

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

1. COMPLAINT NO. CC006000000089649
Aliraza Hemani and Zeenat Hemani
2. COMPLAINT NO. CC006000000056536
Subramanian Jayram
3. COMPLAINT NO. CC006000000056790
Shishir Agarwal
4. COMPLAINT NO. CC006000000056225
Ramakrishna Shetty
5. COMPLAINT NO. CC006000000100538
Swaminathan Subramanian and Nilanjana Gulati

... Complainants

Versus

East and West Builders
MahaRERA project Regn. No. P51900011167

... Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants (1) were represented by Ms. Dimple Chavan, Adv.
Complainant (2) was represented by Mr. Anwar Landge, Adv. a/w Ms. Sonam Singh, Adv. (i/b. Adv. Harshad Bhadbhade).
Complainant (3) was represented by Mr. Sulaiman Bhimani, Authorised representative.
Complainant (4) were represented by Ms. Kusuma Shetty and Mr. Rohit Shetty, Authorised representatives.
Complainants (5) were represented by Mr. Abir Patel, Adv. (i/b. Wadia Ghandy & Co.).


Respondent was initially represented by Mr. Subit Chakraborty, Adv. a/w Mr. Vishal Dushing, Adv. (i/b. Vidhii Partners); and subsequently by Mr. Rajendra Singh, Adv.

Order


January 07, 2020



1. The Complainants have booked apartments in the Respondent's project 'Building no 4 on portion of CTS no 442 part 444 part 447 part and 625 part' situated at Sewree, Mumbai City-400015, through booking/allotment letters. The Complainants have stated that the Respondent has not only delayed the project inordinately, but also he has not carried out any construction in the project ever since the registration of the project with MahaRERA. Some of the Complainants have prayed *interalia* to direct the Respondent to execute agreements for sale and handover possession of the apartments at the earliest, while some of have sought refund of the amounts paid, with interest.
2. The Respondent has registered this on-going project with MahaRERA by stating a revised proposed date of completion of December, 2022. In an earlier complaint no. CC006000000012384, MahaRERA had, on February 20, 2018, ruled that the parties should execute and register agreement for sale within 30 days of the date of that order, with a completion date of May, 2022. However, the said order has not been acted upon by the Respondent. As stated in para 1 above, the Respondent has not carried out any construction work in the project after registering the project with MahaRERA.
3. The learned counsel for the Respondent, submitted that the Respondent's offices have been sealed and the project is at a standstill.
4. On review of the Respondent's registration webpage it is observed the Respondent has not uploaded the Annual Audit Report of Statutory CA - Form 5 for F.Y. 17-18 and F.Y. 18-19 till date 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.
5. Since the project has come to a standstill and that the Respondent has failed in the statutory compliances required under the Real Estate (Regulation and Development) Act, 2016 and also failed to act upon previous orders passed in the project, 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 only way forward would be to protect the right of the allottees and enable them to form an Association to decide on the way ahead.



6. In view of the above facts, the Respondent is directed to handover the list of allottees of the said project to the Complainants within 30 days from the date of the Order, to enable them to take an informed decision pertaining to the said project. Further, the Respondent is directed to upload the Annual Audit Report of Statutory CA - Form 5 for F.Y. 17-18 and F.Y. 18-19 within 15 days from the date of this Order.
7. The allottees are advised to form an association of allottees and thereafter take an informed decision pertaining to the said project and 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.
8. Consequently, the matters are hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA