

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC005000000012006

Nutan Mandke ... Complainant

Versus

DSKULKARNI AND COMPANY
MahaRERA Regn. No: P52100005152 ... Respondent

Coram: Shri. Gautam Chatterjee, Chairperson, MahaRERA

No one appeared on behalf of the parties

Order

December 09, 2020

1. The complainant has stated that she is an allottee in the Respondent's project 'DSK NABHANGAN' located at Dhayari, Pune via registered agreement for sale dated July 3, 2015. The Complainant has further stated that the date of handing over possession as promised by the Respondent is long over but the project work is incomplete and stalled and she is yet to receive possession of her apartment. Therefore, the Complainant has prayed, inter alia, that the Respondent be directed to handover possession of the apartment at the earliest and pay her interest for delay.
2. The key persons managing the Respondent Company have been arrested for economic offences. The Government of Maharashtra, through two official gazettes No. EOF 1217/C.R.646/Pol 13. and No. EOF 1217/C.R.646/part I/Pol 13. dated May 05, 2018 (hereinafter referred to as the "said Notifications"), has provisionally attached certain properties/land and bank accounts standing in the name of DSK Group. The list includes properties/land on which real estate projects of DSK Group, registered with MahaRERA are underway and also lands which were duly mortgaged with financial

institutions such as SBI, ICICI Bank etc. The list of properties and bank accounts attached under the said Notifications are appended to the said notifications. As per the requirement of the Maharashtra Protection of Interest of Depositors (in Financial Establishment) Act, 1999 (Mah. XVI of 2000) (hereinafter referred to as "the MPID Act"), the Competent Authority has filed application before the MPID Court (Pune) to confirm the aforementioned provisional attachment and the same is pending for adjudication.

3. Keeping in mind, the ultimate objective of the Real Estate (Regulation and Development) Act, 2016, being project completion and handing over houses to the allottees, MahaRERA felt that the said properties/lands of the DSK Group that are part of the projects registered with MahaRERA, be delisted from the said Notifications to enable MahaRERA to use the provisions of Sections 7 and 8 of the Act to complete the balance work. It is pertinent to note that most of these MahaRERA registered projects of DSK Group are at an advanced stage of completion and a quick redressal of the issue at hand will result in close to 2000 allottees receiving their completed apartments. Therefore, in the interest of the home buyers, MahaRERA vide Letter dated January 29, 2019 has requested the State Government to delist the properties/lands, which have MahaRERA registered projects.
4. In view of the said Notifications and the subsequent proceedings in the MPID Court, it has become untenable for MahaRERA to issue any directions/orders regarding project completion with the help of the Association of Allottees under Section 7 & 8 of the RERA Act or even give adjudication with regard to refund of amounts paid or rulings with regard to awarding interest on delay, under the provisions of Section 18 of the RERA Act, at this stage.
5. The complaint is disposed of with the above observations.

Gautam Chatterjee  Digitally signed by Gautam Chatterjee
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(Gautam Chatterjee)
Chairperson, MahaRERA