

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

1. COMPLAINT NO. CC006000000192127
Swati Vijay Pansare
2. COMPLAINT NO. CC006000000192143
Sarita Prasad Bhoir
3. COMPLAINT NO. CC006000000192163
Mr. Baban Dagdu Awate
4. COMPLAINT NO. CC006000000192164
Mr. Mahadeo Krishna Gopale
5. COMPLAINT NO. CC006000000192166
Mrs Shubhra Santosh Lokhande
6. COMPLAINT NO. CC006000000192167
Yogiraj Ashok Navale
7. COMPLAINT NO. CC006000000192169
Mr Sunil Chandrakant Auti
8. COMPLAINT NO. CC006000000192177
Mr Bhaskar Narayan Jadhav
9. COMPLAINT NO. CC006000000192179
Mr. Hanumant Dhondiba Awate
10. COMPLAINT NO. CC006000000192180
Mr. Nilesh Pandurang Pansare
11. COMPLAINT NO. CC006000000192182
Mr. Sameer Eknath Palande
12. COMPLAINT NO. CC006000000192185
Mr. Sandip Khandu Shinde
13. COMPLAINT NO. CC006000000192186
Mrs Manisha Arvind Kad
14. COMPLAINT NO. CC006000000192189
Mrs Swati Vijay Pansare
15. COMPLAINT NO. CC006000000192190
Mr. Vijay Bandu Pansare



16. COMPLAINT NO.CC006000000012333
Avinash Vishnu Nalawade

17. COMPLAINT NO.CC0060000000192745
Yogesh A Singh

... Complainants

Versus

Ashok Rajaram Gupta
MahaRERA Regn. No. P51800010062

... Respondent

Coram: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants 1- 15 were represented by Adv. Ramesh Lokhande.
Complainant no. 16 was himself present.
Complainant no. 17 was represented by Adv. Jayesh Cheda.

Respondent did not appear.

Order

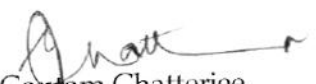
March 04, 2020

1. The Complainants have booked shops/apartments in the Respondents' project 'Ganeshwadi CHS LTD. – S. R. A.' situated at Ghatkopar, Mumbai via allotment letters/agreements for sale. The Complainants have stated that they have paid some amount of the consideration price but the Respondent has failed to execute and register the agreements for sale and hand over possession of the apartments till date. Moreover, for a few allottees, the Respondent has failed to refund of the amount, till date. Therefore, they prayed that the Respondent be directed to execute and register the agreements for sale, to hand over possession of the apartments at the earliest, and pay them, not only, the interest for the delay, but also, the promised refund of the amounts; under Section 18 of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred to as the *said Act*).
2. The Respondent did not appear, inspite of notice of hearing being served upon him.
3. During the course of the hearing, it transpired that the project registered with MahaRERA is a redevelopment project under SRA and that SRA has removed the promoters from the said



project in the year 2017 and the legal proceedings are pending with SRA Grievance Committee.

4. The Complainants submitted that in previous Complaints bearing no. CC006000000078262 & Ors. filed against the said project, MahaRERA by its order dated May 22, 2019, has held that the Complainants right as allottees in the said MahaRERA registered shall continue even after such change of promoter and the status of the Complainants as allottees post such transfer shall remain unaltered as per the provisions of section 15 of the said Act, and that similar Orders be passed in the present Complaints also.
5. In view of the above facts and in view of the provisions of section 15 of the said Act, it is hereby ordered that the right of the Complainants as allottees in the said MahaRERA registered project shall continue to be protected even after such change of promoters.
6. The Respondent is hereby restrained from creating any new allottee in the project, till further orders.
7. Complainants are advised to become interveners in current litigations pending before SRA or any other Authority or forum or court.
8. Consequently, the matters are hereby disposed of with the above directions.


Gautam Chatterjee
Chairperson, MahaRERA