

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY, MUMBAI**  
COMPLAINT NO: CC006000000001337 of 2017

Mr. Kirit S. Soni & Chhaya Kirit Soni

.... Complainants

**Versus**

M/S Ravi Developments

MahaRERA Registration No - P51700011796

..... Respondent

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

The complainant appeared in person.

Advocate Makarand Raut appeared for the respondent.

**Order**

(9<sup>th</sup> March, 2018)

1. The complainants are the purchasers of flats bearing No. 901 in "A" Wing having carpet area of 568 sq.ft in "Gaurav Asher" in the project known as "Gaurav Valley Phase-II" Mira Road East, Tal. & Dist. Thane constructed on plot bearing Survey No. 27 and Hissa No. 8 & 9 aggregating admeasuring area of 4380 Sq. meter, at Village Ghodbunder, Taluka & District. Thane bearing MahaRERA registration No. P51700011796. The complainants have purchased the said flat premises by an agreement for sale dated 30<sup>th</sup> January, 2012 and registered on 2<sup>nd</sup> February, 2012 with the respondent.
2. During the hearings, the complainants argued before this Authority that the respondent has given possession of the said flat to them and other occupants in the said building in the year 2014 without obtaining occupancy certificate from the concerned competent authority viz Mira Bhayander Municipal Corporation. The said building consists of 3 wings upto 16 floors. The respondent has completed the building upto 10<sup>th</sup> floor and has not yet obtained commencement certificate



for 6 upper floors. The respondent has not given them the amenities and facilities as mentioned in Agreement for Sale as provided in section 18 (3) of the RERA Act, 2016. Therefore, the respondent is liable to pay compensation to the complainants. The complainants made following grievances before this Authority;

- a) The respondent has failed to form a society of the occupants residing up to 10<sup>th</sup> floor of the said building.
- b) The respondent has not provided proper road access to the said building.
- c) No compound wall is constructed for safety and security point of view.
- d) The respondent has not obtained occupancy certificate for the said building.

The respondent appeared before this Authority through his advocate and filed an affidavit dated 26<sup>th</sup> February, 2018 showing his willingness to complete the works as under:

- i) to make an application to the Municipal Authority for issuance of water connection to the complainant building within one month from the date of disposal of the present complaint;
  - ii) to open a separate bank account in the name of complainants' proposed society and shall endeavor to form and register a co-operative housing society of flat within a period of one month from the date of disposal of complaint;
  - iii) to put up compound wall/patra fencing surrounding the complainants building within one month from the date of disposal of present complaint; and
  - iv) to provide an additional access to the complainant and other members from back side of the property within approximately three months from the disposal of the present complaint.
- 4) In addition to above, the respondent has further explained in length the reason for delay in obtaining the Occupation Certificate and further informed that this matter is pending before the Hon'ble High Court.



- 5) In view of the facts as discussed above, this Authority accepts the undertaking submitted by the respondent by way of affidavit on record of this Authority and directs the respondent to adhere to the commitments as stated in the Affidavit dated 26<sup>th</sup> February, 2018 and respondent to pursue the matter before the Hon'ble High Court for the purposal of obtaining Occupation Certificate.
- 6) With the above direction, the complaint stands disposed of.



(Dr. Vijay Satbir Singh)  
Member 1, MahaRERA