

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

1. COMPLAINT NO. CC005000000010676
Ashwini Kumar and Smita Gupta
 2. COMPLAINT NO. CC005000000022528
Mr. Senthil Kumar and Mrs. Seetha Lakshmi
 3. COMPLAINT NO. CC005000000022698
Santosh Prabhakar Kamble and Mrs. Priti Santosh Kamble
 4. COMPLAINT NO. CC005000000022743
Mr. Ashok Kumar Ganguli, through its POA Mr. Anubhav Ganguly; and
Mrs. Geetshree Ganguli, through its POA holder Mr. Anubhav Ganguly
 5. COMPLAINT NO. CC005000000022858
Parimal Jaladwar and Mrs. Mamta Parimal Jaladwar
 6. COMPLAINT NO. CC005000000022879
Harshawardhan. P. Rodge
 7. COMPLAINT NO. CC005000000023032
Rohit Mishra and Jyoti Mishra
 8. COMPLAINT NO. CC005000000023019
Khan Javid Khan
 9. COMPLAINT NO. CC005000000023049
Manoj Kolekar and Anita Kolekar
- ... Complainants

Versus

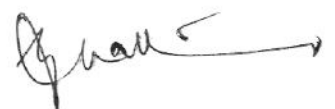
Vijcon Properties
MahaRERA project Regn. No. P52100004315

... Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant (1) was herself present.
Complainants (2), (3), (4), (5) were represented by Mr. Shashikant Zarkar, Adv.
Complainant (6) was represented by Mr. A. Rodge, Adv.
Complainants (7) were themselves present.
Complainants (8) and (9) were represented by Mr. Ravi Punjabi, Adv.

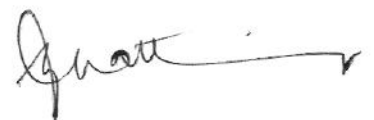
Respondent, Mr. Swapnil Agrawal, Authorised Signatory/Director, was himself present.



Interim Order

January 21, 2020

1. The Complainants have booked apartments in the Respondent's project "CELLANDINE" situated at village: Kasarsai, Taluka: Mulshi, District: Pune - 410506, through respective registered Agreements for Sale in the year 2013-2014. The Complainants have stated that the Respondent has delayed the completion of the project inordinately and failed to give possession in the year 2015 as promised in the Agreement for Sale/ Letter of Allotments. Some of the Complainants have prayed *inter alia* 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 have sought refund of the amounts paid, with interest.
2. The Respondent submitted during the course of hearings that he could not complete the project due to liquidity crunch. He added that he is still trying to get some investors into the project so that the same can be completed at the earliest. However, he was unable to say definitively, how he intends to complete the project.
3. In earlier Complaints bearing nos. CC005000000010676, CC005000000022497 and CC005000000022887 filed against this project by other allottees, the Complainants had decided to withdraw their complaints on the assurance given by the Respondent that the project work which is at a standstill will soon start and the delayed project would be completed. Though the project has a revised completion date of July, 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)(I) and section 11(1) of the Real Estate (Regulation and Development) Act, 2016 read with Regulation 4 of the MahaRERA General Regulations, 2017.
4. Since the Respondent has failed to honour the assurances made to the allottees and also failed in the statutory compliances required under the Real Estate (Regulation and Development) Act, 2016, the allottees should explore the possibility of invoking the provisions of section 7/8 of the said Act to complete the project through the association of allottees. 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.



5. 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.
6. The Respondent is hereby restrained from creating any further third party rights against unsold apartments in the project.
7. Further hearing in the matters to be scheduled in accordance with the progress made in the project as mentioned in para 5 above.


(Gautam Chatterjee)
Chairperson, MahaRERA