

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

COMPLAINT NO: CC006000000001325

Smt. Radhabai R. Patil

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Complainant

Versus

Mr. Sanjeev Diwekar

MahaRERA Registration No. P51700005875

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Respondent

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

Advocate Bhujang More appeared for the complainant.

Advocate Ms. Priya Ranade appeared for the respondent.

Order

(19th December 2017)

1. The complainant has filed this complaint seeking following directions from this Authority to the respondent in the MahaRERA registered project bearing No. P P51700005875.
 - a) To direct the respondent to handover 19 flats to the complainant.
 - b) To direct the respondent to join the complainant as co-promoter in the MahaRERA registered project.
 - c) To direct the respondent to transfer 50% share with respect to the plot No. 2 in the name of the complainant.

2. This matter was heard on several occasions and same was finally heard today. The complainant has stated that she is the legal owner of the Plot No. 2 admeasuring 1481.50 Sq. Mtrs at Nerul in Navi Mumbai. She has legally involved in this project and she has right title and interest in the said plot. But, the respondent didn't pay her full consideration/payment and had cheated her. Therefore, she had filed FIR No. TNN-3/3924/2009 on 16/11/2009 with the concerned Police Station. The respondent has

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provided false statement and documents with MahaRERA at the time of registration.


3. However, the respondent has stated that the complainant is neither a promoter nor an allottee or estate agent. Hence, she has no locus standi to file this complaint. There is no contract between the complainant and the respondent and there is no cause of action against the respondent. Further, the complainant has raised dispute regarding title of the plot bearing No. 2, Sector-36, Village Karave, Palm Beach Road, Nerul and the said issue can not be agitated before this Authority as the same is pending before the District Court, Thane. He further stated that the said plot of land was allotted to him by CIDCO on 7-5-2008 under 12.5% scheme and the said allotment letter duly mentioned the name of the owners. However, the name of the complainant is not reflected in the allotment order as she has relinquished her rights in respect of the said land to her mother by executing release deed dated 10-03-2008. The complainant has grievances against one M/s. Home Builders and CIDCO and they have not joined as party to this complaint and even the respondent is not party to the transaction between them. Hence, the present complaint is not maintainable before this Authority.

4. Considering the rival submissions made by both the parties, this Authority feels that in this complaint, the complainant is claiming to be the owner of the said plot of land and seeking directions from of this Authority to join her as co-promoter of the project. However, the complainant has not submitted any cogent documentary proof on record of this Authority to show that she is the owner of the said land and even in the allotment order issued by CIDCO, the name of the complainant is not included in the owners list. The ownership issue is still pending before the appropriate forum. If the complainant has any grievance about non-inclusion of her name in the allotment letter, she may approach CIDCO for redressal of

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her grievance. This Authority has no jurisdiction to entrain such civil disputes. Further, the complainant has not proved before this Authority as to which section of the RERA Act, 2016, Rules and Regulations made there under are violated.

5. In view of the above, the complaint stands dismissed for want of merits.


(Dr. Vijay Satbir Singh)
Member-1