

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO. CC006000000100383

ASHTHVINAYAK SRA CHS ... Complainant

Versus

SSV REALTORS  
MahaRERA project Regn. No. ~~FS1800012063~~ ... Respondent

**Corum:** Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant were themselves present a/w Adv. Rahul Rawal.  
Respondent was represented by Mr. Aditya Deolekar, Adv. i/b. Trsna Legal.  
Mr. Kishor Ravilal Patel, Promoter/Landowner, was himself present.

**Order**

February 03, 2020

1. The Complainant is the original society of the slum dwellers which was formed for the redevelopment of the slums under the Slum Rehabilitation scheme. The Complainant has stated that the Respondent, who was implementing the Slum Rehabilitation Scheme in respect of the project "*Laaffaires Avenue Commercial and Laflor Residency Commercial*" situated at Ghatkopar, Mumbai has been terminated by the SRA vide Order under Section 13(2) of Slum Act passed on February 12, 2016 due to inordinate delay in implementation of the scheme by him. Further, they have stated that the owners of the property have also cancelled the Development Agreement executed by them in favour of the Respondent on March 10, 2016.



They have stated that the Respondent had challenged the said 13(2) order by filing Application No.60 of 2016 before Hon'ble AGRC and the Hon'ble AGRC vide its Order dated February 16, 2019 has dismissed the said Application and confirmed the Order passed by SRA u/s 13(2) of Slum Act. They have stated that, pursuant to the Order passed by SRA u/s 13(2), the Complainant is taking further necessary steps for implementation of the scheme through the land owner.

The Complainant has stated that on the date of making application to MahaRERA for registration of the said project and even today, the Respondent had no power /authority to make an application for registration of the project. The Respondent has deliberately suppressed the above facts and several other facts from this Authority and got the project registered by misrepresentation of facts and therefore the MahaRERA registration obtained by the Respondent is *ab-initio* null and void.

2. They have stated that the Respondent, before and after obtaining the said registration, the Respondent has cheated several persons by accepting monies from them and it is most likely that, the Respondent may indulge into such fraudulent practices even in future. By referring to the RERA registration of the project on the official website of MahaRERA, innocent, bonafide customers may suffer due to unlawful action of the Respondent. Therefore, they prayed that in the interest of members of the Complainant society and in the interest of general public, the registration of the said project, obtained by the Respondent, fraudulently, as explained above, be declared void *ab initio*.
3. MahaRERA vide its resolution dated May 11, 2017 has delegated its powers to the Chairperson to approve registration of projects, however, the powers to reject such applications vests with MahaRERA. Accordingly, the present Complaint was listed for hearing before the full bench
4. On review of the Respondent's project registration webpage, it is observed that the Respondent has added the names of the Complainant, Ravilal K Patel and Others, Tenants Association of Damji Sadan, HPA Spaces Pvt Ltd, SSV Developers and Builders Pvt Ltd and Laxmi SRA CHS as Promoter (Land Owner/ Investor).



The Tenants Association of Damji Sadan and Laxmi SRA CHS have submitted letters to MahaRERA stating that they are neither part of the Complainant Society nor the said project and that the Respondent has not taken their consent for adding their names as Promoter (Land Owner/ Investor) in the said project and therefore their names be deleted from the Respondent' registration webpage.

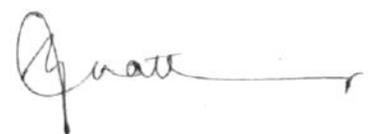
5. None appeared for the Respondent on the first two dates of hearing i.e. on September 11, 2019 and November 26, 2019, despite service of notice. In the interest of natural justice, the matter was posted for hearing again and notice to appear was served on the Respondent again.
6. On the day of the final hearing on January 14, 2020, the learned counsel for the Respondent appeared and submitted that though the SRA had terminated him as a developer of the project vide its order dated February 12, 2016, the Respondent was in the process of filing an appeal when he made application to MahaRERA for registration. He further said that SRA had given the Complainant a time period of three months to appoint a new developer but the Complainant has failed to do so and by virtue of which the Respondent continues to be the promoter of the said project.
7. Section 5(1)b of the Real Estate (Regulation and Development) Act 2016 reads as;

*5. (1) On receipt of the application under sub-section (1) of section 4, the Authority shall within a period of thirty days:*

*(b) reject the application for reasons to be recorded in writing, if such application does not conform to the provisions of this Act or the rules or regulations made thereunder:*

*Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard in the matter.*

8. In view of the above, it is evidently clear that at the time of registering the said project with MahaRERA, the Respondent was not the promoter of the said project and has failed to show as on date that he has been reappointed as the promoter of the said project. Therefore, the MahaRERA registration of the said project was *void ab initio*.



9. MahaRERA secretariat is hereby directed to take necessary action to ensure that the said project is removed from the list of MahaRERA registered projects.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA

  
(Dr. Vijay Satbir Singh)  
Member-I, MahaRERA

  
(B.D. Kapdnis)  
Member- II, MahaRERA