

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY, MUMBAI

COMPLAINT NO: CC006000000000805

Mr. Shailesh Dudhani

.. Complainant

Versus

M/s. Transcon- Seth Creators Pvt Ltd. And Others

MahaRERA Registration No.P51800001080

..... Respondent

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

Advocate Mr. Omkar Khanvilkar for the complainant

Advocate Vikramjit Garewal for the respondent No. 2.

Date : 2nd November, 2017

Order

1. The complainant has filed this complaint seeking directions to the respondent to execute registered agreement with the complainant for Flat No. 1/1803 in the MahaRERA registered project bearing No. P51800001080 known as "Auris Serenity" Tower-1 and to provide all information to the complainant regarding the project. According to the complainant, in the year 2011, the respondent had advertised about the residential project now called as Tower-1, "Auris Serenity" at Malad. Since he was in need of home, he booked a Flat No. 1/1803 on 18th floor of Tower-1 of the project known as Auris Serenity, admeasuring 585 sq.fts carpet area. Accordingly, after payment of 25% amount, out of total consideration amount, the respondent had also issued allotment letter dated 01-04-2011. The complainant alleged that the respondent did not provide any documents relating to the project such as IOD, copies of necessary permissions obtained and also not informed about the progress of the work to him and mislead him by sending demand letter dated 23-12-2015, whereby showing the said flat in the building known as "Auris Bliss" and tried to relocate the complainant in some other building without any knowledge and consent of the complainant.
2. This matter was heard on 26-10-2017. During the hearing the complainant reiterated his contentions and requested this Authority to direct the respondent to execute registered agreement with him in the project known as "Auris Serenity". However, the respondent has stated that he is implementing the scheme on

several pieces of lands having different CTS numbers. The respondent has registered two separate sale in buildings known as "Auris Serenity" and "Auris Bliss" with MahaRERA. All the relevant information and documents are provided to the complainant from time to time. Further, vide allotment letter dated 1-4-2011, the respondent provisionally agreed to allot a flat No. 1803 admeasuring 585 sq.fts carpet area to the complainant subject to the approval by the public authority. There was no advertisement issued in respect of the project known as "Auris Serenity" prior to and on the date of issuance of the allotment letter. Further, the complainant was allotted residential flat in the project known as "Auris Bliss" and not in "Auris Serenity" as alleged by the complainant. The construction work of building "Auris Bliss" was commenced in December 2015 and therefore, the complainant was called upon in December 2015 to make further payment in accordance with the allotment letter, but the complainant did not respond to the said letter till 2016, which shows that the complainant is merely investor and to delay the payment raised by the respondent, the complainant has filed this complaint. Further, there is no change in the location of the said flat and he is trying to take undue advantage of the building numbers mentioned by the respondent for administrative purpose.

3. This matter was heard on 26-10-2017 and for clarification purpose the matter was again kept for hearing today.
4. Considering the submissions made by both the parties as well as after perusing the record of this Authority, it appears that the complainant in para 4 (d) of his complaint has himself admitted that he has booked the flat in the project named as "Auris Bliss" only and therefore he cannot demand his flat in the project named "Auris Serenity". Further this Authority also observed that in the project named "Auris Serenity" there is no flat having carpet area admeasuring 585 sq.fts. Hence it is not possible to give him any flat of that area in the said project.
5. In view of these above stated facts, this Authority does not find any merits in the complaint. Hence the complaint stands dismissed.



(Dr. Vijay Satbir Singh)
Member-1