

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO. CC006000000001540

Pinak Avinash Saraf ... Complainant

Versus

Shree Balaji Builders and Developers
MahaRERA Regn. No. P51700013660 ... Respondent

Corum: Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was represented by Mr. Avinash Saraf, Authorised representative.
Respondent did not appear.


Order

January 22, 2020

1. The Complainant has stated that he has booked an apartment bearing no. 604 in Wing F, via an allotment letter dated April 06, 2014, in the Respondent's project "Shree Balajis Srushtee" situated at Kalyan-Dombivali (M Corp.), Thane - 421204. He further stated that since the Respondent did not have valid building plan approvals like an IOD/ CC for the 'F' wing, he did not start the construction, and consequently informed the Complainant in the year 2016. The Respondent thereafter offered to refund the entire amount paid by the Complainant, however, he has failed to do so, till date. Therefore, the Complainant has prayed to direct the Respondent to refund the amount with interest, under the relevant provisions of the Real Estate (Regulation and Development) Act, 2016.
2. The Respondent did not appear in spite of service of notice.



3. During the course of the hearing, it was explained to the Complainant that the complaint has been filed against a registered project in which he is not an allottee. Wing 'F' cannot be registered with MahaRERA as there are no valid approvals for Wing 'F'.
4. It was also explained that as stated in Para 86 of the judgement of Hon'ble Bombay High Court in *Writ Petition No. 2737/- U Neelkamal Realtors. Vs. Union of India*, RERA will apply after getting the project registered. Therefore, merits of the other grievances made by the Complainant have not been gone into. The Complainant has the liberty to raise the same in an appropriate forum.
5. In view of the above facts, the matter is hereby disposed of.


(Gautam Chatterjee)
Chairperson, MahaRERA