BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY, MUMBAI

Complaint No. CC006000000120932

Mr. Bharat Dattu Bhoir ..Complainant

Versus

M/s. Diksha Developers ..Respondent

MahaRERA Project Registration No. **P51700009777**

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

Adv. Jyoti Thakur appeared for the complainant.
Adv. Bharat Hase appeared for the respondent.

ORDER

(5th November, 2020)
(Through Video Conferencing)

1. The complainant has filed this complaint seeking directions from MahaRERA to revoke the MahaRERA registration is granted in favour of the respondent promoter under section 7 of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred to as 'RERA') on the ground the respondent has no valid title with respect to the project land in respect respondent's registered project known as **"Sajan Heights"** bearing MahaRERA registration No. **P51700009777** at Dombivali, Dist-Thane.

2. This complaint is heard on several occasions in presence of both the parties and same 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 file their written submissions, if any. Accordingly, both the parties appeared for the hearing and made their oral as well as written submissions on record of MahaRERA. The MahaRERA has heard the arguments of both the parties and also perused the record.

3. It is the case of the complainant that the respondent has obtained the MahaRERA registration by submitting false and forged documents and has obtained project registration from MahaRERA. Further, it has executed Deed of Conveyance dated 27-8-2012 for development of plot of land namely Survey no 29, Hissa No-6 of Taluka Kalyan, Dist: Thane admeasuring 1920 sq.mtrs. The said land is owned by late Mr. Dattu Sajan Bhoir and others and he is the son of late Mr. Dattu Sajan Bhoir and his legal heir along with other members of the family and as such has interest and title in the said plots of land and therefore has locus standi to file this complaint as he has legal rights in the property which is his ancestral property. The complainant further stated that one of his family member viz Mr. Maruti Bhoir is also a partner in the respondent's firm. The respondent has submitted fake 7/12 extract, fake power of attorney and Tahsildar's notice to establish its rights with respect to the said project land. The complainant has already filed appropriate proceeding against his family member before the civil as well as the criminal court of law and the same are pending. The complainant therefore prayed for revocation of the MahaRERA registration issued in favour of the respondent promoter since it is based on fake ownership documents. The complainant further stated that even the pending litigation has also not been disclosed by the respondent on MahaRERA website. Hence the present complaint has been filed.

4. The respondent has resisted the claim of the complainant by filing written submissions on record of MahaRERA. It has stated that not a single litigation is filed against the respondent promoter and hence there is no question to upload it on MahaRERA website. Further the said land was purchased by it in the year 2012 and the said sale deed has been confirmed by the final revenue authority in the year 2014. The respondent further stated that in the suit filed by the complainant

before the civil court an order has been passed on 27-11-2019 whereby the direction was issued to the complainant to pay the appropriate court fees in the said suit. However, the complainant has not compiled with the said direction till date and the said suit is pending for compliance. Moreover the respondent is not party to the said suit. Hence the said litigation is not required to be disclosed on MahaRERA website. The respondent therefore prayed for dismissal of this complaint.

5. The MahaRERA has examined the arguments advanced by both the parties as well as perused the record. In the present case by filing this complaint, the complainant is mainly seeking revocation of MahaRERA registrations issued in favour of the respondent promoter on the ground of an ownership dispute under section 7 of the RERA or directions to the respondent promoter to disclose all pending litigation pertaining to these projects land on MahaRERA website.

6. Further with regard to the relief sought by the complainant under section 7 of the RERA for revocation of the project registered by the respondent , the MahaRERA is of the view that as per the provision of section 7 of the RERA, the MahaRERA registration may be cancelled if the promoter makes default in doing anything required by or under this Act or if the promoter violates any of the terms or conditions of the approval given by the competent authority or if the promoter is involved in any kind of unfair practice or irregularities as specified under section 7 (1) (a) to (c) and (A) and (B) of the RERA. However, in the instant case the complainant has not produced any cogent documentary evidence to show that the respondent has violated has any of the terms or conditions stipulated in the provisions of section 7 of the RERA. Therefore the prayer for revocation of projects registered by the respondent with the MahaRERA sought by the complainant is devoid of any merits. The complainant has not established the fact that the respondent is involved in any kind of unfair trade practice or irregularities by submitting any

order passed by the competent court of law. Therefore the relief sought by the complainant under section 7 of the RERA for revocation of the MahaRERA project registration granted to the respondent stands rejected.

7. With regard to the other reliefs sought by the complainant for disclosure of pending litigation pertaining to the project land on MahaRERA website, during the course of hearing, the respondent has denied the said claim of the complainant on the ground that the respondent is not party to the said litigation.

8. In this regard, the MahaRERA is of the view that as per the provision of section 4(2) (b) of the RERA the promoter is liable to disclose all the pending litigations pertaining to the project land on MahaRERA website while submitting an application for the registration. In the instance case, though the respondent is not party to the proceeding filed before the court of law, however, since the said litigation filed is pertaining to the project land, the MahaRERA, therefore feels that it has to be shown on MahaRERA website.

9. In view of the aforesaid facts, the respondent promoter is directed to disclose the pending litigations pertaining to the project land on MahaRERA website within a period of 30 days.

10. With the above direction, the complaint stands disposed of.

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

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY, MUMBAI
Non-Execution Application

In

Complaint No. CC006000000120932

Bharat Dattu Bhoir ...Complainant/s

Versus

Diksha Developers ...Respondent/s

MahaRERA Project Registration No. P51700009777

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

Both parties are absent.

ORDER

(Wednesday, 22nd June 2022)
(Through Video Conferencing)

1. The complainant above named has filed this application for non-execution of the final order dated 05-11-2020 passed by the MahaRERA in the aforesaid complaint filed with respect to the project registered by the respondent with MahaRERA. By the said order this complaint was disposed with the directions to the respondent promoter to disclose all pending litigations pertaining to the project land on MahaRERA website within a period of 30 days.

2. This application was heard today as per the Standard Operating Procedure dated 12th June 2020 issued by MahaRERA for hearing of complaints through Video Conferencing. Both the parties have been

issued prior intimation of the hearing. However, despite notice both the parties remained absent.

3. It shows that, the complainant is not willing to contest this non-execution application.

4. Consequently, the present non-execution application stands dismissed for want of prosecution.

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