

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

COMPLAINT NO: CC006000000000012

Mr. Sanjay Phulwaria ..... Complainant  
Versus

M/s. Bellissimo Crown Buildmart Pvt Ltd (Lodha Developers Pvt Ltd)

MahaRERA Registration No. P51900000314 ..... Respondent

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

Advocate Avinash Pawar appeared for the complainant.

Advocate Rahul Vardhan a/w Advocate Sunilraja appeared for the respondent

Date : 18<sup>th</sup> December, 2017

**Order**

1. The complainant has filed this complaint seeking directions of this Authority to the respondent to a) register the entire project tower Dioro with MahaRERA as he has only registered 41 to 45 floors. b) to complete the construction work at the earliest and give possession of the flat with full OC and c) to pay 18% interest for the delayed possession from the agreed possession date till actual possession in the MahaRERA registered project bearing No. P51900000314.
2. This matter was heard today. The complainant stated that he had purchased a 2BHK flat bearing No. 2503 having carpet area 925 sq.fts on 25th floor in Dioro for a total consideration amount of Rs. 27,078,705/- vide agreement for sale dated 23-07-2013. As per the said agreement, the possession was to be given on 31-12-2015 with grace period of one year i.e. by 31-12-2016 positively. But, till date the possession was not given and the construction work was still incomplete. Further, the respondent had obtained part occupation certificate from MMRDA for the said project and registered only 41 to 45 floors of the said project

and thereby mislead the Authority by submitting incomplete and wrong information.

3. However, the respondent has denied the contention raised by the complainant and stated that the present complaint is not maintainable, as the complainant has booked a flat bearing No. 2503 on 25<sup>th</sup> floor of B-wing of Building known as Lodha Dioro tower for which the part occupancy certificate has already been issued by the competent authority on 8-06-2017. Therefore, the said completed phase of the project has not been registered with MahaRERA. The respondent has submitted a copy of the part occupancy certificate on record of this Authority.
4. An identical issue has been dealt with by the Hon'ble Full Bench of MahaRERA vide order dated 17-11-2017 passed in Complaint No. CC006000000000182 along with other two matters, wherein it was held that as per section 3 of the RERA Act, 2016, the ongoing projects which have received the completion certificate/part occupancy certificate do not require registration and where the project is to be developed in phases, every such phase shall be considered a standalone real estate project.
5. In the present case, since the part occupation certificate for ground plus 40 upper floors which includes the flat of the complainant, has been obtained, there is no need to have registration with MahaRERA. As the flat of the complainant is not coming under the registered phase of the project with MahaRERA, this Authority does not have jurisdiction to entertain the present complaint.
6. In view of above, the present complaint stands dismissed for want of jurisdiction.

  
(Dr. Vijay Satbir Singh)  
Member-1