BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY, MUMBAI

Hybrid Hearing held as per MahaRERA Circular No.: 48/2025
Complaint No. CC001000000030271

1. **SWAPNIL JAGANNATH SARODE**
2. **RITA SWAPNIL SARODE**
3. **SATISHCHANDRA BADRIPRASAD GAUR**
4. **DEEPA SATISHCHANDRA GAUR**
5. **VIVEK SINGH**
6. **SMITA VIVEK SINGH**
7. **SAGAR GOPICHAND VARUDE**
8. **VARSHA SAGAR VARUDE**
9. **AMITKUMAR VIJAYKUMAR GANDHI**
10. **SHEETAL AMITKUMAR GANDHI**
11. **DHANESH DILIP TOTALA**
12. **PRANALI SUDHIR BHATTAD/ PRANALI DHANESH TOTALA**
13. **AMOL MANIKLAL NAGORI**
14. **MADHAVI AMOL NAGORI**
15. **KALPANA GOVIND VEDHANE**
16. **VRUSHALI ANIL NERKAR**
17. **DR. RAJENDRA AANNASAHEB CHOUDHARI**
18. **DR. MRUNAL RAJENDRA CHOUDHARI**
19. **SANJAY SUBHASH GHUGE**
20. **TEJAL SANJAY GHUGE**
21. **KISHOR SHANTARAM RAJPUT**

22.SHWETA KISHOR RAJPUT

23.VILAS BHASKAR SALUNKE

24.VAISHALI VILAS SALUNKE

25.SANGRAMSING NAYANSINGH RAJPUT

26.VAISHALI SANGRAMSING RAJPUT

27.YOGESH PUNDLIK CHAVAN

28.JAYASHREE YOGESH CHAVAN

29.VISHAL DILIP AMRUTKAR

30.SHARMILA VISHAL AMRUTKAR

31.MANISHA GOVIND GAIKWAD

32.TEJAS GOVIND GAIKWAD

33.RAHUL MADHUKAR SHIRUDKAR

34.ANKITA RAHUL SHIRUDKAR

35.SANDEEP SAHEBRAO KHAIRNAR

36.DIPIKA SANDEEP KHAIRNAR

37.MAHESH TUKARAM DARGUDE

38.SANGITA MAHESH DARGUDE

39.KIRAN MARUTI GALANDE

40.CHHAYA KIRAN GALANDE

41.ANIL KAMLAKAR DESHPANDE

42.ANJALI ANIL DESHPANDE

43.BHAVESH SAHEBRAO NIKAM

44.KRANTI BHAVESH NIKAM

45.VISHAL AMOD VANIKAR

46.MONIKA VISHAL VANIKAR

47.ALKA GOPAL WAGH

48.NIKHIL GOPAL WAGH

49.PRASHANT MANOHAR DHAGE

50.ABHILASHA PRASHANT DHAGE

51.DR. MILIND NARHAR DEORE

52.DR. ARCHANA MILIND DEORE

53.VISHAL DEVIDAS GHARATE

54.ARCHANA VISHAL GHARATE

55.MANGALA RAVINDRA CHORDIA

56.DINESH RAVINDRA CHORDIA

57.YOGITA GOKULRAO BORSE

58.TUSHAR BALASAHEB NIKAM

59.SANJAY TOKARSI THAKKAR

60.BHAKTI SANJAY THAKKAR

61.SUNIL SHRIRAM WANI

62.POOJA SUNIL WANI

63.VINAYAK UTTAMRAO BORASE

64.SMITA VINAYAK BORASE

65.JITENDRA KAKAJI GANGURDE

66.SUVARNA SHANTARAM BAVISKAR

67.RUSHIKESH RAJENDRA KASAR

68.SACHIN RAMESH VISPUTE

69.SHRIKANT PURUSHOTTAM UPASANL

70.LALIT KUMAR TIWARY

71.GIRISH AGARWAAL

72.NINAD TUNGAR

73.SHAILESH RANGANATH UGALE (JUDGE)

74.RAKSHA SUMIT AGRAWAL

75.SUMIT AGRAWAL

76.RAHUL ARVIND WARKHEDE

77.MEENA DEORE

78.PANKAJJ AGARAWAAL

79.HARSHAL ANILRAO DESHMUKH

80.SURAJ VALMIK BODKE

81.HARSHADA SURAJ BODKE

82.JAYKUMAR CHANDRLAL LOKCHANDANI

83.DIYA JAYKUMAR LOKCHANDANI

84.MINAKSHI DILIP MAHALE

85.MAKRAND DILIP MAHALE

86.SANDIP PARASHARAM MALI

87.MONALI SANDIP MALI

88.SANDIP DEORAM CHAUDHARI

89.BHAGYASHRI SANDIP CHAUDHARI

90.MANISHA PRABHAKAR MADAKE

91.UDAY CHANDRAKANT DHAGE ...COMPLAINANTS

Vs

1. **M/S. KARDA CONSTRUCTIONS LTD.**
2. **RAHUL KANAYALAL KALANI**
3. **ALKA ARVIND SURYAWANSHI**
4. **ANUP ARVIND SURYAWANSHI ...RESPONDENTS**

MahaRERA Project Registration No. P51600020249

O R D E R
(27.05.2026)

(*Date of Hearing:* 13.08.2025)

Coram: Shri. Ravindra Deshpande, Member II, MahaRERA

Udaykumar Gaikwad (Representative) for Complainants
CS Mayura Marathe (Respondent No.1)
None for Respondent Nos. 2 to 4

1. The Complainants have filed the present complaint on 30.07.2022 seeking prayers against the Respondents to handover possession as per the dated mentioned in the Agreement for Sale and compensation and interest for delayed possession from the committed date of possession as per Agreement for Sale; an advisory guidelines from MahaRERA for parking area selling by builder against Rs. 2,00,000/- per car parking; demanded by Respondents in cash; appointment of observer on the project work, to check Financial and Quality norms and measures; to apply Sanctions on the Respondent No. 1 to bypass the process of revision of revised date of 'proposed date of completion' without taking a prior permission of the Allottees.

