BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY, MUMBAI

Complaint No. CC006000000089988

Mr. Abdulwaheed Mirza ..Complainant
Vs
M/s. Karrm Infrastructure ..Respondent

MahaRERA Project Registration No. **P51700008284**

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

The complainant appeared in person.
None appeared for the respondent.

ORDER
(11thDecember, 2020)
(Through Video Conferencing)

1. The complainant has filed this complaint seeking directions from MahaRERA to the respondent to handover possession of his flat and also to refund the instalment paid to the respondent under the provision of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred to as 'RERA') in respect of booking of a flat No. A-404, on 4th floor, in the respondent's registered project known as **"Karrm Gardens-1"** bearing MahaRERA registration No. **P51700008284** at Ambernath, Dist Thane.

2. This complaint is heard finally today as per the Standard Operating Procedure dated 12-06-2020 for hearing of complaints through Video Conferencing. Both the parties have been issued prior intimation of this hearing and they were also informed to submit their written submissions, if any. Accordingly, the complainant appeared and made his submissions, however, none appeared for the respondent, though the notice for the hearing has been duly served upon it. Hence the MahaRERA heard the arguments advanced by the complainant and also perused the record.

3. During the course of hearing, the complainant has stated that as per the registered agreement for sale, the respondent was liable to handover possession of his flat on 31st December, 2014. However, the possession was not given to him. Thereafter by executing the MOU the respondent has extended the date of possession till 31st May 2019. Still the possession has not been given to him. In the meanwhile, the builder came up with a scheme for 25:75, whereby it has offered him refund of 75% of total upgraded amount in 75 equal instalments. He opted for the said scheme. Initially, the respondent paid the instalment but thereafter it stopped paying the same. Hence, the present complaint is filed seeking possession of his flat along with refund of the instalment as agreed upon by the respondent under scheme of 25:75.

4. However, during the course of hearing it was noticed by MahaRERA according to the information available on MahaRERA website that the validity period of the said project has already lapsed on 30/11/2020. Further, the respondent has not uploaded the Form-4 and occupancy certificate on MahaRERA website. Therefore, prima facie, it shows that the project is still incomplete.

5. In this regard, the MahaRERA is of the view that the promoter of such project should apply to MahaRERA for extension of the project. It should also enable the formation of the association of allottees under section -11(4)(e) of the RERA by sharing the project related information with all the allottees.

6. In view of the aforesaid facts, the respondent is directed to approach MahaRERA for extension of the project period or take any other action to revive the project giving a definite time-line for its completion within a period of one month from the date of this order. The respondent is further directed to share the information of allottees with the complainant. The association of the allottees can contemplate action under sections 7 & 8 of the RERA if it so desires.

7. With these directions, the complaint stands disposed of with liberty to the complainant to approach MahaRERA for redressal of his grievances, if any, after the project is revived, by filing appropriate application in the present complaint.

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