BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY, MUMBAI

Complaint No. CC12602620

Shardadevi S Jhunjhunwala ... Complainant

Versus

1) SevenFolds Constructions LLP
2) Minal Co-operative Housing Society Ltd.
3) Madhav Kunj Co-operative Housing Society Ltd. ... Respondents

MahaRERA Project Registration No. P51800053472

Coram: **Shri. Mahesh Pathak, Hon'ble Member – I/MahaRERA.**

Mr. Ashok Gupta (POA)appeared for the complainant.

Ld. Adv. Bhishwajeet Mukherjee appeared for the respondent no. 1.

ORDER

(Order Pronounced on Monday, 31st August 2026)

(Matter reserved for orders on 21-07-2026)

(Hearing Through Hybrid Mode)

1. The complainant above named has filed this online complaint before the MahaRERA on 05-05-2026 mainly seeking directions from the MahaRERA, to the respondents, to recognize the complainant as the lawful owner member of the shop purchased in 1995, as prescribed under the provisions of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred to as 'RERA') in the respondent's registered project known as "**MINAL AND MADHAVKUNJ**" bearing MahaRERA registration No. **P51800053472** located at 185, Taluka- Andheri, Dist. Mumbai Suburban (hereinafter referred to as the 'said project').
2. This complaint was heard by MahaRERA on 16-06-2026 and finally on 21-07-2026 as per Circular no. 49 dated 12-09-2025 issued by MahaRERA for hearing of complaints through Hybrid Mode. Both the parties have been issued prior intimation of this

hearing, and they were also informed to file their written submissions if any. On the said dates of hearing, the respondent has appeared as made its respective submissions. Despite notice the complainant remained absent. The MahaRERA heard the submissions of the parties as per their appearances and also perused the available record.

3. After hearing the arguments of the respondent, the following Roznamas was recorded in this complaint: –

i) ***<u>On 16-06-2026</u>*****:**

""First Hearing Matter" Both the parties are present. At the outset, the respondent has raised the issue of maintainability of this complaint on the following grounds : i) the said project is a redevelopment project for Minal & Madhavkunj Cooperative Housing Society and the complainant claims to be an owner of a shop on the ground floor and a member of the said Minal & Madhavkunj Cooperative Housing Society, ii) the respondent challenges the authority of the complainant to represent the complainants and seeks a power of attorney on behalf of the complainants to represent them and iii) the shop is in the name of the trust namely Rani Sati Prachar Samiti. On the above three grounds, the complaint is not maintainable, according to the respondent. Therefore, the respondent may file an application on maintainability within a period of two weeks i.e. by 30-06-2026. The complainant may file a reply to the said application within a further period of one week i.e. by 07-07-2026 including the said power of attorney and clarify the issue of the trust etc., The matter is adjourned to 21-07-2026 for final arguments on the issue of maintainability of this complaint."

ii) ***<u>On 21-07-2026</u>*****:**

"The complainants are absent. The respondent is present. However, the respondent has submitted an application on 03-07-2026 as per the issues raised in the previous hearing on 16-06-2026 on the maintainability of this complaint. The respondent contends that :- i) it is a redevelopment project; ii) the complainant does not represent the said Trust, in whose name the shop was existing and the authority of the complainant to represent the said Trust is questionable as per the submissions made by the complainants in hard copy (as per the respondent). The complainants are granted further one week's time i.e. till 28-07-2026 to file rejoinder to the said reply of the respondent on maintainability subsequent to which, the matter will be

reserved for orders on the issue of maintainability. The complainants have also given their say on the said application refuting the contentions of the respondent. Therefore, the respondent may mail the said reply as well as the rejoinder of the complainant on the said application to MahaRERA and the same may also be uploaded in the complaint. Therefore, the matter is reserved for orders on maintainability of the complaint. The future course of action in the matter would be taken once such an order is issued."

4. Pursuant to the directions issued by MahaRERA, the complainant has uploaded her rejoinder on the record of MahaRERA on 21-07-2026. The same is accepted and taken on record. However, despite specific directions, respondent No. 1 promoter has failed to upload any written submissions on the record of MahaRERA. Hence, MahaRERA has perused the available record.

5. It is the case of the complainant that the present complaint pertains to denial of her lawful commercial premises and redevelopment rights in Project Registration No. P51800053472. The complainant has stated that, despite the ongoing redevelopment and construction activities undertaken by respondent No. 1 along with respondent Nos. 2 and 3, no formal redevelopment agreement or Permanent Alternate Accommodation Agreement (PAAA) has been executed with her to protect her entitlement to the said shop. She has further submitted that the respondents have failed to provide alternate commercial premises or reasonable monetary compensation during the redevelopment period, thereby causing continuous financial and personal hardship. According to the complainant, continuation of the construction work without proper contractual protection or interim relief may cause irreversible prejudice and creation of third-party rights. Hence, she has sought urgent intervention, protection of her commercial rights and appropriate relief under the RERA.

