

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

**Virtual Hearing held through video conference as per MahaRERA
Circular No.: 27/2020**

CORAM: Ravindra Deshpande, Member II, MahaRERA

COMPLAINT NO.: CC006000000197547

- 1.KUBER GANRAJ A WING CO-OPERATIVE HOUSING SOCIETY LIMITED
- 2.MR. KIRAN DADABHAU YEWALE
- 3.MR. PAPESH LAXMAN MURKUTE
- 4.MR. GURUNATH SANTU BHAWARI & SANGITA GURUNATH BHAWARI
- 5.MR. YOGESH NIVRUTTI RUKHAWAD & MRS.MANGAL NIVRUTTI RUKHAWAD
- 6.MR. NANASAHEB BALKRUSHNA JADHAV & MRS.KAVITA NANASAHEB JADHAV
- 7.MR. RUPESH NATHURAM MANDVEKAR & MRS.LAXMI NATHURAM MANDVEKAR
- 8.MR. NAVANNATH TUKARAM KODAG
- 9.MR. SACHIN RAMCHANDRA HIRE & MRS.ANURADHA SACHIN HIRE
- 10.MR. VINOD KERABA POTJALE & MRS.ANJANA VINOD POTJALE
- 11.MR. ARUN KUMAR
- 12.MR. SUBHASH SAMPAT WALAVE
- 13.MR. RUPESH SUBHASH SHINDE & MRS.SAYALI RUPESH SHINDE
- 14.MR. DHARMA KHURUMALI PRAJAPATI & MRS.PYARIDEVI DHARMA PRAJAPATI
- 15.MR. SHIV SHANKAR SHARMA & MRS.JAYANTI SHIV SHARMA
- 16.MR. UMESH CHANDRASHEKHAR KADAM
- 17.MR. YUVRAJ KALURAM PAWAR & MRS.MITALI PAWAR
- 18.MR. ASHISH KUMAR
- 19.MR. GANESH BABURAO BHOSALE
- 20.MR. SUNIL RAMESH MORE & MRS.SNEHA SUNIL MORE

- 21.MR. HEMANT RAMESH OTAVKAR
- 22.MR. SANTOSH SHANKAR WAJE
- 23.MR. ANIL GOGA DHINDALE
- 24.MR. ABHAY SAMBHAJI GHATGE
- 25.MR. RUPESH DHANANJAY NAIK & MRS.MINAL RUPESH NAIK
- 26.MR. KISHOR SAHEBRAO KOKATE & MRS.YOGITA KISHOR KOKATE
- 27.MR. MILIND KRUSHNA KACHARE & MRS.SARASWATI MILIND KACHARE
- 28.MR. ROHAN BHAGWAN KASARE & MRS.BHARATI BHAGWAN KASARE
- 29.MRS.KAMINI KRISHNA BHOSALE & MR. KRISHNA DINKAR BHOSALE
- 30.MR. ASHOK SANTARAM JADHAV & MRS.GITA ASHOK JADHAV
- 31.MR. CHANDRASHEKHAR RAMDAS PATIL & MRS.VAISHALI CHANDRASHEKHAR PATIL
- 32.MR. RAVINDRA NANA GANGURDE
- 33.MR. SANDEEP PANDHARINATH SANGALE
- 34.MR. ANIL DAULAT SHIRKE
- 35.MR. CHANDRASHEKHAR AZAD
- 36.MR. RAMDAS SHRIRANG SANAP
- 37.MR. BISWARUP KSHIROD CHAKRABORTY & PRATIMA BISWARUP CHKCRABORTY
- 38.MR. ROHIDAS MURLIDHAR BAGAD
- 39.MR. HARENDRA NINKU KUMBHAR
- 40.MRS.RUPALI GAUTAM SHINDE & MR. GAUTAM RUCHAND SHINDE
- 41.MRS.RAVINA RAVIKANT PAWAR
- 42.MR. VITTHAL MAHADU WAYAL
- 43.MRS.SWAPNALI BHAVESH AROTE
- 44.MR. ARVIND VISHWAKARMA & MRS.PRITY ARVIND VISHWAKARAMA
- 45.MRS.KIRAN PRAVESH DUBEY
- 46.MR. GAJANAN PATIL
- 47.MR. BALKRUSHNA SITARAM GADKAR
- 48.MR. SANTOSH SITARAM DIVEKAR & MRS.SAMITA SANTOSH DIVEKAR
- 49.MR. SANTOSH SABAJI SAWANT
- 50.MR. SUNIL NARAYAN VAITY

51.MRS.SHWETA SHANKAR KARPE
52.MRS.SEEMA JAGAN BHERE & MR. JAGAN GOPAL BHERE
53.MR. HANMANT DHARMAJI KATKAR
54.MR. LAXMAN RAMBHAU JADHAV
55.MR. RAMESH NATHMAL SHARMA & MRS.SARIKA RAMESH
SHARMA ...COMPLAINANTS

Versus

1.MRS.ARCHANA KUDAN MHATRE
2.M/S KUBER ABHIRAJ INFRA
3.MR. SUNIL LAXMAN PATEL
4.MR. DINESHKUMAR RAMANLAL PATEL
5.MR. HITENDRAKUMAR RAMANLAL PATEL
6.MR. HIRALAL BHIMAJIBHAI PATEL
7.MR. KETANKUMAR HARICHANDRA PATEL
8.MR. PRAVINKUMAR VADILAL PATEL
9.MR. YOGESH NANDULAL PATEL
10.MR. CHANDRAKANT SHANTILAL PATEL
11.MR. PRAVINKUMAR RAMANLAL PATEL
12.MR. MAHESHKUMAR ISHWARBHAI PATEL
13.MR. MAYANK KANTILAL PATEL
14.MITESH SURESHBHAI PATEL
15.MR. MANOJKUMAR SOMANLAL PATEL
16.MR. ASHWINKUMAR DAHYABHAI PATEL
17.MR. KUNAL BHASKAR MHATRE
18.MR. RASIK SOMAJIBHAI PATEL ALIAS POKAR
19.MR. NILPESH VITTHALBHAI PATEL
20.MR. PARTH PURSHOTMDAS PATEL
21.MR. SHIVRAJ KOMAL SINGH ...RESPONDENTS

MahaRERA Project registration No. P51700008998

FINAL ORDER

28.04.2026

(Date of hearing: 11.06.2025)

CA Ramdas Pote present for Complainants

None present for Respondents

1. The complainants have jointly sought directions under the Real Estate (Regulation and Development) Act, 2016 for appropriate action against the promoter and for facilitating completion of the project in favour of the proposed society. The complainants have further prayed for grant of interest for delayed possession.

The facts of the complaint are as follows:-

2. The present complaint has been filed by 54 flat purchasers in respect of the project "Kuber Ganraj", developed by M/s. Kuber Abhiraj Infra, wherein the flats were sold during the period 2014 to 2018. The complainants submit that although Agreements for Sale were duly executed with the promoter, the possession of the respective flats was not handed over within the time stipulated therein.
3. The delay in completion of the project is stated to be on account of fraudulent practices adopted by the promoter, coupled with continuous obstruction and disputes created by the landowner, Mr. Shivraj Komal Singh, (Respondent No- 21) which severely hampered and stalled the construction activities, ultimately resulting in non-completion of the project.
4. It is further submitted that, in light of the prolonged delay and uncertainty, the 54 flat purchasers have collectively resolved to form a Co-operative Housing Society instead of an Association of Allottees, for the purpose of safeguarding their rights and ensuring completion of the project. Accordingly, the name "Kuber Ganraj 'A' Wing Co-operative Housing Society Ltd." (Proposed) has been duly approved by the office of the Sub-Registrar, Kalyan-Thane. The complainants, therefore, assert their collective interest in the project through the proposed society and seek necessary directions for its recognition and involvement in the completion process.
5. In the aforesaid facts and circumstances, the complainants have approached the Authority seeking appropriate reliefs under Sections 7 of the Real Estate (Regulation and Development) Act, 2016, inter alia, for revocation of the registration of the project and for enabling the completion of the project through the association of

allottees, i.e., the proposed Co-operative Housing Society. The complainants further pray that necessary directions be issued to ensure that the project is completed in a time-bound manner under the supervision or through appointment of a competent authority, as contemplated under the provisions of the Act.

