

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC006000000023145

Sunil Pius Dias ... Complainant

Versus

Omkar Ventures Pvt. Ltd.
MahaRERA Regn. No. P51800014195 ... Respondent

Coram: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was himself present a/w Mr. Avinash Pawar, Adv.
Respondent was represented by Adv. Devendra Patankar.


Order

February 26, 2020

1. In the Complaint bearing no. CC006000000023145 MahaRERA had passed an Order (*Rectified*) dated June 01, 2018. In the said Order (*Rectified*), the parties were directed to execute and register the agreement for sale, if the Complainant was willing to continue in the project.
Thereafter, an appeal was raised bearing appeal no. AT006000000010365 before the Hon'ble Maharashtra Real Estate Appellate Tribunal, wherein, by an Order dated December 13, 2018, the matter was remanded either to the Chairperson or Adjudicating Officer, MahaRERA, for deciding the complaint on its merits in the light of text of the complaint filed by the Complainant.
2. In light of the above, the matter was placed before the Hon'ble Chairperson, MahaRERA, and heard afresh on merits of the Complaint.
3. On the first date of hearing, time was provided to the parties to try to amicably resolve their issues.



4. On the subsequent date of hearing, the Complainant withdrew his complaint via an application dated February 25, 2020, stating that both the parties have amicably resolved and settled the issue, with liberty to approach MahaRERA again, if any of the terms of the settlement terms are violated by the Respondent, in future.
5. In view of the above, the present matter is disposed of as withdrawn.


(Gautam Chatterjee)
Chairperson, MahaRERA

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Rectified Order

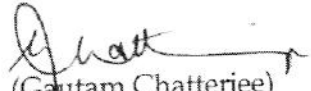
June 1, 2018

1. This order was passed on 3rd April, 2018. The date of original order passed had mentioned "3rd March, 2018", which has been rectified on 1st June, 2018.
2. The Complainant has invested certain amount through an Investment Agreement dated 27th May 2013 in the Respondent's project situated at Village Majas Mogra, Taluka Andheri, Mumbai which is now registered as a new project with MahaRERA. The Complainant has alleged that, as per the Investment Agreement, the Respondent had to complete the construction work within 24 months. However, till date the construction work is not completed and the Respondent has put proposed date of completion as 31st March 2022 in the MahaRERA registration webpage. He has approached this Authority with a prayer to direct the Respondent to hand over the possession of his apartment within 6 weeks.
3. The advocate for the Respondent argued that the Complainant and the Respondent had entered into an investment agreement much before the project got approval from the Planning Authority. The said agreement was not an agreement for sale and



therefore, the Complainant is not an allottee, but an investor in the project. and hence his complaint is not maintainable in this Authority. However, both the parties, during the course of hearing, have shown willingness to settle the matter amicably.

4. In view of the above facts and in case the Complainant is willing to continue in the said project as an allottee, the parties are directed to execute and register agreement 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 within 30 days from the date of this Order.
5. Consequently, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA