

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO. CC006000000055596

Mukesh V. Gala  
Nirmala N. Gala  
Nenshi V. Gala  
Velji B. Gala  
Diwaliben B. Gala

... Complainants

Versus

Mahavir Developers  
MahaRERA project Regn. no. P99000010305

... Respondent

**Coram:** Shri. Gautam Chatterjee, Hon'ble Chairperson.

Complainants were represented by Mr. John M. D'cunha, Adv. and Ms. Vaishnavi Agarwal, Adv.

Respondent was represented by Ms. Bella Lopes, Adv.

**Interim Order**

December 23, 2019

1. The Complainants have stated that they had booked apartments bearing nos. 401, 501, 502, 402, 601, 602, 701, 702 and 902 in the building known as 'MAHAVIR RESIDENCY' at Sector No. VII, Building No. 23, "D" Wing on a land bearing survey No. 46 (Old Survey No. 491, Hissa No. 1) situated at village Dongare, Old village Narangi, Tal-Vasai, through allotment letters, in the year 2012. They further stated that even though more than 20% of the consideration amount has been paid, the Respondent has failed to, not only execute and register agreements for sale, but also to handover possession of the apartments, till date. Therefore, they prayed that appropriate directions be issued to the Respondent to execute and register agreements for sale, under the provisions of section 13 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the *said Act*).
2. On the first date of hearing, the learned counsel for the Respondent appeared and stated that the Complainants are not allottees of the registered project that has been mentioned in the

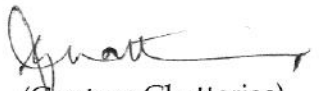


complaint. The project registered with MahaRERA with registration number P99000010305 is called Mahavir Garden and it is situated on Survey No. 9/175 H NO 1 S NO91/174 H NO2, in Vasai Virar Municipal Corporation area. It transpired that the Complainants are claiming to be allottees of an alleged building/project which has not been registered with MahaRERA.

3. In accordance with the provisions of Section 3 of the said Act, the promoters are under obligation not to advertise, market, boked or offer for sale or invite in any manner apartment or building, as the case may be without registering the Real Estate project with the Real Estate Regulatory Authority under the provisions of the said Act.

“Provided that projects that are ongoing on the date of commencement of the said Act and for which Completion Certificate has not been issued, promoter shall make application for registration within a period of three months from the date of commencement of the said Act. Under explanation, it has been clarified that if a project is developed in phases, each phase is considered a stand-alone project”

4. During the course of the hearing it was explained to the Complainants, that MahaRERA, through its Circular No. 23/2018 '*Circular on SOP for Handling Complaints on Non-Registered Projects*' dated November 26, 2018 has made available a separate module for dealing with complaints regarding non-registration of projects.
5. Thereafter, the Complainants have submitted an application dated April 22, 2019, for the complaint to be treated as a complaint against non-registration and the matter to be primarily heard for violation of provisions of Section 3 of the said Act, which has been accepted.
6. In view of the above, to ascertain whether the promoter can be directed to register the project/building, in which the Complainants have booked apartments, the present complaint bearing complaint no. CC006000000055596 stands to be suo motu converted to a Source Complaint (SC) number, under the Source Complaint/Source Information Module, and then heard, before this Authority.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA