

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

1. COMPLAINT NO. CC006000000057486
Papesh Laxman Murkute and 23 others
2. COMPLAINT NO: CC006000000079162
Deepchand Dharma Prajapati

... Complainants

Versus

Kuber Abhiraj Infra
MahaRERA Regn. No. P51700008998

... Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainants (1) were themselves present a/w Mr. Sachin Tidke, Adv.
Complainant (2) was himself present.
Respondent was represented by Mr. Vinaya Sakpal, Adv.

Order

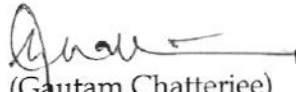
January 21, 2020

1. The Complainants have booked apartments, in the Respondent's Project 'Kuber Ganraj' situated at village: Titwala, Taluka: Kalyan, District: Thane- 421605, through various registered agreements for sale. The Complainants have stated that the Respondents have delayed the project inordinately and failed to give possession as promised in the Agreements for Sale. The Complainants have prayed inter alia to direct the Respondent to handover the possession of the apartments at the earliest with interest for the period of delay till possession.
2. During the hearing, the advocate for the Respondent submitted that there are disputes between the Landowner and the Respondent, due to which, the landowner is obstructing the Construction work and hence the project work could not be completed.
3. On review of the Respondent's registration webpage it is observed that the project registration time period of December 31, 2019, has lapsed but the project is far from



completion. The promoter has not sought any extension under section 6 of the Real Estate (Regulation and Development) Act, 2016. Further, the Respondent has not uploaded the Annual Audit Report of Statutory CA - Form 5 for FY 18-19 till date as required under the provisions of section 4(2) 1 and section 11(1) of the Real Estate (Regulation and Development) Act, 2016 (herein after referred as the said Act) read with regulation 4 of the MahaRERA General Regulations, 2017.

4. Since the Respondent has failed to complete the project and the registration period is also over, the only way forward, at this stage, would be to protect the right of the allottees and enable them to form an Association of Allottees (AOA) under the provisions of section 7/8 of the said Act to complete the 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 the Annual Audit Report of Statutory CA - Form 5 for FY 18-19 within 30 days from the date of this order.
6. The Respondent may seek the approval of the association of allottees for order under Section 7(3) of the said Act, as per MahaRERA Order no 7/2019 dated February 8, 2019 on Revocation of Registration of Project for reviving the said project.
7. Consequently, the matters are hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA