

**THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI.**

**COMPLAINT NO: CC006000000054718.**

Bhavanj Kanji Shah

... Complainant.

**Versus**

Shree Siddhivinayak Enterprises  
(Sudama Regency)

...Respondents.

MahaRERA Regn: P51700001217.

**Coram:** Shri B.D. Kapadnis,  
Hon'ble Member & Adjudicating Officer.

**Appearance:**

Complainant: Adv. Vrishali Nayar.

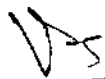
Respondents: Absent.

**FINAL ORDER**

**19<sup>th</sup> September 2018.**

The complainant, in this complaint filed under Section 13 of the Real Estate (Regulation and Development) Act, 2016 contends that he booked flat no. 303 in respondents' registered project 'Sudama Regency' situated at Thane. The respondents failed to execute its agreement for sale and register it even after receiving its full consideration Rs. 16,15,000/-. The complainant is ready to perform his part of the contract for execution of the agreement for sale.

2. The respondents have pleaded not guilty. They have not appeared today and have not filed reply to contest the matter. There is no dispute that complainant paid entire consideration of Rs. 16,15,000/- which is more than legal requirement of 10% of the total consideration. It is reflected in the allotment letter. Section 13 of RERA makes the promoter duty bound

  
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to execute the agreement for sale before receiving more than 10% of the total consideration of the flat. Hence, the complainant is entitled to get the agreement for sale executed and registered.

3. The allotment letter further shows that the agreed date of the possession shall be 31<sup>st</sup> December 2018. The proposed date of the completion put by the respondents on the web page of MahaRERA is 31.03.2022. After taking into consideration the fact that the agreed date of possession is 31.12.2018, the respondents are directed to mention the same date of possession in the agreement. Hence, the following order.

### ORDER

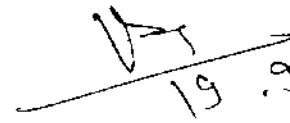
The respondents shall execute the agreement for sale of flat no. 303 of Sudama Regency by putting 31.12.2018 as the date of possession, within 15 days of this order.

The complainant shall cooperate with the respondents for execution of the agreement by paying the necessary charges for registration and execution of the agreement, if not paid earlier.

The respondents shall pay the complainant Rs. 10,000/- towards the cost of the complaint.

Mumbai.

Date: 19.09.2018.

  
19.9.18  
(B. D. Kapadnis)  
Member & Adjudicating Officer,  
MahaRERA, Mumbai.