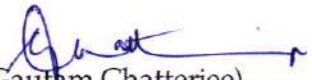


the project work cannot be carried out due to the stop work notice issued by the BMC, pendency of the receipt of the environmental clearance and the status-quo Order issued by the Hon'ble Bombay High Court. Consequently, the time period which can be attributed to the Respondent for delay in handing over possession can neither be ascertained nor the date of handing over possession can be determined, at this stage.

7. In view of the above, the Respondent is hereby directed to make serious efforts to expedite the process of obtaining the required sanctions/approvals for recommencing the project work at the earliest and to complete the construction work of the said project in a time-bound manner. Further, the Respondent shall also provide to the Complainants, copies of the application made by them to the concerned Authorities and upload the details of pending litigation, in the designated section, on their registration webpage, within 15 days from the date of this Order. Respondent shall also not unilaterally execute any cancellations in the said project, with respect to the Complainants in the present complaints.
8. Consequently, the matters are hereby disposed of.



(Dr Vijay Satbir Singh)
Member 1, MahaRERA



(Gautam Chatterjee)
Chairperson, MahaRERA