

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC0060000000000949

Kamalkant Bajranglal Poddar

... Complainant.

Versus

J.V. Realty & Developers & Ors.

... Respondents.

Amey Jagdish Rane

Shree Dadguru Enterprises

Jayanti Patel

Vasant A. Patel

Pardigm Housing LLP

Parth Kaushik Mehta

Dotom Urban Space LLP

Ketan Sudhakar Musale

Vishwakarma Manoj Triloki

(Ariana Residency)

MahaRERA Regn: P51800008691

Coram: Shri B.D. Kapadnis, Hon'ble Member
& Adjudicating Officer.

Appearance:

Complainant: Adv. Mr. Ram Kutwal.

Respondents: Adv. Mr. C.B.Raithatha.

Final Order.

7th March 2018.

The complainant has filed this complaint to contend that he and his wife Krishnadevi K. Poddar purchased the flat no. 501, B-Wing in the respondents' registered project constructed/to be constructed on Survey No. 34/6(C.T.S. No. 218/1 to 32) of village Magathane, Borivali, Mumbai. They did not get the possession of the flat even after paying Rs. 11,00,000/- towards consideration. Therefore, they filed Consumer Case No. 457 of 2015 before the Consumers Dispute Redressal Commission, M.S. Mumbai and it is pending. However, the respondents have not mentioned the number of this case in the column of pending litigation while registering their project. Therefore, the complainant



alleges that they have contravened Section 4 of the Real Estate (Regulation and Development) Act, 2016 (for short, RERA).

2. The respondent nos. 1, 4 to 10 have filed their reply to contend that the complainant and his wife filed Consumer Case No. 457 of 2015 against 1) Shri Sadguru Enterprises, 2) Amey Jagdish Rane, 3) Sulabha Jagdish Rane, 4) J.V. Construction & Developers, 5) Jain Patel and 6) Kantilalji K. Hariya. The respondent no. 1, J.V. Realty & Developers which registered the project is not party to the said case. The complainants of the said case have filed the application for addition of M/s. J.V. Realty & Developers, Mr. Vasant Patel, M/s. Pardigm Reality & Parth Kaushik Mehta as the opponents in the said case but that application has not been granted by the Commission yet. The respondent no. 1 did not have the knowledge of this case at the time of registration of the project and therefore, they request to dismiss the complaint.

3. Following point arise for determination. I record my finding thereon as under:

Point	Finding
Whether it is necessary to mention the pending consumer case No. 457 of 2015 in the column of pending litigation pertaining to the project on the website of MahaRERA?	Affirmative.

REASONS

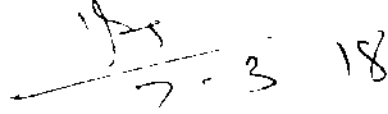
4. Section 4(2)(b) of the Real Estate (Regulation and Development) Act, 2016 makes it mandatory for the promoter to furnish the information/details of pending cases relating to the project. It appears from the copy of complaint no. 457 of 2015 that the said complaint relates to the respondents' project. It is true that though the respondent no. 1 & Ors. have not been added as parties to the said proceeding as the State Commission has yet to pass the order, Mr. Amey Jagdish Rane who happens to be one of the promoters in the project is already party to that case. So it was within the knowledge of the promoters regarding pending Consumer Case No. 457 of 2015 which they were required to mention as per Section 4(2i)(b) of the Act. Hence, it is necessary to give direction to the respondents to mention it. In the result, the order.



ORDER

The respondents are directed to mention the details of complaint no. 457 of 2015 pending before the Consumers Dispute Redressal Commission, M.S., Mumbai within 7 days and to report the compliance.

Respondents shall pay the complainant Rs. 20,000/ towards the cost of the complaint.



(B.D. Kapadnis)

Mumbai.
Date:07.03.2018

Member & Adjudicating Officer
MahaRERA, Mumbai.