

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

1. COMPLAINT NO. CC006000000057853  
Saturn Advisory Services Private Limited
2. COMPLAINT NO. CC006000000100305  
Samir Date
3. COMPLAINT NO. CC006000000100398  
Bhagwan H Chandnani
4. COMPLAINT NO. CC006000000100401  
Rajeev H Asija
5. COMPLAINT NO. CC006000000100457  
Bharti Bharat Shah
6. COMPLAINT NO. CC006000000100455  
Sunil N Mirchandani
7. COMPLAINT NO. CC006000000110849  
Manish Damji Vorani
8. COMPLAINT NO. CC006000000001794  
Pooja Bhatia

... Complainants

Versus

M/s. Parthesh Developers

... Respondents

MahaRERA project Regn. No. P51800010901

**Corum:** Shri. Gautam Chatterjee, Chairperson, MahaRERA


Complainant (1), Mr. Pradeep Nair, Director, was himself present a/w Ms. Rupa Mittal, Adv.  
Complainant (2) did not appear.  
Complainants (3), (4), (5) and (6) were represented by Ms. Veena Saldanha, Adv.  
Complainant (8) was herself present.

Respondent was represented by Mr. A. A. Das.

**Interim Order**

January 21, 2020

1. The Complainants have booked apartments in the Respondents' project "Ganga Jamna Sangam" situated at Andheri, Mumbai Suburban - 400 052, through respective registered




Agreements for Sale/ Letters of Allotment in the year 2013-2014. The Complainants have stated that the Respondent has delayed the project inordinately and failed to give possession as promised in the Agreement for Sale/ Letter of Allotments. Some of the Complainants have prayed *interalia* to direct the Respondent to handover the possession of the apartments with Occupancy Certificate (OC) at the earliest with interest for the period of delay till possession, while some of have sought refund of the amounts paid, with interest.

2. Mr. Das appeared for the Respondent and requested for an adjournment to seek appropriate instructions.
3. In complaint bearing No.: CC006000000057853 filed against this project by 'Saturn Advisory Services Private Limited', an allottee in the project, an application was made by the Complainant for urgent interim orders considering the Respondent has published a notice-dated January 13, 2019 in a Gujarati newspaper inviting objections for sale of his apartment. Interim Order was passed dated January 31, 2019 directing the Respondent not to create any third-party rights in respect of the said apartment till further orders. In an earlier complaint No: CC006000000001794 by another allottee, order on February, 28, 2018 after the Complainant and the Respondent agreed to execute and register agreement for sale for an alternate apartment in the same project. However, the Respondent, thereafter, reneged on this.
4. The project was registered with MahaRERA as an on-going project with a revised completion date of July, 2019. Thereafter, the promoter sought a year's extension under section 6 of the Act and the present validity of registration for the project is up to July, 2020. Though the project has an extended revised completion date of July 30, 2020, there has been no progress in the construction since last few months and the possibility of the project getting completed in the stipulated time is bleak. On review of the Respondent's registration webpage it is observed the Respondents have not uploaded the Annual Audit Report of Statutory C.A. - Form 5 for F.Y. 18-19 as yet, as required under the provisions of section 4(2)(l) and section 11(1) of the Real Estate (Regulation and Development) Act, 2016 read with Regulation 4 of the MahaRERA General Regulations, 2017.
5. Since the Respondent has failed to implement orders passed by the Authority and also failed in the statutory compliances required under the Real Estate (Regulation and Development) Act, 2016, the promoter has prima facie violated the provisions of section 7 (1) (a) of the Act.



Therefore, the allottees should explore the possibility of invoking the provisions of section 7 of the said Act and thereafter, if required, complete the balance development work to complete the project through the association of allottees in accordance with the provisions of section 8 of the Act. At this stage, the possible way forward would be to enable the allottees to form an Association of allottees, to decide on the way ahead regarding completion of the stalled project.

6. In view of the above facts, the Respondent is hereby directed to handover the list of allottees of the said project, along with their contact details, to the Complainants and other allottees, within 30 days from the date of this Order, to enable the allottees to form association of allottees, take an informed decision pertaining to the way forward in the said project and also to decide if the association of allottees may like to proceed under Section 7/8 of the Act as per the MahaRERA Order no. 8/2019 dated March 29, 2019 on Revocation of Registration of Project. The Respondent shall also upload Annual Audit Report of Statutory C.A. - Form 5 for F.Y. 18-19 within 30 days of the date of this order.
7. The Respondent is hereby restrained from creating any further third party rights against unsold apartments in the project, till further orders.
8. Further hearings in the above mentioned matters to be scheduled accordingly, based on the progress mentioned in para 6 above.

  
(Gaujam Chatterjee)  
Chairperson, MahaRERA

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MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO: CC006000000057853

Saturn Advisory Services Private Limited                      ...                      Complainant

Versus

Parthesh Developers  
MAHARERA Regn. No. P51800010901                      ...                      Respondent

**Coram**

Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was represented by Mr. Abishek Jebaraj, Adv.

**Interim Order**

**January 31, 2019**

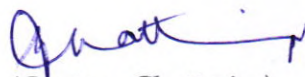
(on Application dated January 30, 2019 filed by the Complainant)

1. The Complainant has purchased an apartment bearing no: B/1004 in the Respondent's project 'GANGA JAMNA SANGAM' situated at Andheri, Mumbai via allotment letter dated April 5, 2013. The Complainant stated that on January 17, 2019, the complainant was intimated of notice-dated January 13, 2019 in a Gujarati newspaper inviting objections for sale of the said apartment. Therefore, the Complainant prayed that an immediate injunction be granted, restraining the Respondent from alienating the said apartment in any manner or creating third party interest by themselves or through their agents, servants or family members. Further, they prayed the Respondent be directed to handover possession of the said apartment at the earliest to the Complainant, alternatively to refund the amounts paid along with interest.
2. Matter was mentioned today along with an application made by the Complainant for urgent interim orders considering the Respondent has published a notice-dated



January 13, 2019 in a Gujarati newspaper inviting objections for sale of the said apartment.

3. In view of the above facts, the Respondent is directed not to create any third-party rights in respect of the said apartment till further orders.
4. Matter to be listed for further hearing as per schedule.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA