

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

Complaint No. CC006000000193307 (NC)

**Sumonica Shetty
Cornelius Dsouza**

..Complainant/s

Vs

Fatima Arch & Developers

..Respondent/s

MahaRERA Project Registration No. P51800013857

**Coram: Shri Ashok Alaspurkar
Hon'ble, Adjudicating Officer,
MahaRERA.**

Appearance:

Complainant/s : Appeared in person

Respondent/s : None appeared

**ORDER
(12.12.2024)**

1. The complainants had filed the present complaint for direction to the respondent developer to hand over possession along with the interest for delayed possession. The Hon'ble Member-1, MahaRERA while deciding the complaint by order dated 25.11.2021, considered the fact that the respondent had not extended the validity of the project. Therefore, the respondent is directed as follows;

"11. In view of these facts, the respondent is directed to apply for extension of the project validity period to MahaRERA within a period of 30 days from the date of this order and complete the project at the earliest."

2. The complainant moved the Authority for execution of the order. The

execution proceeding was decided by order dated 14.09.2023. Specific direction to show cause as to why action under section 63 RERA should not be initiated for non compliance of the direction in the above said order at para 11. Accordingly, the matter was listed for hearing on 08.08.2024. However, the respondent did not appear in spite of the link sent. The matter was therefore listed for hearing on 13.08.2024. The complainant remained present and submitted that the respondent has not obtained Occupation Certificate till date. In spite of the link sent, none appeared for the respondent promoter. On perusal of records available in the office of MahaRERA, it is seen that respondent has not taken steps for validation of the project nor has obtained OC showing completion of the project. Considering the facts and circumstances, the penalty of Rs.10,00,000/- for non compliance of the direction in para 11 of the order dated 25.11.2021 will have to be imposed.

ORDER

1. The respondent is hereby directed to pay penalty of Rs. 10,00,000/- (Rupees Ten Lakh Only) and deposit the same with MahaRERA Authority within one month from the date of this order. Failing which warrant u/s 40 (1) read with Rule 3 of RERA be issued for recovery of the same.
2. With these directions, the present execution proceeding is disposed of.

Date : 12.12.2024
Mumbai


(Ashok Alaspurkar)
Adjudicating Officer,
MahaRERA