

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

1. COMPLAINT NO: CC006000000000268
Ashish Verma, Ujjwal Kumar, Cifford Menezes, Prescey Menezes
2. COMPLAINT NO: CC006000000078291
RicaH Tripathi and Saurabh Tripathi
3. COMPLAINT NO: CC006000000079039
Sudip Mishra and Sweta Mishra
4. COMPLAINT NO: CC006000000079044
Padmini Mishra
5. COMPLAINT NO: CC006000000089660
Prateek Tandon
6. COMPLAINT NO: CC006000000100354
Keval Doshi

Versus

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Complainants

A A Estates Pvt Ltd.
MahaRERA Regn. No. P51800004643

...

Respondent

Corum: Shri. Gautam Chatterjee, Hon'ble Chairperson, MahaRERA

Complainants 1 were themselves present.

Complainants 2, 3 and 4 were represented by Adv. Sana Khan and Adv. Sonam Mhatre (i/b. Dhaval Vussonji & Associates).

Complainant 5 was represented by Adv. Harsh Behany.

Complainant 6 was represented by Adv. Darshil Thakkar (i/b. Agrud Partners).

Respondent was represented by Adv. Sima Chauhan.

Order

February 25, 2020



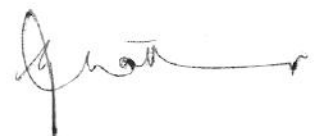
1. The Complainants have stated that they have booked/purchased apartments in the Respondent's project named "Tower A to E on CTS 4853, 4853 9 to 85 and 88 of village kole kalyan taluka Andheri" situated at Andheri, Mumbai Suburban. In cases where the agreements for sale has been registered, the date of possession is not mentioned. Moreover, the Respondent has failed to deliver the possession of the said apartments till date. Therefore, a few Complainants opting to quit from the project, prayed for refund of the entire amount paid by the Complainants along with compensation and delayed interest, whereas, a few of the Complainants sought for possession of the apartments, at the earliest, along with interest for delay in handing over the same.
2. The learned counsel for the Respondent, on the final date of hearing, submitted that a petition in the NCLT has been admitted against the Respondent's company.
3. It is observed that by virtue of an Order dated November 14, 2019 (hereinafter referred to as the said Order) in CP No. 3008/I&BP/2019 passed by the Hon'ble National Company Law Board Tribunal (NCLT), Mumbai bench, the Respondent is under an insolvency resolution process and that an insolvency resolution professional has already been appointed by the said Order. Further, the Hon'ble NCLT has already imposed a moratorium against institution or continuation of any suits or proceedings against the Respondent till the Insolvency Resolution Process is completed.

Para 15 (a) of the said Order dated reads as thus:

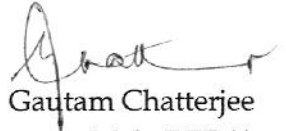
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- a) *that this bench hereby prohibits the institution of suits or continuation of pending suits or proceedings against the Corporate Debtor including execution of any judgement, decree or other in any court of law; transferring, encumbering, alienating or disposing of by the Corporate debtor any of its assets or any legal right or beneficial interest therein; any action to foreclose, recover or enforce any security interest created by the Corporate debtor in respect of its property including any action under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002; the recovery of any property by an owner or lessor where such property is occupied by or in the possession of the Corporate Debtor.*

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4. In view of the above, though the Complainant is entitled for certain reliefs under the provisions of the Real Estate (Regulation and Development) Act 2016, the said relief cannot be granted at this juncture.
5. The present complaint is therefore disposed of with liberty to the Complainants to file fresh complaint after finalization of the said insolvency resolution process.



Gautam Chatterjee
(Chairperson, MahaRERA)