#### BEFORE THE

# MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY MUMBAI

### COMPLAINT NO: CC006000000057847

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Rakesh B. Thorat

Complainant

Versus

Neptune Developers Ltd MahaRERA Regn. No. P51700010102 Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was himself present. Respondent was represented by Mr. Sanjay Kotak, Adv.

### Order

## February 20, 2020

- 1. The Complainant has stated that he had booked apartments bearing nos. 604 and 605 -n building D8 in the Respondent's project 'NEPTUNE SWARAJYA SECTOR 2' situated at Ambivali, Kalyan in June 2010. The Complainant alleged that even after paying substantial amount towards the consideration price, the Respondent has failed to execute and register the agreement for sale. Therefore, the Complainant prayed that the Respondent be directed to execute and register the agreement for sale or refund the amounts paid by them along with interest.
- 2. The advocate for the Respondent submitted that though the booking was done in 2014, the project could not get the building plan approvals from the concerned planning authority and therefore, the project has not been registered with MahaRERA. He also stated that the Complainant is not an allottee in the project whose registration number has been quoted in the complaint. Further, he submitted that the Respondent had

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issued refund cheques in 2014 because the project was not progressing, however, the Complainant chose to continue in the said project.

- Since the Respondent does not have the requisite approvals in place to have the project registered with MahaRERA, no directions can be given to the Respondent to execute and register the agreement for sale for the said apartment.
- 4. In accordance with Para 86 of the judgement of Hon'ble Bombay High Court in Writ Petition No. 2737/- U Neelkamal Realtors. Vs. Union of India, RERA will apply after getting the project registered. Therefore, merits of the other grievances made by the Complainant have not been gone into. The Complainant has the liberty to raise the same in an appropriate forum.

5. Consequently, the matter is hereby disposed of.

Gautam Chatterjee (Chairperson, MahaRERA)