6. Additionally, the complainants have sought grant of interest for delayed possession, as the project has been delayed by more than 3 to 4 years beyond the committed date of possession. It is submitted that a majority of the flat purchasers have financed their respective flats through housing loans obtained from banks and financial institutions and are consequently burdened with continuous payment of EMIs along with accruing interest, without having received possession of their flats. Furthermore, several complainants are also compelled to incur additional financial hardship by paying rent for alternative accommodation, thereby suffering dual financial liability. The delay has thus caused severe financial strain and hardship to the complainants, entitling them to appropriate compensation and interest under the provisions of the Act.
7. It is pertinent to note that despite sufficient opportunity being granted, the Respondent has failed to file any reply in the present matter.
8. The matter was listed for hearing on 11.06.2025, C.A. Ramdas Pote appeared for the Complainant, while the Respondents remained absent despite due service of notice and hearing link. It was noted from the previous Roznama dated 19.11.2024 that the Respondents had remained absent earlier as well. The Complainant's representative informed that a prior MahaRERA order had not been complied with by the Respondents and the same has now been uploaded along with other relevant orders. However, it is observed that in the previous hearing various society members appeared without any authority letter and the respondent was absent. In view of continued absence, the matter is ordered to proceed ex parte without the Respondents' reply. The Complainant has been granted time till 14.07.2025 to file written arguments, after which the matter was to be reserved for order.

9. The Complainants have filed the written arguments on RERA portal and submitted that the project comprises 96 residential flats of varying sizes, out of which 75 flats were sold to purchasers between 2013 and 2020, while certain units were allotted to retiring partners of the developer firm, M/s. Kuber Abhiraj Infra. The development of the said project is based on a Development Agreement dated 15.03.2013 executed between the landowner, Respondent Mr. Shivraj Komal Singh, and M/s. Kuber Abhiraj Infra, along with an Irrevocable Power of Attorney authorizing the developer to undertake construction and obtain necessary permissions.
10. It is the case of the Complainants that though the developer obtained requisite approvals from the Kalyan-Dombivali Municipal Corporation and registered the project with MahaRERA, the construction of the project has remained incomplete for an inordinate period. As per the Agreements for Sale, possession of the flats were to be handed over within 36 months from the date of agreement; however, even after a lapse of more than six years, the Respondents have failed to complete the construction or hand over possession of the flats.
11. The Complainants submit that due to such prolonged delay, they have been compelled to reside in rented premises while simultaneously servicing housing loan EMIs, thereby suffering severe financial hardship, mental agony, and distress. It is further contended that despite repeated follow-ups, the Respondents have only made false assurances, and no substantial progress has been made at the site. The Complainants also allege collusion between the landowner and the developer, resulting in fraud upon the flat purchasers. Owing to the continued inaction and non-cooperation of the Respondents, the flat purchasers formed the Kuber Ganraj "A" Wing Co-operative Housing Society Ltd. and proceeded with unilateral deemed conveyance in their favour.
12. Aggrieved by the failure of the Respondents to complete the project and hand over possession within the stipulated period, the Complainants have approached this Authority seeking directions to the Respondents to pay rent/compensation for the delayed period

of possession and further compensation of Rs.1,00,000/- to each Complainant towards mental agony, harassment, and hardship suffered by them.

13. Considering the above facts, following points arise from my determinations. My findings thereon recorded as under for the reasons stated below.

Points

SR. NO	POINTS	FINDINGS
1	Whether the Complainants is entitled to the relief claimed?	Negative
2	What Order?	As per final order

Reasons as to point nos. 1

14. The present complaint has been jointly filed by 54 flat purchasers in respect of the project "Kuber Ganraj", registered under the Real Estate (Regulation and Development) Act, 2016, seeking directions primarily under Sections 7 of the Act. The principal reliefs as originally sought include revocation of the project registration on account of alleged defaults on the part of the promoter and consequential directions for completion of the project through the association of allottees, i.e., the proposed Co-operative Housing Society. The Complainants have also averred that there has been substantial delay in handing over possession of the flats beyond the agreed timelines, resulting in financial hardship and other consequential losses. It is not in dispute that the Complainants are flat purchasers in the subject project and that Agreements for Sale were executed between the parties. It is further admitted that the project has been delayed beyond the stipulated period for handing over possession. It is also an admitted position that despite due

service, the Respondents have failed to appear and file any reply, and the matter has proceeded ex parte.

15. The Complainants have alleged fraudulent practices on the part of the promoter and have attributed the delay in completion of the project to collusion between the promoter and the landowner, as well as disputes inter se between them. However, beyond these averments, no substantial documentary evidence has been placed on record to demonstrate specific violations of statutory provisions, breach of conditions of registration, or material irregularities of such a nature as would warrant revocation of registration under Sections 7 of the Act. Further, it is observed that while the original complaint was primarily confined to reliefs pertaining to revocation and completion of the project, the Complainants, at the stage of filing written arguments, have introduced additional reliefs seeking rent, compensation for delayed possession, and damages for mental agony and hardship. Such reliefs were not part of the original pleadings.
16. At the outset, it is necessary to examine the relief sought for revocation of project registration under Sections 7 of the Act. The said provisions empower the Authority to revoke registration of a project upon being satisfied that the promoter has defaulted in complying with the provisions of the Act, the rules or regulations made thereunder or has violated the conditions of registration. Such satisfaction must necessarily be based on cogent, substantive, and verifiable documentary evidence placed on record.
17. In the present case, although serious allegations have been made against the Respondents, including fraud and deliberate delay, the Complainants have failed to substantiate these allegations by placing on record the requisite documentary material such as correspondence evidencing default, statutory non-compliances, financial irregularities, or any authoritative record demonstrating violation of registration conditions. Mere assertions, however serious, cannot substitute the evidentiary threshold required for invoking the drastic consequence of revocation of project registration. In absence of such material, this Authority is unable to

record the necessary satisfaction as mandated under Sections 7 of the Act. Consequently, the relief of revocation cannot be granted.

18.It is further pertinent to note that the Complainants have, at the stage of written arguments, sought to introduce new reliefs in the nature of rent, compensation, and damages. However, it is a well-settled principle of law that a party cannot travel beyond its pleadings. Any modification, addition, or alteration of reliefs must be carried out by way of a formal amendment application, which must be duly considered and allowed by the Authority. In the present matter, no such application for amendment has been filed nor is there any order permitting the Complainants to incorporate additional reliefs. The introduction of new claims at the stage of written arguments, after completion of pleadings, is procedurally impermissible and contrary to principles of natural justice, particularly when the Respondents have had no opportunity to respond to such claims. Therefore, the additional reliefs sought in the written arguments cannot be entertained or adjudicated.

19.Without prejudice to the above, it is also observed that the reliefs relating to grant of rent, compensation for delayed possession, and damages for mental agony are inherently individual and fact-specific in nature. Each allottee may have different contractual terms, payment schedules, financial arrangements, and extent of loss suffered. Adjudication of such claims would require individual examination of agreements, payment records, and evidence of loss in each case. Such individualized determination cannot be effectively undertaken in a composite complaint filed jointly by multiple allottees. Therefore, such reliefs are more appropriately adjudicated in separate individual complaints filed by the respective allottees in accordance with law.

20.In view of the foregoing discussion, this Authority is of the considered opinion that the Complainants have failed to establish entitlement to the reliefs as claimed in the present complaint. The prayer for revocation of project registration cannot be granted in absence of requisite documentary evidence. The additional reliefs sought at the stage of written arguments cannot be considered as the same are beyond the scope of pleadings and have not been

brought on record through a proper amendment application. Further, the reliefs relating to rent and compensation are individual in nature and cannot be adjudicated in the present joint complaint and would require separate individual complaints to be filed by the respective allottees.

21. In view of the aforesaid, this Authority is of the opinion that the Complainants are not entitled to the reliefs as claimed in the present complaint. However, in the interest of justice, the Complainants are granted liberty to file a fresh complaint under Sections 7 of the Act with proper documentary evidence. Accordingly, this authority answers point No.1 in the negative proceeds to pass the following order:-

O R D E R

1. The relief for revocation of project registration is rejected due to lack of sufficient documentary evidence.
2. The Complainants are granted liberty to file a fresh complaint under Sections 7 of the Act with proper documentary evidence, if so advised. In such event, the seniority of the present complaint shall be preserved.
3. The additional reliefs sought by the Complainants in the written arguments, being beyond the scope of the original pleadings and in absence of any application for amendment, are not entertained. The Complainants are at liberty to file individual complaints for rent and compensation, in accordance with law.
4. No order as to costs.

Date :-28.04.2026

RAVINDRA
PADMAKARAO
DESHPANDE

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(Ravindra Deshpande)
Member II, MahaRERA