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MahaRERA

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Sweetey Adimulam | **Updated:** Thursday, October 08, 2020, 08:50 AM IST



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The Maharashtra Real Estate Regulatory Authority (MahaRERA) held Cordcon builders Pvt. Ltd. guilty for carrying out “unfair practices” by promoting the sale of flats for which he has no approval to construct. MahaRERA, therefore, directed the developer to refund the amount paid by the complainant in project ‘Indian Ocean’ at Andheri.

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Homebuyer Rashiquah Shakeel Shakeel Ahmad had booked an apartment in Cordcon Builders Pvt Ltd.'s project at Andheri. A memorandum of understanding (MoU) was also executed in October 2015 wherein the buyer paid 81 per cent of the consideration amount, however, the builder failed to obtain approval and not entered into sale agreement.



The complainant alleged that the builder illegally sold the said apartment on 17th floor by making false representation that approvals would be obtained. While the builder had permission to construct 15 floors, he failed to acquire further approvals till date. The buyer therefore, demanded for refund of the amount paid along with interest and payment of arrears of compensation towards rent at the promised rate.

Advocate Tanuj Lodha who appeared for the complainant submitted that no settlement could be reached between the parties. Also he informed that the builders had given the option to the buyer to mutually end the transaction of sale of the said apartment, in case if he fails to provide possession of the flat before the period ending December, 2019.

The advocate appearing for the builder on the first date of hearing submitted that they do not have the requisite approvals for the 17th floor construction and are paying compensatory rent to the complainant. In next hearing the builder's counsel said that they are unable to obtain approvals for the construction of higher floors in the said project and are willing to offer an alternate apartment.

The buyer did not like the alternative apartment offered.

After considering all submissions made by the stakeholders, Chairperson MahaRERA Gautam Chatterjee observed that the said project is registered up to 16 slabs of super structure and the complainant's apartment is not part of the registered project. Hence, he is not an allottee and relief sought under and 18 of RERA will not apply. Also, it cited, though the complainant's a is not registered with MahaRERA, the act of taking money by the prom

the proposed apartment and issuing an allotment letter, execution of

<https://www.freepressjournal.in/mumbai/maharera-holds-cordcon-builders-guilty-of-unfair-practice>

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