

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,
MUMBAI**

COMPLAINT No: SC10000321

Mr. Hemant Digambar Karmarkar

..... Complainant

Versus

Rajmudra Agro Developers Pvt.Ltd.

..... Respondent.

Coram: Hon'ble Dr. Vijay Satbir Singh, Member 1

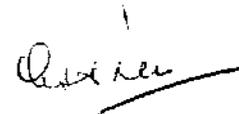
Heard Adv. Anand Akut for the complainants .

None appear for the Respondent.

Order

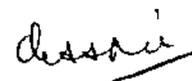
(17th October, 2018)

1. The complainant have filed this complaint seeking possession of their Row Houses in the plotted development project known as "Indeveer/ shivasparsha", Bhor, Pune . The complainant have argued that they have purchased the said plots from the Respondent and paid around 30 lakhs rupees for each plot.
2. The Respondent has executed 2 agreements with the complainant that is one agreement is sale of plot and another one was for construction on the agricultural plot and there is forests exists on site. Before going into the merits of the case the MahaRERA has to decide the project under reference is



required to be registered with MahaRERA under section 3 of the RERA ACT, from the documents produced by the complainants shows that the land under reference is agricultural land and no developments permissions have been obtained from the concerned Competent Authority under the provisions of MR & TP Act, 1996.

3. The MahaRERA feels that a Real Estate project necessarily require development and the development has to be given by the Competent Authority under the provisions of MR & TP Act, 1996, or any local law for time being in force .In the present case prima facie it appears that the subject plots are the agricultural land and till date there is no permissions granted by the Competent Authority for development of the said land such as NA order and therefore the MahaRERA is of the view that it is not a project as defined u/s 2 (zn) of the RERA ACT. Hence same cannot be registered u/s 3 of the RERA ACT.
4. However since the complainant has brought to the notice of MahaRERA that the unauthorized and unplanned layout without permission of Competent Authority has been started by the Respondent and therefore the matter be referred to the concerned Competent Authority under whose jurisdiction the said projects situates for taking appropriate action for such unauthorized and unplanned project by the Respondents.
5. With the above directions the complaint stand disposed off.



(Dr. Vijay Satbir Singh)
Member-1/MahaRERA