

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO: CC005000000023395

Marvel Aquanas Cooperative Housing Society Limited through Secretary  
... Complainant

Versus

Marvel Realtors and Developers Ltd ... Respondent  
MahaRERA Regn. No. P52100001521

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

Complainant was represented by Adv. Agarwal (i/b. Triyama legal).  
Respondent was represented by Mr. D. Karthick, Authorised representative.


**Order**

February 28, 2020

1. The Complainant has stated that it is a cooperative housing society duly constituted and registered by some of the purchasers and occupiers of the apartments under the scheme of "Marvel Acquanas." The Complainant has *interalia* prayed for directions to be issued to the Respondent to complete the construction of the apartments, provide promised amenities in the respective apartments, to appoint a quality manager to control the quality of work at the cost of the Respondent; to provide a stage wise timely schedule of completion of the project, including water, sanitation and electricity; and a copy of various sanctioned documents related to the project, etc.
2. The authorised representative of the Respondent, raised his contention regarding the locus standi and maintainability of the Complainant. He submitted that the present complaint is not maintainable, since this Complaint has been filed by a group of few allottees who have themselves have made an alleged society.



3. By way of an application dated December 02, 2019, the advocate for the Complainant has refuted the claim made by the Respondent and stated that the Complainant is a registered co-op. housing society which is constituted of allottees having purchased 44 units/apartments, out of a total of 72 sold units/apartments, as on date.
4. The registration web page of the project shows that the project was initially registered with a revised completion date of December 31, 2019 which the Respondent has taken extension under Section 6 of the Real Estate (Regulation and Development) Act, 2016, till December 30, 2020. The progress of the construction work of the 2 buildings under the registered project shows that the super structure work for both the buildings has been completed. The layout approvals, IOD and Commencement certificate have been uploaded on the web page.
5. MahaRERA Order No. 11 dated October 23, 2019 has clarified that when a complaint is being lodged for seeking individual relief, individual complaint need to be filed separately for individual reliefs, otherwise they will be held not maintainable. Group complaints filed by association of allottees shall be entertained only in respect of common relief under section 7/8 of the said Act. The request of the Complainant to direct the Respondent to appoint a quality manager in consultation with the Complainant to control the quality of work being undertaken by the Respondent at the cost of the Respondent, is not covered under any provision of the Real Estate (Regulation and Development) Act, 2016. Hence, no such direction is warranted. The registered project, however, will be covered under the defect liability clause under Section 14 (3).
6. In view of the observation above, aggrieved allottees, if they decide so, may file individual complaints seeking individual reliefs. The association of allottees, if they decide so, may also file a group complaint under section 7/8 as per MahaRERA Order 8/19 dated March 28, 2019.
7. Consequently, with the abovementioned directions, the matter stands disposed of.

  
Gautam Chatterjee  
(Chairperson, MahaRERA)