

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO. CC006000000056871

Pramila Sopan Parkhe ... Complainant

Versus

Ayodhya Construction Co ... Respondent (1)
MahaRERA Regn. No. P51800007485

Vimukta Shantiniketan Co-op Housing Society Ltd. ... Respondent (2)

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was represented by Adv. Nitin Parkhe a/w Adv. Sachin Karia.
Respondent (1), Mr. Yogesh Gala, Partner, was himself present.
Respondent (2) was represented by Ms. Vimal Dhalawane, Secretary.

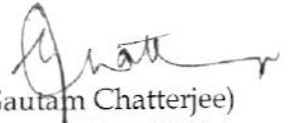
Order

(March 04, 2020)

1. The present application has been filed for non-compliance by the Respondents, in the complaint bearing no. CC006000000056871, wherein an Order dated February 11, 2019 (hereinafter referred to as the *said Order*) was passed by the Authority. In the said Order, the parties were directed to approach the Collector to obtain requisite permission for membership of the Complainant, and accordingly execute and register an agreement for sale, under the provisions of section 13 of the Maharashtra Real Estate (Regulation and Development) Act, 2016.
2. During the course of the hearing, Respondent (1) submitted that a first appeal against the said Order has been preferred by the Complainant herself in the Appellate Tribunal and hence, contested for the matter to be heard before this Authority.



3. In view of the above, since the said Order has been already raised before the Hon'ble Maharashtra Real Estate Appellate Tribunal (MahaREAT), the present application for non-compliance stands dismissed.


(Gautam Chatterjee)
Chairperson, MahaRERA

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COMPLAINT NO: CC006000000056871

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Versus

Ayodhya Construction Co

MahaRERA Regn. No. P51800007485

... Respondent no. 1

Vimukta Shantiniketan Co-op. Housing Society Ltd.

... Respondent no. 2

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was represented by Mr. Arun Panickar, Adv.

Respondent no. 1 did not appear.

Respondent no. 2 was represented by Mr. Cherin Lapashiya, Adv. (i/b Niranjana & Co.).

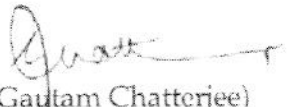
Order

February 11, 2019

1. The Complainant has stated that he had booked an apartment in the Respondent's project 'Saffron Residency Phase -1' situated at Kurla, Mumbai through an allotment letter dated December 11, 1988 with the erstwhile developer. He has further stated that all the liabilities of the erstwhile developer have now been taken over by the Respondent and therefore prayed that the Respondent be directed to execute and register the agreement for sale.
2. The learned counsel for the Respondent no. 2 submitted that the said project is being developed on land leased by the Government and induction of any new member requires prior approval from the collector. Further, he submitted that the erstwhile developer had applied for the said approval for the Complainant along with 55 other applicants, however, the same was rejected by the collector. Therefore, he submitted that the society cannot accept the Complainant as an allottee in the said project.



3. The learned counsel for the Complainant submitted that the Respondent has executed a development agreement with the erstwhile developer by virtue of which all the liabilities of the erstwhile developer have been assigned to the Respondent. Therefore, he submitted that the Respondent is liable to get the requisite permissions from the collector and have the agreement for sale executed and registered with the Complainant. He also submitted that the legal title report uploaded by the Respondent in their webpage, reflects the Complainant's name along with 51 other allottees and that the Respondent has executed and registered agreements for sale with 66 other allottees.
4. The learned counsel for the Respondent no. 2 submitted that all the said agreements for sale were executed after being approved by the collector.
5. In view of the above facts, the parties are directed to approach the collector to obtain requisite permission for membership of the Complainant in the society. Upon obtaining the requisite permission, the parties should execute and register the agreements for sale, as per the provisions of section 13 of the Real Estate (Regulation and Development) Act 2016 and the rules and regulations made thereunder.
6. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA