

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,  
MUMBAI

Complaint No. CC006000000193468

Mr. Riyaz Rafiq Shekhani

.... Complainant

Versus

M/s. Jangid Properties  
Mohamed Umar Abdul

.... Respondents

Project Registration No. P51700007248

Coram: Dr. Vijay Satbir Singh, Hon'ble Member - I/MahaRERA

Complainant present in person.

C.A. Mr. Sumit Kapure appeared for the respondents.

**ORDER**

(22<sup>nd</sup> February, 2021)  
(Through Video Conferencing)

1. The complainant has filed this complaint seeking directions from MahaRERA to the respondents to handover possession of a flat and the respondent be restrained from amending any plan the under the provisions of Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the 'RERA') with respect to booking of flat in the respondent's project known as "Ambrosia and Aster" bearing MahaRERA Registration No. P51700007248 at Mira Road, Dist-Thane.

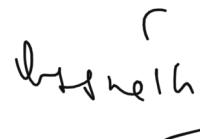
1. This complaint was heard finally today as per the Standard Operating Procedure dated 12/06/2020 issued by MahaRERA for hearing of complaints through video conferencing. The parties were issued prior intimation for the hearing and were also informed to file their written submission if any. Accordingly, both the parties appeared and made their respective submissions on record. The MahaRERA heard the arguments of both the parties and also perused the record.

2. During the course of hearing, the complainant has informed MahaRERA that earlier he had filed complaint no. CC006000000089521 before

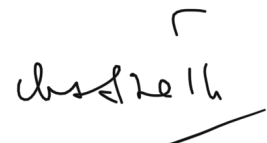
*Vijay Singh*

MahaRERA seeking various reliefs under section 18 of the RERA. The said complaint was disposed of by the MahaRERA on 14-03-2020, in view of the settlement arrived at between both the parties, before the MahaRERA Conciliation Forum dated 23-10-2019. As per the said terms, the respondent promoter was liable to handover possession of the said flat to him by the revised completion date of the said project in the month of May, 2020. However, the respondent promoter has not handed over the possession of the said flat to him, but is paying monthly compensation as agreed. Hence he has filed this fresh complaint before MahaRERA seeking possession of his flat as also direction to the respondent promoter not to amend the building plans.

3. The respondent promoter on the other hand refuted the claim of the complainant on the ground that the earlier complaint filed by this complainant seeking similar reliefs has been disposed of and hence he now cannot file this fresh complaint before MahaRERA. Hence it has prayed for dismissal of this complaint.
4. During the course of hearing, it was noticed by MahaRERA according to the information available on MahaRERA website that the validity period of the said project has already lapsed on 30/04/2019. Further, the respondent promoter has not uploaded Form-4 and occupancy certificate on MahaRERA website. Therefore, prima facie, it shows that the project is still incomplete.
5. In this regard, the MahaRERA is of the view that the promoter of such project should apply to MahaRERA for extension of the project. It should also enable the formation of the association of allottees under section -11(4)(e) of the RERA by sharing the project related information with all the allottees. During the course of hearing, the representative of the respondent promoter stated that the respondent promoter will apply for extension as per the provisions of the RERA.



6. In view of the aforesaid facts, the respondent is directed to approach MahaRERA for extension of the project period or take any other action to revive the project giving a definite time-line for its completion within a period of one month from the date of this order..
7. The MahaRERA further directs the respondent-promoter to get the project revalidated and complete the project within the extended time period and also to handover possession of the said flat to the complainant with occupancy certificate. The MahaRERA registration branch may also take appropriate action in this regard.
8. With regard to the other relief sought by the complainant regarding injunction order restraining the respondent from amending the building plan, the MahaRERA is of the view that after commencement of RERA , since this project is registered with MahaRERA being ongoing project, the respondent promoter is bound by all statutory liabilities cast upon it under the provisions of RERA including section 14 of the RERA. Hence, no hypothetical direction by way of injunction is required to be issued in this complaint.
9. With these directions the complaint stands disposed of.
10. The certified copy of this order will be digitally signed by the concerned legal assistant of the MahaRERA. It is permitted to forward the parties a copy of this order by e-mail.



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