

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,
MUMBAI
Complaint No. CC00600000171938

Mrs. Maya Daswani
Mr. Chandru Daswani

..Complainants

Versus

M/S. Lodha Developers

..Respondent

MahaRERA Project Registration No. P51900000567

Coram: Dr Vijay Satbir Singh, Hon'ble Member - 1/MahaRERA

Adv. Kaustubh Patil appeared for the complainants.

Adv. Akshay Pare appeared for the respondent.

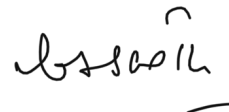
ORDER

(12th January, 2021)

(Through Video Conferencing)

1. The complainants have filed this complaint seeking directions from MahaRERA to the respondent to refund the amount paid by them to the respondent along with interest and compensation for the delayed possession under the provisions of section 18 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the 'RERA') in respect of booking of flat No. 1403, on 14th floor, admeasuring 1642 sq.ft in the respondent's project known as "New Cuffe Parade" bearing MahaRERA Registration No. P51800015537 at Wadala , Mumbai City.

1. The complaint was heard on 20-11-2020 in presence of both the parties and same is finally today as per the Standard Operating Procedure dated 12th June 2020 issued by MahaRERA for hearing of complaints through Video Conferencing. Both the parties have been issued prior intimation of the hearing and they were also informed to file their written submissions, if any. Accordingly, both the parties appeared through their respective advocates and made their



submissions. The MahaRERA heard the arguments of both the parties and also perused the record.

2. During the course of hearing, the advocate for the complainants has informed MahaRERA that the allottees of this project have approached Hon'ble High court of Judicature at Bombay by filing Writ Petition (St.) No. 3703 of 2020 seeking certain reliefs and in the said petition the complainants are also the parties. He further stated that he has uploaded a copy of order dated 6-03-2020 passed by the Hon'ble High Court in the said petition. The advocate for the complainants therefore sought an adjournment in the matter or to keep this complaint in abeyance.
3. The advocate for the respondent has also confirmed the said facts brought to the notice of MahaRERA by the complainants.
4. The MahaRERA has examined the submissions made by both the parties and also perused the record. The complainants by filing this complaint are seeking certain reliefs under section 18 of the RERA. However, on submissions made by the complainants on record, it appears that the matter is subjudice before the Hon'ble High Court with regard to the claim of the allottees/present complainants as on date. The MahaRERA therefore is of the view that since the matter is pending before the Hon'ble High Court at Bombay; no decision could be taken by MahaRERA at this stage in this complaint filed as a parallel proceeding. Moreover, the MahaRERA is of the view that whatever order will be passed in the said petition pending before the Hon'ble High Court will be binding upon all concerned parties.



5. With these observations the complaint stands disposed of, with a liberty to the complainants to approach MahaRERA after final disposal of the pending writ petition, if they so desire.

Dr. Vijay Satbir Singh

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

