

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

**1. Complaint No.CC006000000057764**

Mr. Kishor Bhaskar Borse  
Mrs. Nisha Kishor Borse  
Ms. Madhuri Kishore Borse

.... Complainants

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers

..... Respondents

Along with

**2. Complaint No. CC006000000057765**

Mr. Chetan Kishor Borse  
Mr. Kishor Bhaskar Borse  
Mrs. Nisha Kishor Borse

.... Complainants

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers

..... Respondents

Along with

**3. Complaint No. CC006000000058124**

Mr. Pankaj Shah  
Dr. N. GUNDIYAL

.... Complainants

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers

..... Respondents

Along with

**4. Complaint No. CC006000000078243**

Mr. Sanjay Ajani  
Mr. Navin Bhai Doshi

.... Complainants

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers

..... Respondents

*Handwritten signature*

Along with

**5. Complaint No. CC006000000057878**

Mr. Rajpal Singh

.... Complainant

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers

..... Respondents

Along with

**6. Complaint No. CC006000000057886**

Mr. Chandir Shrichand Talreja

.... Complainant

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers

.... Respondents

Along with

**7. Complaint No. CC006000000057906**

Mr. Namraj J. Sharma

.... Complainant

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers

.... Respondents

Along with

**8. Complaint No. CC006000000057908**

Mrs. Draupadi K. Sharma

. Complainant

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers

.... Respondents

Along with

**9. Complaint No. CC006000000057909**

Mr. Keshav J. Sharma

.... Complainant

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers

.... Respondents

*Handwritten signature*

Along with

**10. Complaint No. CC006000000078244**

M/s. Shree Sai Developers and Builders

.... Complainant

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers

.... Respondents

Along with

**11. Complaint No. CC006000000057860**

Mr. N.M.Ghundiya

.... Complainant

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers

.... Respondents

Along with

**12. Complaint No. CC006000000057867**

Mrs Jayshree Ghundiya

.... Complainant

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers

.... Respondents

Along with

**13. Complaint No. CC006000000057882**

Mrs. Prachi N. Ghundiya

.... Complainant

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers

.... Respondents

Along with

**14. Complaint No. CC006000000057854**

Mr.Swapnil B. Shah

.... Complainant

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers

.... Respondents

*clerk*

Along with

**15. Complaint No. CC006000000057862**

Mrs. Lata Visharia

.... Complainant

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers

.... Respondents

Along with

**16. Complaint No. CC006000000057884**

Dr. Manisha Chandan Saney

Mr. Chandran Gehiraj Saney

.... Complainants

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers

.... Respondents

Along with

**17. Complaint No. CC006000000057875**

Mr. Arvind Vasudeo Patwardhan

.... Complainant

**Versus**

1. M/s. S.D. Constructions
  2. Tilak Nagar Jahind Co-Operative Housing Society Limited
  3. M/s SIA Developers
- Respondents

....

Along with

**18. Complaint No. CC006000000057887**

M/s. Shree Sai Developers and Builders

.... Complainant

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers

.... Respondents

Along with

**19. Complaint No. CC006000000057885**

Mrs. Revathi Nadar

.... Complainant

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers

.... Respondents

*Cherif*

Along with  
**20. Complaint No. CC006000000057859**

Dr. Rekha Shimpi .... Complainant

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers .... Respondents

Along with  
**21. Complaint No. CC006000000057868**

Dr. Prashant Shimpi .... Complainant

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers .... Respondents

Along with  
**22. Complaint No. CC006000000057873**

Mrs. Jayaben Dhirajlal shah .... Complainant

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers .... Respondents

Along with  
**23. Complaint No. CC006000000057883**

Mr. Ilesh D. Shah .... Complainant

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers .... Respondents

Along with  
**24. Complaint No. CC006000000078706**

Mr. Bhupendra Kapasi .... Complainant

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers .... Respondents

*usy*

Along with  
**25. Complaint No. CC006000000057888**

Bharati S Mehta  
Prashant Shridha Chitre  
Dass Ram Gera  
Jagdish Chander Khanna (HUF)  
Vivek C. Parekh

.... Complainants

**Versus**

1. M/s. S.D. Constructions
2. Tilak Nagar Jahind Co-Operative Housing Society Limited
3. M/s SIA Developers

.... Respondents

Project Registration No. **P51800017905**

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

The complainants appeared in person.

Adv. Nilesh Gala appeared for the society.

Adv. Viraj Maniyar appeared for the M/s. SIA Developers.

**ORDER**


(24<sup>th</sup> January, 2020)

1. The complainants above named have filed these 25 complaints before the MahaRERA seeking directions to the respondents to complete the construction and handover possession of their flats in accordance with the agreements for sale/allotment letters under the provisions of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as "RERA") related to the booking of their respective flats in the project registered by the respondent No. 3 promoter, known as "**Jaihind CHS Ltd**" bearing MahaRERA registration No. **P51800017905** at Tilak Nagar, Chembur, Mumbai.
2. These complaints were clubbed together and heard on several occasions and the same are heard finally today, when both the parties have appeared and made their submissions.
3. During the hearings, the respondent No. 2 has filed two proceedings of Hon'ble High Court at Judicature at Bombay bearing Commercial Arbitration Petition No. 896 of 2018 and Interim Application filed therein on record of MahaRERA. The respondents prayed to decide these complainants on preliminary ground of



maintainability as the complainants herein have already been the aforesaid Commercial Suit before the Hon'ble High Court at Bombay, seeking identical reliefs.

4. The complainants, on the other hand, disputed the said contention of the respondents on the ground that the said Suit has been filed restraining the respondents from creating any third party rights with respect to their flats in this project. The said proceeding was filed before the RERA registration was obtained by the respondent No. 3.
5. The MahaRERA has examined the arguments advanced by both the parties as well as the record. In the present complainants, the complainants are seeking possession of their respective flats in the project registered by the respondent No. 3 and in the suit filed before the Hon'ble High Court at Bombay, the complainants are also seeking directions from the Hon'ble Court for appointment of an Arbitrator to arbitrate the dispute regarding the agreements for sale and its compliance. In both the proceedings, the complainants are ultimately seeking possession of their respective flats in accordance with the agreements for sale /allotment letters.
6. In view of the aforesaid facts, the MahaRERA can't decide these complaints because litigations for identical reliefs are pending before the Hon'ble High Court of Judicature at Bombay. The present complaints are, therefore, not maintainable before MahaRERA at this juncture.
7. However, these complainants are at liberty to approach MahaRERA after final order passed by Hon'ble High Court, Bombay in the aforesaid suit.

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