

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

COMPLAINT NO: CC006000000012083

Mr. Sanjeev Divekar .. .... Complainant

Versus

Mr. Rajendra Anant Bandiwadekar and Mrs. Suvarna Rajendra Bandiwadekar

MahaRERA Registration No. P51700005875

..... Respondents

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

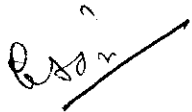
Advocate Firoz Patel i/b Adv Alvina Castelino appeared for the complainant.

The respondents appeared in person.

**Order**

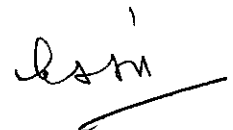
(11<sup>th</sup> January 2018)

1. The complainant, who is the promoter of the project has filed this complaint seeking directions from this Authority to the respondents to accept the agreement for alternate flat or to accept the sum of Rs. 3,83,75,348.00/- being the amount paid + the interest @ 9% in terms of the said agreement from the date of receipt of the money till the date of order passed by this Authority in the MahaRERA registered project bearing No. P51700005875.
2. This matter was heard today. The complainant has stated that he is the promoter of the project known as "Sea Palace" situated in Plot No. 2, 2A, 11 to 17, Sector - 36, Karave Village, Palm Beach Road, Nerul, Navi Mumbai - 400706. As per the registered agreement for sale dated 6th September 2014, the complainant had sold Flat No. 701 to the respondents in the building known as 'Sea Palace.'" However, as per the approved plan by



the planning authority, the said flat is shown as refuge area and the same is wrongly mentioned in the agreement for sale. The complainant, therefore, offered to the respondents a different flat having same area i.e. flat No. 601. But, the respondents refused to accept the offer of the complainant saying that he wanted flat on higher floors and they are not co-operating with him. Hence, this complaint has been filed.

3. The respondent disputed the claim of the complainant and stated that they have purchased the flat in the year 2014 and till date they have paid around Rs. 4 crore and he has sold the refuge flat cheating them.
4. Considering the rival submissions made by both the parties, this Authority feels there is no contravention/violation of any provision of RERA Act, 2016 and Rules and Regulations framed there under for which this Authority has jurisdiction to interfere in this matter. The issue of the allotment of flat to the respondents should be decided by the parties themselves and not by this Authority. Even the complainant has failed to establish the case as under which provision of the RERA Act, he is seeking relief.
5. In view of the above, there is no substance in this complaint. Hence the same stands dismissed.



(Dr. Vijay Satbir Singh)  
Member-1