

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

Complaint No CC006000000120931

Mr. Bharat Dattu Bhoir

..Complainant

Vs

Mr. Dayanand Kiratkar

..Respondent

MahaRERA Project Registration No. **P51700021185**

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

Adv. Jyoti Thakur appeared for the complainant.

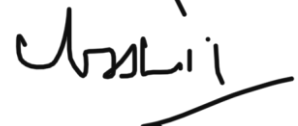
Adv. Tanmay Ketkar appeared for the respondent.

ORDER

(5th November, 2020)

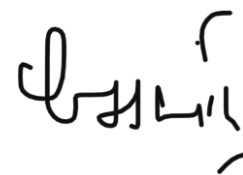
(Through Video Conferencing)

1. The complainant has filed this complaint seeking directions from MahaRERA to revoke the MahaRERA registration is granted in favour of the respondent promoter under section 7 of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred to as 'RERA') on the ground the respondent has no valid title with respect to the project land in respect respondent's registered project known as **"Chakrapani Complex Phase- 2"** bearing MahaRERA registration No. **P51700021185** at Dombivali, Dist-Thane.
2. This complaint was heard on several occasions in presence of both the parties and same is heard finally today as per the Standard Operating Procedure dated 12-06-2020 for hearing of complaints through Video Conferencing. Both the parties have been issued prior intimation of this hearing and they were also informed to file their written submissions, if any. Accordingly, both the parties appeared for the hearing and made their oral as well as written submissions on record of MahaRERA. The

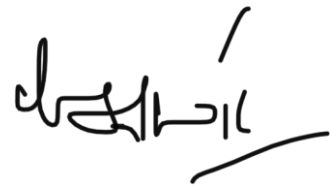


MahaRERA has heard the arguments of both the parties and also perused the record.

3. It is the case of the complainant that he is one of the co-owners of the property bearing Survey No. 31, Hissa No. 14 of Village Shivaji Nagar, Taluka Kalyan, Dist- Thane admeasuring about 800 sq.mtrs. The said land belonged to his late grandfather and after his demise, there are total 104 legal heirs to succeed in the said property, who gave registered power of attorney to 4 to 5 legal heirs in the year 1997. The power of attorney was challenged before the civil court, wherein the consent terms were filed in the year 2001 and the name of the complainant and other legal heir were included in the said original power of attorney. The respondent has entered into Deed Of Conveyance dated 27-1-2017 in regard to development of the plot of land namely Survey no 31,Hissa No-14 ad-measuring 800 sq.mtrs. The said Deed of Conveyance is intentionally undervalued by the defrauding persons with the intention to pocket the difference in cash and also to give less share to other co-owners if such claims are made by any of them in the future. The Complainant states that some persons including some members of his family have fraudulently executed illegal documents for which the Complainant has serious objections. Hence the complainant has filed civil as well as criminal litigation before the appropriate court of law pertaining to the said illegal act on the part of the respondent. However, the respondent while registering the said project with MahaRERA has not disclosed the said pending litigation on MahaRERA website. Further during the course of hearing the complainant has not pressed for relief under section 7 of the RERA.



4. During the course of hearing the respondent resisted the claim of the complainant on the ground that no relief has been granted by any court of law in the litigation filed by the complainant as on date. However, the respondent showed his readiness and willingness to upload the pending litigation pertaining to the land under the said project on MahaRERA website.
5. The MahaRERA has examined the arguments advanced by both the parties as well as perused the record. In the present case by filing this complaint, the complainant is seeking revocation of MahaRERA registration issued in favour of the respondent promoter on the ground of ownership dispute. However, during the course of hearing, the complainant has not pressed for any relief under section 7 of the RERA and he just prayed for the directions to the respondent promoter to disclose the pending litigation on MahaRERA website, which the respondent is willing to do.
6. Hence the MahaRERA feels that nothing survives in this complaint. The respondent promoter is hereby directed to disclose all pending litigations pertaining to the project land on MahaRERA website within a period of 30 days.
7. With the above directions, the complaint stands disposed of.



(Dr. Vijay Satbir Singh)
Member - 1/MahaRERA