

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO: CC006000000078424

Shamrock Pharmachemi Private Limited ... Complainants

Versus

Macrotech Developers Limited ... Respondent  
MahaRERA Regn. No. P51900000567

**Corum:** Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant represented by Mr. Meit Sampat, Adv.

Respondent represented by Mr. Abir Patel, Adv, i.b. Wadia Ghandy & Co along with Mr. Nitin Waghmare, Adv.

**Order**

August 26, 2020

1. The Complainant has stated that he has booked an apartment bearing no: 3002, 'B' Wing, in the Respondent's project 'NEW CUFFE PARADE - LODHA EVOQ 41st Floor' situated at Wadala, Mumbai via letter dated May 10, 2013 issued by the Respondent. Further, it is submitted that the Respondent has changed the plans of the interiors midway which was expressly marketed as an "Exclusive Signature Phillippe Starck Property" and thereafter started selling bare shell units to subsequent customers which were considerably cheaper from the price that was to be paid by the Complainant. It is also alleged that the project was to be completed by December, 2016 after grace period, however, the project till date not completed and that the Complainant's allotment has been illegally cancelled by the Respondent without refund of amount paid till date. Therefore, he has prayed that the Respondent be directed to refund the amounts paid with interest and compensation.
2. Learned counsel for the Respondent submitted that the Complainant is no longer an allottee in the project registered with MahaRERA. Further, he submitted the Respondent had

cancelled the Complainant's allotment in 2013 for non-payment of dues and therefore the Complainant's cause of action had arisen much before the Real Estate (Regulation and Development) Act, 2016 came into force. He also submitted that the Respondent has obtained the occupancy certificate for the project containing the apartment which the Complainant had booked and the same is still available if the Complainant is willing to return to the project.

3. On the final date of hearing on August 11, 2020, learned counsel for the Complainant sought time to seek instructions from his client and accordingly time same was given, however, nothing has been submitted till date.
4. In view of the above facts, the Complainant's cause of action has arisen much before the Real Estate (Regulation and Development) Act, 2016 came into force, and therefore, directions, as prayed, cannot be issued under the said Act.
5. No direction is therefore warranted and the Complaint is dismissed.

**Gautam  
Chatterjee**

 Digitally signed by Gautam  
Chatterjee  
Date: 2020.08.26 17:28:32  
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(Gautam Chatterjee)  
Chairperson, MahaRERA