BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY, MUMBAI

Complaint No. CC006000000192743

Jolly Apartment Wing A And B Welfare Association ..Complainant

Vs

M/s. RIEL Infrastructure Pvt Ltd
Mr. Haresh R Bhanushali
Mr. Prem Haresh Bhanushali
Mr. Shudhir D Telavane ..Respondents

MahaRERA Project Registration No. **P51700010153**

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

Adv. Amey Athavale appeared for the complainants.
Mr. Sunny Jain appeared for the respondents.

ORDER
(05th March, 2021)
(Through Video Conferencing)

1. The complainant claiming to be an association of 21 allottees have filed this complaint seeking directions from the MahaRERA to revoke the MahaRERA project registration certificate granted in favour of the respondent no. 1 promoter under the provisions of Section 7(1) of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred to as RERA) in respect of the respondent's project known as **""Jolly Apartment Wing A and B"** bearing MahaRERA Registration No. **P51700010153 at Shahapur, Dist-Thane**. The complainant further prayed to de-freeze the bank account of the respondent no. 1.

2. This complaint was heard on various occasions and the same was heard finally on 17/02/2021 along with other connected matters as per the standard operating procedure dated 12th June 2020 issued by MahaRERA for hearing of complaints through video conferencing. Both the parties were issued prior notification and were asked to file their respective

submissions before MahaRERA. Accordingly, both the parties appeared through their respective advocates and made their submissions. During the hearing the respondent promoter was directed to upload its reply/ written submissions on record of MahaRERA within a period of two weeks. However, till date the respondent promoter has not uploaded its reply on record of MahaRERA. It shows that the respondent promoter is not willing to contest this complaint. Hence the MahaRERA has perused the available record.

3. The MahaRERA has examined the arguments advanced by both the parties. In the present case, the complainant association has approached MahaRERA seeking revocation of MahaRERA registration issued in favour of the respondent under section 7 of the RERA, by contending that the respondent has violated various provisions of RERA and the Rules made there under and not updated the status of the project, not adhered to the advertisement and brochures published on website, not given possession of the flat to the allottees as per the terms and conditions of the agreement for sale executed with the allottees etc. Hence, it has prayed to allow this complaint.

4. During the course of hearing, the respondent No.1 promoter has stated that it has obtained the extension from MahaRERA till 30-06-2021. Therefore it will complete this project by that date.

5. On perusal of the webpage information uploaded by the respondent on record of MahaRERA, prima facie, it appears that the respondent while registering this project has mentioned the revised completion date of this project as 30-06-2021. It shows that the respondent still has time to complete this project till 30-06-2021. Further, during the course of hearing the respondent through its advocate has informed MahaRERA that the work has been started on site and it will be completed within two to three months. Hence the reliefs sought by the complainant are

premature as on date and therefore same cannot be taken into consideration by the MahaRERA as on date. However, the complainant would be at liberty to agitate their grievances, in case of any default on the part of the respondent, in adhering the time-line given to MahaRERA.

6. In addition to this, it is noticed by the MahaRERA that few members of the complainant's association have filed separate complaints seeking reliefs under section 18 of the RERA. In this regard, the MahaRERA is of the view that the complainants cannot on one side seek reliefs of interest for delayed possession from the respondent promoter and simultaneously seeks revocation of the MahaRERA registration granted in favour of the respondent promoter as both the reliefs contradict each other.

7. In view of these facts, the complaint stands disposed of being premature.

8. The certified copy of this order will be digitally signed by the concerned legal assistant of the MahaRERA. It is permitted to forward the parties a copy of this order by e-mail.

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