

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO. CC005000000057864

Santosh Prakash Sutar
Sushil Kundekar
Ragul Angre
Lalitkumar Nalawade
Jamunaprasad Ramprasad Bagele

... Complainants

Versus

Omkar Infra
MahaRERA Regn. No. P51700011264

... Respondent

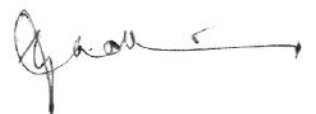
Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants were present themselves.
Respondent did not appear.

Order

(February 20, 2020)

1. The Complainants have stated that they have purchased apartments bearing nos. 201, 101, 102, 001 and 302 via registered agreements for sale executed and registered from the period ranging between July 2015 to October 2016 (hereinafter referred to as the said *agreements*) in the Respondent's project "Omkar Apartment" situated at Ambernath, Thane. They further stated that they have taken possession of their respective apartments and are residing therein from April 2016 onward. However, they further stated that the Respondent has failed to provide the remaining common amenities, such as, a twenty-four-hour water supply, solar system for common lights, rainwater harvesting, entrance gate, paver tiles and procurement of O.C., till date. Therefore, they prayed for appropriate directions to be issued to the Respondent to provide water supply, solar system, rainwater harvesting, paver tiles and the O.C.;



under the provisions of the Maharashtra Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the *said Act*) and the rules and regulations made thereunder.

2. The Respondent did not appear, inspite of notice of hearing being served upon him. The project registration period has expired in December, 2017.
3. During the course of the hearing, the Complainants made a request for a specific amendment in the relief sought for, thereby, seeking appropriate compensation, under the provisions of section 14 (3) of the said Act. They pointed out that despite having taken possession, there are defects in the quality and services provided by the Respondent as per the said agreement, such as, no Municipal water connection, solar system, rainwater harvesting, and O.C.
4. In the present circumstance, the Complainants have taken possession of their apartments and are seeking relief in the form of compensation under the provisions of section 14 (3) of the said Act. They further stated that the Respondent has been unable to rectify the listed defects in workmanship and quality of services pointed out by the Complainants, till date.
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. Therefore, the present single complaint, filed by five different allottees cannot be transferred to the Hon'ble Adjudicating Officer (AO), for adjudication of compensation.
6. In view of the observation above, the present complaint stands disposed with the advice to the aggrieved allottees to file individual complaints. The association of allottees may also file a group complaint under section 7/8 as per MahaRERA Order 8/19 dated 28th March, 2019.


(Gajam Chatterjee)
Chairperson, MahaRERA