BEFORE THE

MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

MUMBAI

COMPLAINT NO. CC006000000057085

Bhawana Patel and Vishal Patel ... Complainants

Versus

RNA Corp Pvt. Ltd
MahaRERA project Regn. No. P51700008296 ... Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants were themselves present.
Respondent was represented by Mr. Subit Chakraborty, Adv. (i/b. Vidhii Partners).

Order

December 18, 2019

1. The Complainants have purchased an apartment bearing no: B5102 in the Respondent's project 'Tower A to D on CTS no 104pt, 106pt, 224/1A, 224/1B in Village Ghodbunder, Mira Road' situated at Mira road, Thane via an agreement for sale dated May 9, 2018 as part of a resale agreement from another party who had purchased the apartment from the Respondent. The Complainants have stated that the Respondent has failed to complete the project by July 31, 2018 as stated by them in their MahaRERA registration and therefore they prayed to direct the Respondent to handover possession of the apartment at the earliest and pay them interest and compensation from August, 2018.

2. The learned counsel for the Respondent submitted the project could not be completed due to certain pending approvals yet to be sanctioned by the concerned competent authority and that the matter related to the same has been pending before the Hon'ble High Court of Bombay. Further, he submitted that the court receiver has also been appointed for the said project.

3. Complaint was then listed for further hearing with directions to the Respondent to upload Form 5 within 15 days.

4. Parties sought adjournments on the various dates the Complaint was listed for hearing. None appeared for the Complainants on the final date of hearing, despite service of notice.

5. On review of the Respondent's registration webpage it is observed that the extended registration period of the said project granted under section 6 of the Real Estate (Regulation and Development) Act, 2016 has lapsed on July 31, 2019. Further, the Respondent has not uploaded the Annual Audit Report of Statutory CA - Form 5 for F.Y. 17-18 and F.Y. 18-19 till date as required under the provisions of section 4(2)(l) and section 11(1) of the Real Estate (Regulation and Development) Act, 2016 read with regulation 4 of the MahaRERA General Regulations, 2017.

6. Since the Respondent has failed to complete the project in the stipulated time and that the extended project registration period has also lapsed, at this stage, the only way forward would be to protect the right of the allottees and enable them to form an Association under the provisions of section 7/8 of the said Act to complete the project.

7. In view of the above facts, the Respondent is directed to handover the list of allottees of the said project to the Complainants, along with their contact details, within 30 days from the date of the Order, to enable them to take an informed decision pertaining to the said project. Further, the Respondent is directed to upload the Annual Audit Report of Statutory CA - Form 5 for F.Y. 17-18 and F.Y. 18-19 within 15 days from the date of this Order.

8. The allottees are advised to form an association of allottees and thereafter take an informed decision pertaining to the said project and proceed under Section 7/8 of the Act as per the MahaRERA Order no. 8/2019 dated March 29, 2019 on Revocation of Registration of Project.

9. Consequently, the matter is hereby disposed of.

(Gautam Chatterjee)
Chairperson, MahaRERA