BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY MUMBAI

Complaint No. CC001000000020230

Rama Patil .... Complainant

Versus

Narendra Kabra .... Respondent

MahaRERA Project Registration No. P49900018352

Coram: **Shri. Mahesh Pathak, Hon'ble Member – I/MahaRERA**

None appeared for the complainant.

CMA Ashok Nawal a/w. Ld. Adv. Nidhi Nawal for JSN Properties LLP appeared for the respondent.

ORDER

(Thursday, 09th November, 2023)

(Through Video Conferencing)

1. The complainant above named has filed this online complaint before the MahaRERA on 21-01-2022, mainly seeking directions from MahaRERA to the respondent to complete the amenities as prescribed under the provisions of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred to as 'RERA') in respect of the booking of a flat no. 604 , on 6th floor, in B-Wing in the respondent's registered project known as **"Vasuakamal Vihar**" bearing MahaRERA project registration No. **P49900018352** located at Navi Peth , Jalgaon.

2. This complaint was heard today as per the Standard Operating Procedure dated 12-06-2020 issued by MahaRERA for hearing of complaints through Video Conferencing. Both the parties have been issued prior intimation of this hearing. Accordingly, both the parties appeared for the hearing and made their submission.

3. After hearing the arguments of both the parties, the following Roznama was recorded in the complaint:-

''Both the parties are present.

The complainants are present (except the complainants at Sr. No. 1 - CC001000000020203 , 3 - CC001000000020228 and 4 - CC001000000020230). The respondent JSN Properties LLP is present. The present complaints have been filed for compensation for incomplete amenities particularly community hall and gym. Admittedly, the project is complete as the occupancy certificate and Form 4 have been uploaded on the MahaRERA website and the conveyance is also done in November 2020 and the deed of declaration under the Maharashtra Apartment Ownership Act is registered in November 2018. However, the complainants after obtaining the possession have raised the issue of incomplete amenities to which the MahaRERA has pointed out that ideally such group issues are to be raised by the association of the allottees/ society formed in the project. Moreover, admittedly, the said amenities are not mentioned in the agreement for sale. The respondent has pointed out the difficulties in completing the amenities. The respondent has contended that they were able and willing to provide the said amenities, however, there was no consensus amongst the allottees whether the amenities should be on the terrace or on the ground floor of the said building and the provisions for the said amenities on the terrace was finally removed. However, no new construction for the same has been done. The respondents are directed to file a reply to these complaints along with their written arguments within a period of one week i.e. by 02-08-2023. The complainants may file their rejoinder along with their written arguments within a further period of one week ie., by 09-08-2023. Accordingly, these matters are reserved for orders suitably after 09-08-2023 based on the arguments of both the sides as well as reply, rejoinder and written

arguments filed in these complaints."

4. However, in the present case the MahaRERA has noticed that the complainant has uploaded a withdrawal application dated 10-10-2023 duly signed by the complainant on record of MahaRERA on 14-10-2023. In the said application the complainant has stated that she has settled the matter amicably with the respondent. Hence, she seeks to withdraw this complaint. The respondent has not filed any reply / written submission objecting to the said withdrawal application filed by the complainant. Hence, the said withdrawal application is accepted and taken on record.

5. In view of the above, since both the parties have settled the matter amicably, nothing survives in this complaint.

6. Consequently, the present complaint stands disposed of as settled and withdrawn.

(Mahesh Pathak)
Member – 1/MahaRERA