

**BEFORE THE MAHARASHTRA
REAL ESTATE REGULATORY AUTHORITY, MUMBAI**

Hearing held through hybrid mode

1. COMPLAINT NO. CC12601209

SANDESH SHYAMSUNDER SABLE

...COMPLAINANT/S

VS.

SALILKANT

...RESPONDENT/S

MAHARERA PROJECT REGISTRATION NO. P51700009040

Order

August 13th, 2026

(Date of hearing – 03.08.2026, matter was reserved for order)

Coram: Manoj Saunik, Chairperson, MahaRERA

Appearance of the Parties

Appearance of the Complainant/s	Appearance of the Respondent/s
Advocate Archana Maurya	Absent

1. The complainant is the promoter within the meaning of Section 2 (zk) of the said Act who has registered the project namely “**SHRUTIKA COMPLEX**” under Section 5 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the “**said Act**”) of Real Estate Regulatory Authority (hereinafter referred to as the “**RERA**”) bearing **MahaRERA Project Registration No. P51700009040** (hereinafter referred to as the “**said project**”) and the respondent is the homebuyer and allottee within the meaning of Section 2 (d) of the Real Estate (Regulation and Development) Act, 2016.
2. On the MahaRERA project registration webpage, the proposed completion date of the project is mentioned as 31.05.2018. The said project has obtained part occupancy certificate dated 12.01.2018 for Wings A, B, C, and E issued by Kulgaon Badlapur Municipal Council.
3. The complainant is seeking the following reliefs:

Sr. No.	Complaint No.	Reliefs
1.	CC12601209	a) <i>This Hon'ble Authority may be pleased to condone the delay in filing this Application before the Hon'ble Authority.</i>

		b) <i>This Hon'ble Authority may be pleased to accept the present review application of Applicant on record.</i> c) <i>That this Hon'ble Authority be pleased to review and reconsider its order dated 18/03/2019 through this Review Application.</i> d) <i>That this Hon'ble Authority be pleased to modify the impugned order and declare that the subject matter of the captioned complaint doesn't fall under the jurisdiction of this Hon'ble Authority and this Hon'ble Authority be pleased to set aside the impugned order.</i> e) <i>This Hon'ble Authority may be pleased to allow Review application without imposing any cost.</i> f) <i>Legal Cost.</i> g) <i>And any other relief as this Hon'ble Authority may deem fit and proper in the light of the circumstances of the case.</i>
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4. The captioned complaint was heard on 03.08.2026, wherein the following roznama was recorded by the Authority:

Sr. No.	Complaint No.	Roznama recorded
1.	CC12601209	<i>The complaint has been filed afresh as a review application against the order of AO which was not listed. Heard the learned lawyer of the complainant. The matter is reserved for order.</i>

5. The brief submission of the complainant/ promoter is as hereunder:

- A. The complainant submits that the respondent had booked flat no. 601 in wing C of the said project for a total consideration of ₹17,83,000/-, pursuant to a registered agreement for sale dated 19.03.2014, under which possession was agreed to be handed over by the end of April 2014, subject to payment obligations and force majeure conditions.
- B. That, the project was delayed due to unavoidable litigations and other force majeure circumstances beyond its control, all of which were communicated to the respondent. It is further submitted that the project was completed and part occupancy certificate was obtained on 12.01.2018, following which the respondent was called upon to clear the balance consideration and take possession.
- C. That, instead of accepting possession and making the outstanding payment, the respondent instituted the complaint seeking refund with interest under Section 18

of the RERA Act, despite being under an obligation to take possession in terms of the Act.

- D. That, the respondent had availed a housing loan from DHFL, defaulted in repayment, and consequently the secured creditor took possession of the subject flat under the provisions of the SARFAESI Act.
- E. That, by order dated 18.03.2019, the Hon'ble Adjudicating Officer, MahaRERA directed refund of ₹17,48,860/- subject to the claims of DHFL, payment of ₹20,000/- towards costs, execution of a cancellation deed by the respondent, and payment of the awarded amount within 30 days.
- F. That, being aggrieved by the said order dated 18.03.2019, the complainant has preferred the present review application seeking review and setting aside of the impugned order.
6. The respondent remained absent throughout the course of the proceedings. Further, the respondent has failed to place on record any written submissions to contest or rebut the allegations of the complainant.

7. Brief facts of the complaint is hereunder represented in a tabular format:

Sr. No.	Complaint No./ Date of Filing	Flat No.	Date of AFS ¹	Possession As Per AFS	Total Consideration As Per AFS (In Rupees)	Reliefs Sought
1.	CC12601209 06.03.2026	C Wing - 601	19.03.2013	By end of April 2014	17,83,000/- (As per AFS)	Review and Reconsider Order dated 18.03.2019

8. From the facts and submissions made by the complainant, the issue that needs to be answered is *whether the complainant is entitled to the reliefs claimed under the provisions of the Act?*
9. Before answering the issue framed herein above, the following observations are noteworthy:

¹ AFS – Agreement for Sale

- A. It is observed that although the present proceedings have been instituted in the form of a fresh complaint, a perusal of the pleadings and the reliefs sought makes it evident that the complainant is, in substance, seeking a review of the final order dated 18.03.2019 passed by the Hon'ble Adjudicating Officer, MahaRERA in complaint no. CC00600000001906.
- B. It is observed that the order sought to be reviewed was passed by the Hon'ble Adjudicating Officer, MahaRERA. The grievances raised in the present proceedings are directed against the findings and directions contained in the said order and seek its reconsideration.
10. In view of the above, it is observed that the present complaint, though instituted as a fresh complaint, is in essence a review application against the order dated 18.03.2019 passed by the Hon'ble Adjudicating Officer, MahaRERA. Accordingly, the matter deserves to be placed before the Hon'ble Adjudicating Officer, MahaRERA for consideration in accordance with law.

FINAL ORDER

11. Therefore, after considering the aforementioned observations and provisions of the Act, the materials placed on record, the facts of the case and submissions made by the parties, the Authority passes the following order:
- A. The Registry, MahaRERA is directed to transfer the said complaint to the Hon'ble Adjudicating Officer, MahaRERA, for consideration and adjudication in accordance with law.
- B. No order as to costs.

MANOJ SAUNIK Digitally signed by
MANOJ SAUNIK
Date: 2026.08.13
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Manoj Saunik
Chairperson, MahaRERA