2. In short facts of the complaint are as follows:

3. The Complainants are the allottees of the **Hari Kunj Mayflower** project registered with MahaRERA under MahaRERA Project RERA Registration No. **P51600020249** (hereinafter referred to as the **"said project"**), with multiple time of discussions with the Respondents, the Complainants were getting only a commitment about the possession of a flats from the Respondents, but actual possession has not given by the Respondents till this date of filing of the complaint.

4. The Complainants booked the flats in this project from 2018 onwards. As per the commitment of the Respondents, the possession date of handing over possession was 31.03.2021. But till the date of filing the complaint, the said project was not erected as per the schedule, the total project work was near about 30% and the Respondents had taken a payment from allottees amounting to more than 70% and in some case a 100% in the form of Time to Time CASH, Cheque and a withdrawal from Home Loan Account. The Respondents already transferred paid money by the allottees to another project and the Respondents are complaining about the funding problem for the said project, even though the Respondent had taken a more than 70% of the payment as per the discussion at the time of booking and requested to this Authority to grant the complainants the possession of flats at the earliest.

5. Construction work is going slowly. The Respondents had revised proposed date of completion without taking consent from allottees. Total Allottees are 127 against 182 Flats.

6. The Respondents had taken extra monies from the allottes showing the wrong progress of the project, most of the allottees had paid more than 70% of Money in the form of time to time CASH, Cheque and from Home Loan Account as per the commitment given at the time of booking.

7. The Respondents have withdrawn fund more than 30% which was not related to the work of the said project, even though more than 70% project work was ongoing.

8. At present, on actual site, construction work for the Building D & E was completed till 7th slab, Building A, B, C, 2nd Slab was Casted. The total percentage of completion of the said project was up to 30%.

9. Structure was not as per sanctioned plan, Quality of Material was poor, and not as per the standard norms.

10. The Respondent has filed reply on 10.06.2025 thereby only stating that the Respondents have completed the said project and had initiated the procedure for obtaining OC and that many of the Complainants have already taken possession of apartments and list of the same was produced.

11. The present complaint was lastly listed before this Authority on 13.08.2025, when, the Complainants were represented through a representative and the Respondent No. 1 was present through CS Mayura Marathe. The Respondent Nos.2 to 4 were absent even though the notice of hearing and the link of hearing was duly served upon the Respondent Nos. 2 to 4. Hence, the matter was proceeded ex parte against them. The CS appearing on behalf of the Respondent submitted that the Respondent has uploaded the reply on the MahaRERA website. The representative appearing for the Complainant submitted that he needed 3 weeks' time to upload the rejoinder; therefore time till 09.09.2025 was granted to the Complainant to upload the rejoinder. Thereafter, time till 01.10.2025 was granted to both parties to upload written arguments.

12. Considering the pleading of the parties, the following points arise for my determination. My findings thereon recorded as under for the reasons stated below:

REASONS

Sr. No.	Points	Findings
1.	Whether the Complainant are entitled to the reliefs sought?	Negative
2.	What Order?	As per final order

Reasons for point no. 1

13. Before going into merits of the present complaint, at the very outset, it is seen that the present complaint has been filed as a common complaint by 94 Complainants seeking individual reliefs such as possession, interest for delayed possession which arose out of individual Agreements for Sale executed by and between the Respondent and individual allottee/s. In this behalf, it would not be out of context to rely on Order No. 11 of 2019 bearing No. MahaRERA/Secy/Order/1046/2019 dated 23.10.2019, whereby, inter alia in Paragraph No. 2 and 3, it is ordered that Group complaints shall be entertained only in respect of common relief claimed under Section 7 & 8 of the said Act or for common amenities and that individual complaint need to be filed separately for individual reliefs. In light of the above order No. 11/2019, this Authority is constrained to hold the present complaint non-maintainable for misjoinder for cause of action and parties as claim of each allottee arises out of distinct Agreements for Sale giving rise to separate individual claims. Hence, I answer the point no. 1 in negative and proceed to pass the following order:

O R D E R

1. The complaint stands not maintainable for misjoinder of cause of action and parties.

2. The Complainants are at liberty to approach this Authority by filing fresh individual complaints praying for individual reliefs. On filing individual complaints, the seniority of the present complaint shall be applicable to such fresh complaints.

3. No order as to costs.

RAVINDRA PADMAKARAO DESHPANDE

Digitally signed by RAVINDRA PADMAKARAO DESHPANDE
Date: 2026.05.27 16:20:56 +05'30'

(Ravindra Deshpande)
Member-II, MahaRERA

Date : 27.05.2026