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# MahaRERA directs SSD Escatics to refund buyers over wrong claims

*Buyers in Goregaon project get refund with interest since June 2014; developer found guilty of false claims about commencement certificate*

Satish Nandgaonkar Mumbai Mirror May 06, 2019, 11:00 IST



The [Maharashtra](#) Real Estate [Regulatory](#) Authority ([MahaRERA](#)) has directed the [SSD Escatics](#) Private Ltd to refund a home buyers from a Goregaon project a sum of Rs 71 lakh with 10.75 per cent interest from June

2014 after ruling that the developer had made false statements of giving possession by December 2016 and claimed Commencement Certificate (CC) till 14th floor when he had CC only till 7th floor.

Home buyers Kishore Hassanandani and Nishta Sharma had booked flat A-903 on the 12th floor of Goregaon Pearl CHS Ltd in Goregaon West in November 2013. They were promised possession on or before December 2016.

The flat in question is in the free sale component of Goregaon Pearl MHADA redevelopment project undertaken by SSD Escatics Pvt Ltd, a part of the Jayesh and Deep Tanna-promoted Shree Sai

Developers group.

Pleading not guilty, advocates Abhay Arora and Karan Bhosale, appearing for the developer, cited Maharashtra government's restriction in sanctioning pro-rata FSI and the injunctions given in litigations by the Goregaon Pearl Co-operative Housing Society for the delay in completion. They submitted that in January 2015, the Maharashtra government issued a circular restraining its officers from sanctioning the pro-rata FSI which was only lifted in July 2017.

They submitted that the society filed two arbitration petitions in 2016 and 2018 in which the court had restrained the developer from creating any third party rights and handing over possession of any flats of the project.

On the point of Commencement Certificate, the advocates claimed that the developer had received CC up to 7th floor on February 15, 2014 but blamed one of their employees for changing it from 7th floor to 14th floor. The developer had already sacked the employee for the mischief, they said.

After hearing both parties, MahaRERA Member Bhalchandra Kapadnis said the developer had accepted 44 per cent of the flat cost without registering an agreement though both Maharashtra Ownership of Flats Act (MOFA) and RERA provisions prohibit promoters from accepting more than 10 to 20 per cent of flat cost without first registering an agreement for sale.

Kapadnis said the documents show that December 31, 2016 was the proposed date of possession and held the developer had made a false statement. Stating that even if the reasons for the delay cited by the developer were really true, he said under Section 8 of MOFA the date of possession cannot be extended beyond six months under any circumstances.

Kapadnis said the developer may blame an employee for playing mischief and forgery with the CC, but they sold the 12th floor flat without a CC. "However, the fact remains that though the respondents do not have Commencement Certificate for constructing the 12th floor where the complainants booked the flat, they agreed to sell it," he observed in his May 2 order.

Advocate Tanuj Lodha, appearing for the home buyers, cited the Supreme Court judgement in Kolkata West International City Pvt Ltd vs Devashish Rudra in which the apex court held that possession of the booked flat must be handed over within a reasonable time period.

"The complainants have booked the flat in 2013 i.e. six years ago, and this period cannot be said to be reasonable period. Therefore I find that the complainants are entitled to get refund of their amount under Section 12 with interest from the date of payment till the refund," he said.

Aggrieved parties can challenge MahaRERA orders before the Maharashtra Real Estate Appellate Tribunal within 60 days.

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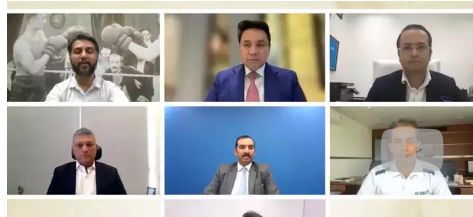


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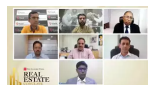


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*Raju Patel, 43, a resident of Jodhpur, stated in his complaint that in 2016 he went to the office of Priti as he wanted to buy a flat in the Floris 41 scheme. At the office, Patel met Navin Thakkar, Haresh, Nagindas and Pradip Akhani.*

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## SC exempts buildings up to 17.5 metre tall with stilts from Delhi fire rules

*A bench of Justice Indira Banerjee and Justice V Ramasubramanian said the 15-metre limit would apply to buildings without stilts, while buildings with stilts can be as tall as 17.5 metre, and any building above 17.5 metre would come in the category of high rise.*

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## Property tax collection soars to Rs 2.5 crore per day in Coimbatore

*According to a corporation official, the property tax collection now stands at 2.5 crore a day on an average, compared to 1.25-1.5 crore before the tax was hiked in the previous financial year.*

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## SC allows ex-Unitech promoter's wife to move trial court for bail in ED case

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## MahaRERA to start issuing notices to 'lapsed' projects from this month

*The Maharashtra Real Estate Regulatory Authority (MahaRERA) has declared 4,555 realty projects as "lapsed". In the first phase, MahaRERA will issue notices to developers registered with various developers' bodies, followed by those nearing construction.*

Nisha Nambiar TNN

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## Vacate three rickety buildings in Jogeshwari West: Bombay HC

*The direction by Justices Ramesh Dhanuka and Kamal Khata was passed on a 2018 petition by 59 out of 88 tenants of Kunj Niwas that comprises three buildings of 1, 2 and 3 floors, respectively.*

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## Hyderabad civic body

## inches closer to Rs 2,000 crore property tax target

*According to official data, till August 2, 2022, the civic body earned 993.88 crore from 9.64 lakh property owners. The corporation has set a target of 2,000 crore for the financial year 2022-23.*

Ujwal Bommakanti TNN

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## NCLAT rejects Satra Properties plea, sends company into insolvency

*Praful Nanji Satra, promoter of the listed company, had challenged a plea filed by VISTRA ITCL India with regards to the company's default on secured redeemable non-convertible debentures (NCDs) worth ₹56 crore.*

Kailash Babar & Maulik Vyas ET Bureau

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## Amrapali project: SC tells authorities to be non-obstructive on unused FAR for funding

*The court directed senior officials of Noida and Greater Noida authorities to be present in court along with their advocate on the next date of hearing to thrash out the issue on selling of FAR.*

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