6. The complainant has uploaded an application on 16-06-2026 stating that the issues raised by her are supported by documentary evidence and that the complaint should be decided on merits.

7. The respondent no.1 has filed its reply in hard copy on 03-07-2026 contending that the present complaint is not maintainable under Section 3(2)(c) of the Real Estate (Regulation and Development) Act, 2016. According to respondent No. 1, Section

3(2)(c) exempts the rehabilitation component of a redevelopment project from registration where it does not involve marketing, advertising or sale. Since the complainant is seeking entitlement and status quo in respect of permanent alternate commercial premises/shop in the redevelopment project "Minal and Madhavkunj", the dispute relates to permanent alternate accommodation and falls outside the scope of the RERA. In support of its contention, respondent No. 1 has relied upon the judgment of the Maharashtra Real Estate Appellate Tribunal in *Mr. Jay Thakural v. Mr. Rajen Dhruv*, Appeal No. U-6/2021. Respondent No. 1 has also challenged the maintainability of the complaint on the ground of lack of valid authorization. It has stated that the subject premises belong to Rani Sati Prachar Samiti, a charitable trust, and that a mere authority letter without a valid resolution of the Trust does not authorize Mr. Ashok Gupta to file the complaint. Accordingly, respondent No. 1 has sought rejection of the complaint with costs.

8. The complainant has uploaded her rejoinder on 21-07-2026 contending that the application filed by respondent No. 1 seeking rejection of the complaint is misconceived, legally untenable and an abuse of the process of the Authority. She has submitted that respondent No. 1 has wrongly treated the complaint as being limited to entitlement to Permanent Alternate Accommodation, whereas the complaint primarily raises serious statutory violations under the RERA. According to the complainant, these include suppression of material facts, misleading and incomplete disclosures on the MahaRERA portal, concealment of pending judicial, municipal and statutory litigations affecting the project, and continuing non-compliance with the statutory obligations of a registered promoter. She has further contended that the reliance placed by respondent No. 1 on Section 3(2)(c) and the decision in *Jay Thakural v. Rajen Dhruv* is misplaced, as neither Section 3(2)(c) grants immunity from fraudulent disclosures nor does the said decision deal with regulatory disclosure defaults. The complainant has reiterated that the jurisdiction invoked by her is regulatory in nature and that respondent No. 1 has failed to answer the substantive allegations on merits. Hence, she has prayed for dismissal of the application seeking rejection of the complaint with exemplary costs and for a direction to the respondents to file a comprehensive reply on merits.

9. The MahaRERA has examined the rival submissions made by the parties and has

also perused the available record. In the present case, MahaRERA needs to decide the issue of maintainability raised by the respondent no. 1 promoter, on various grounds as mentioned in the aforesaid Roznamas, being a preliminary issue.

10. In the present case, on a bare perusal of the available record, MahaRERA has noticed that, the said project is a redevelopment project undertaken by the respondent Nos. 2 and 3 Societies, through the respondent no. 1 promoter, by virtue of the registered development agreement dated 29-03-2022. The complainant has claimed rights in respect of the said existing shop (purchased in 1995), and has also sought recognition of her membership, execution of a PAAA and allotment of alternate commercial premises in the said redevelopment project.

11. In this regard, MahaRERA is of the view that such disputes arise from the rights of the complainant in respect of the said old shop under the redevelopment component, cannot be decided by MahaRERA in view of the explicit provisions of Section 3(2) (c) of the RERA. Merely because the said project is registered with MahaRERA would not confer jurisdiction upon MahaRERA to decide such disputes pertaining to the redevelopment component, ownership, society membership or entitlement under the redevelopment arrangement.

12. Moreso, the record shows that the said shop stands in the name of Rani Sati Prachar Samiti, which appears to be a charitable trust. The respondent has disputed the authority of the complainant to represent the said Trust. However, no valid resolution or authorization of the Trust has been placed on record. Hence, the complainant has failed to establish her authority to seek relief in respect of the said shop.

13. Further, the complainant has alleged suppression of material facts and incomplete disclosures on the MahaRERA website. However, such general allegations cannot make the present complaint maintainable when the main reliefs sought are themselves not maintainable. If there is any specific violation of the mandatory disclosure under the RERA, the complainant may avail the appropriate remedy in accordance with law, subject to establishing her locus standi.

14. In view of the above, MahaRERA is of the view that the present complaint, in its present form, is not maintainable before MahaRERA under the provisions of RERA.

15. Consequently, the present complaint stands dismissed being not maintainable.

Hence, no further hearing is required to be given in this matter. However, the complainant is at liberty to approach the appropriate forum for adjudication of her rights pertaining to ownership, society membership, permanent alternate accommodation and other redevelopment entitlements, in accordance with the applicable law.

MAHESH DINKAR PATHAK
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Date: 2026.08.31 18:09:38 +05'30'

(Mahesh Pathak)

Member – 1/MahaRERA