

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

(1) COMPLAINANT NO : CC006000000012048

Vinod N. Tejwani .. Complainant

(2) COMPLAINANT NO : CC006000000012425

Rajesh K. Thakker .. Complainant

(3) COMPLAINANT NO : CC006000000012570

Lital Naresh Soni .. Complainant

(4) COMPLAINANT NO : CC006000000012526

Nitin Jain .. Complainant

(5) COMPLAINANT NO : CC006000000012437

Neha Arvind Nadkarni .. Complainant

(6) COMPLAINANT NO : CC006000000012166

Malathi Krishnan .. Complainant

(7) COMPLAINANT NO : CC006000000012499

Kalyanaraman Sabapathi .. Complainant

(8) COMPLAINANT NO : CC006000000012489

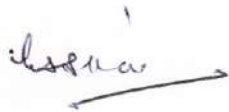
Kalyanaraman Sabapathi .. Complainant

(9) COMPLAINANT NO : CC006000000000926

Kishor Sakharam Sankhe .. Complainant

(10) COMPLAINANT NO : CC006000000012515

Ajit Darekar, Apurva Darekar .. Complainants





(11) COMPLAINANT NO : CC006000000001623

Nitin Korgaonkar

..

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 was absent.

Complainant No. 2 himself present.

Complaint Nos. 3 to 11, Complainants present along with Mr. Anand Patwardhan, Adv.

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

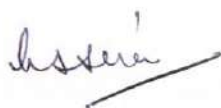
Order

2nd April, 2018

1. The Complainants have booked apartments in the Respondent's project 'Runwal Infinity' situated at Village Nahur, Mulund, Taluka Kurla, District Mumbai Suburban by paying booking amounts. The Complainants, inter-alia, have prayed that the Respondent be directed to execute and register agreements for sale according to the provisions of section 13 of the Real Estate (Regulation and Development) Act, 2016 and to commit to a reasonable timeline for handing over possession of their apartments.
2. 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

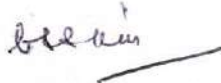
concerned authority. He also submitted that the Hon'ble Bombay High Court via Order dated February 14, 2018 has also ordered the Respondent to maintain *status quo* in one of the buildings in the said project. Therefore, he argued that, at this stage, the Respondent is not in a position to commit to a timeline for completing the said project and handing over possession due to the continuing mitigating circumstances, beyond the control of the Respondent.

3. 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. He argued that with respect to certain Complainants in the present complaints, cancellations for their bookings have already been executed either by the Respondent or the Complainant prior to the Real Estate (Regulation and Development) Act, 2016 coming into force and therefore, complaints from such Complainants should not be entertained under the Act as they are not allottees in respect of the said project. Further, he submitted that the Respondent is willing to refund the amounts paid by the Complainants at the time of booking, along with interest.
4. We observe that even though the cancellations may have been executed prior to the Real Estate (Regulation and Development) Act, 2016 coming into force, such cancellations have not reached its finality as the consideration amounts paid by the Complainants are still lying with the Respondent and therefore, such Complainants shall continue to be treated as allottees in the said project, having locus standi to approach MahaRERA.
5. In view of the above, the Respondent is directed to make serious efforts to expedite the process of obtaining the required sanctions/approvals for recommencing the project work and completing the project at the earliest. Once the Respondent obtains the required sanctions/approvals/clearances for recommencing the said project work, the Respondent is directed to execute and register the agreements for sale with the Complainants, within a reasonable time period, as per the provisions of section 13 of the Real Estate (Regulation and Development) Act, 2016 and the rules and regulations made thereunder.



6. Respondent shall not unilaterally execute any cancellations in the said project with respect to the Complainants in the present complaints.

7. Consequently, the matters are hereby disposed of.



(Dr Vijay Satbir Singh)
Member 1, MahaRERA



(Gautam Chatterjee)
Chairperson, MahaRERA