

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,
MUMBAI
Complaint No. CC006000000054755**

1. Aisha Abdul Deraiya
 2. Anjum Abdul Deraiya
- Complainants

Versus

1. M.K. Shelters
 2. Build-Tech Group
- Respondents

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

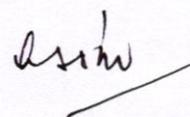
Adv. A.N. Sashittal for the Complainant is present.

Respondents present Ratnadeep Kadam for the respondents.

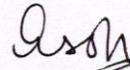
ORDER

(25th February, 2019)

1. Heard the parties present.
2. This complaint has been filed by the complainants for seeking directions against the respondents to execute agreements as per the provisions of Real Estate (Regulation and Development) Act, 2016 in respect of shop No. 65 & 66 admeasuring 1773 and 364 sq. ft. carpet area respectively on the ground floor of A wing in the project known as 'Savera' at C.T.S. No. 6 (Pt) and 7(Pt) of village Kurla S.G. Barve Marg, Kurla (E), Mumbai 400-024. The complainants also claim the compensation for the amount of Rs. 10,00,000/- as a compensation towards physical and mental torture and trauma at the hands of the respondents and also Rs. 1,00,000/- towards the litigation fees.



3. There is an application for adjournment jointly signed on behalf of the respondent and complainant seeking for adjournment of 4 weeks for the purpose of amicably settling the issues between the parties.
4. The complainant and respondent are directed to execute the agreement for sale as per the provisions of said RERA Act. They are also at liberty to settle the dispute among themselves by signing the consent terms.
5. With the above directions, this compliant stand disposed of.



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

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

Non-Execution Application

in

Complaint No. CC00600000054755

1. Anjum Abdul Deraiya
2. Ayesha Abdul Deraiya

.... Complainants

Versus

1. M. K. Shelters
2. Build Tech Group

....

Respondents

MahaRERA Project Registration No. P51800009965

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

Ld. Adv. Avinash Pawar appeared for the complainant.

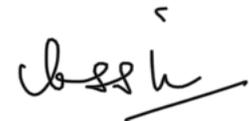
Ld. Adv. Nisha Punjwani appeared on behalf of the respondent no.2.

ORDER

(Tuesday, 22nd March 2022)

(Through Video Conferencing)

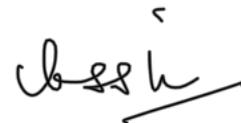
1. The complainants above named have filed this application for non-execution of the final order dated 25-02-2019 passed by the MahaRERA in the aforesaid complaint filed with respect to the project registered by the respondent with MahaRERA. By the said order the complaint was disposed of with a direction to the respondent to execute the agreement for sale with the complainants as per the provisions of the RERA.



2. This application is heard finally on 20-12-2021 as per the Standard Operating Procedure dated 12th June 2020 issued by MahaRERA for hearing of complaints through Video Conferencing. Both the parties have been issued prior intimation of the hearing. Accordingly, both the parties appeared and made their submissions.
3. During the hearing, the complainants have stated that till date the respondents have not complied with the order dated 25-02-2019 passed by MahaRERA and not executed the agreements for sale with them.
4. However, the learned advocate for the respondent no.2 informed MahaRERA that the respondent no. 2 has challenged the said order dated 25-02-2019 before the Hon'ble Maharashtra Real Estate Appellate Tribunal by filing appeal no. AT00600000021448 and same is pending. Further the Misc. Application No. 512 of 2019 is also kept for final hearing and hence she prayed to adjourn the matter to avoid multiplicity of proceedings.
5. In reply thereto, the complainants have stated that no stay has been granted by the Hon'ble Appellate Tribunal in AT00600000021448 and hence, they prayed to levy penalty on the respondents as per section 63 of the RERA.
6. The MahaRERA has examined the submissions made by both the parties and also perused the available record. In the present case by

filing this non-execution application, the complainants are seeking compliance of the order dated 25-02-2019 whereby the direction was to execute the agreement for sale under the provisions of the section 13 of the RERA and they were also granted liberty to settle the matter amicably by signing the consent terms. However, the records show that no settlement has happened between the parties and thereafter, the respondents have challenged the said impugned order dated 25-02-2019 by filing appeals before the Hon'ble Appellate Tribunal and the said appeals are pending before the Hon'ble Appellate Tribunal for hearing.

7. During the course of the hearing, the learned advocate for the respondent no.2 seeks an adjournment on the ground that the miscellaneous application filed in the said appeal no. AT00600000021448 is pending for hearing.
8. Considering these facts and to avoid the multiple proceedings/contradictory order in the present case, the present non-execution application stand disposed of, with the liberty to the complainants to approach MahaRERA after final disposal of the appeals pending before the Hon'ble Appellate Tribunal.
9. With these observations, the non-execution application stands disposed of.



(Dr. Vijay Satbir Singh)

Member – 1/MahaRERA