

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

COMPLAINT NO: CC006000000001273

Mr. Aakash Gupta
Versus

.... Complainant

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

Mr. Dilip Dadwal CA of the complainant appeared in person.

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

Date-18th December, 2017

Order

1. The complainant has filed this complaint seeking directions of this Authority to the respondent to pay interest for the delayed possession in the MahaRERA registered project bearing No. P51900000314.
2. This matter was heard today. During the hearing, the representative of the complainant appeared without any authority letter duly signed by the complainant. He stated that the complainant had booked total 4 flats in the respondent's project at New Cuffe Parade. The respondent had promised to give possession by 31st December 2015 with an additional grace period of 1 year i.e. till 31 December, 2016. However, the respondent has not handed over possession of the said flats so far.
3. The respondent has denied the contention raised by the complainant and stated that the present complaint was not maintainable, as the complainant has booked two flats bearing No. 1404 and 2104 on 14th and 21th floor of B- wing of Building known as Lodha Dioro tower and other two flats bearing Nos 1004 and 1904 on 10th and 19th floors in B-

wing of Lodha Elisium tower. A part occupancy certificate has already been issued by the competent authority on 8-06-2017 covering these flats. Therefore, the said completed phases of the project had not been registered with MahaRERA. The respondent has submitted a copy of the part occupancy certificate on record of this Authority.

4. Considering the rival submissions made by both the parties, this Authority has also observed that the Hon'ble Full Bench of MahaRERA in its order dated 17-11-2017 passed in Complainant No. CC006000000000182 along with other two matters had confirmed that the phase for which part occupancy certificate has been obtained before deadline for registration need not be registered with MahaRERA.
5. In the present case, since the part occupation certificate for ground plus 40 upper floors which includes the flats of the complainant, has been obtained, there is no need to have registration with MahaRERA. As the flats of the complainants are in a project for which occupancy certificate had been issued, the complaint cannot be entertained.
6. In view of above, the present complaint stands dismissed for want of jurisdiction.


(Dr. Vijay Satbir Singh)
Member-1