

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,
BANDRA, MUMBAI

COMPLAINT NO: CC006000000000345

KishorJadhav Complainant

Versus

1. Jayantibhai Patel and 2. Hiral Patel of M/s. Vinayak Associates
..... Respondents

MahaRERA Registration No - P518000000626

Coram:

- 1) Hon'ble Shri Gautam Chatterjee, Chairperson
- 2) Hon'ble Dr. Vijay Satbir Singh, Member 1

Date- 19th September 2017

Order

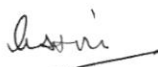
1. The present complaint has been filed for alleged violation of Section 4(2)(b), 4(2)(1) (b) and (d) of RERA Act,2016 by the respondent while registering the Real Estate Project known as "Vinayak Heights Phase-1 "at Ghatkopar, Mumbai bearing registration No. P518000000626. The complainant has alleged that the disclosure made by the respondent in the MahaRERA registration is false. He says that he is the actual promoter of the project and the respondent was the co-promoter by virtue of a joint development agreement between them. The respondent has suppressed this fact while registering the project with MahaRERA registration. Hence the complainant also registered the said project under registration No. P51800003929 by showing respondent as co-promoter. The complainant therefore requested MahaRERA to cancel the false registration of project by the respondent.
2. The matter was heard on 14-09-2017, when the complainant and the respondent appeared in person. During hearing, the respondent has stated that as per the joint development agreement, he is having 87% share in the project and complainant has only 13% share and therefore he is the actual promoter of the project. The complainant denied the said submission of the respondent. From the rival submissions made by both the parties, the MahaRERA observed that the IOD uploaded in the project, is issued by SRA in the name of both complainant and



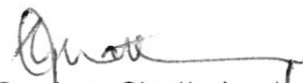


respondent jointly and therefore they should have jointly registered the said project as AOP. However, they both have registered the same project separately and therefore one registration is required to be cancelled. On that date both the parties sought an adjournment for filing consent terms before MahaRERA and accordingly the matter was adjourned to 19-09-2017.

3. The matter was again heard on 19-09-2017, when the complainant appeared in person and advocate Mr. Yogesh Patil appeared for the respondent. During hearing the complainant stated that he received the copy of consent terms on 18-09-2017.
4. From the available record it appears that due to internal dispute between the complainant and the respondent, they have registered same project separately and obtained two separate registration numbers from MahaRERA bearing Registration No. P51800003929 and P51800000626 respectively, which is not permissible under the RERA Act, 2016, Rules and Regulations made there under. Hence MahaRERA is of the view that one of the registration is required to be cancelled. This is not the case for MahaRERA to adjudicate.
5. In view of these facts, MahaRERA directs the complainant and the respondent to jointly update the relevant information and make suitable modifications in the information of the registered project bearing No. P51800000626. The other registration of project bearing No. P51800003929 will have to be cancelled. Necessary action by both the parties shall be taken on or before 26-09-2017 and compliance report be submitted to MahaRERA on or before 29-09-2017.
6. With above directions, the complaint stands disposed of.



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



(Gautam Chatterjee)
Chairperson, MahaRERA