

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO. CC006000000110910

Abdul Asad Abdul Samad Siddiqui
Fatima Begum Asad Siddiqui

... Complainants

Versus

Hindustan Builder
MahaRERA project Regn. No. P51800013658

... Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants were themselves present a/w Mr. Rajesh Kanojia, Adv.

Respondent was represented by Mr. Vimlesh Singh, Adv. and Ms. Jyoti Singh, Authorised representative.


Order

February 13, 2020

1. The Complainants have purchased an apartment bearing no. 403/ B Wing, in the Respondent's project 'MINNAT APARTMENT' via a registered agreement for sale dated October 06, 2017. The Complainants have stated that as per the Agreement for Sale the proposed date of possession initially mentioned was June, 2011. It is the contention of the Complainants that the Respondent has failed to complete the project in the stipulated time as stated in the said agreement for sale. Therefore, the Complainants have prayed that the Respondent be directed to hand over possession of the apartment and pay them interest, on delay for the inability of the promoter to complete the project on time.



2. On the first date of hearing, the advocate for the Respondent sought an adjournment to seek instructions pertaining to the consideration amount paid by the Complainants.
3. On review of the Respondent's registration webpage it is observed that the Respondent has not uploaded the Annual Audit Report of Statutory C.A. - Form 5 for F.Y. 17-18 and F.Y. 18-19, as required under the provisions of section 4(2)(l) and section 11(1) of the Real Estate (Regulation and Development) Act, 2016 read with Regulation 4 of the MahaRERA General Regulations, 2017. Further, in Complaint no: CC006000000022858, the Respondent was directed to handover possession before the period ending September, 2019.
4. Since the Respondent has failed to complete the project in the stipulated time and has also failed to comply with the orders passed by MahaRERA and the statutory provisions of the Real Estate (Regulation and Development) Act, 2016, the only way forward would be to protect the right of the allottees, enable them to form an Association of Allottees (AOA) and the AOA to proceed under the provisions of section 7/8 of the said Act to complete the project. Allowing payment of interest on delay for a project at this stage, at a stand-still, will put pressure on the RERA designated Account, which needs to be judiciously managed by the AOA for project completion.
5. Therefore, the Respondent is directed to handover the list of allottees of the said project to the Complainants and the other allottees, along with their contact details, within 30 days from the date of the Order, to enable them to form an association of allottees (AOA) who may thereafter take an informed decision pertaining to the way forward in the said project, by invoking the provisions of Section 7 of the Real Estate (Regulation and Development) Act, 2016. Further, the Respondent is directed to upload the Annual Audit Report of Statutory C.A. - Form 5 for F.Y. 17-18 and F.Y. 18-19 within 15 days from the date of this Order.
6. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA