

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO: CC006000000000582

Modern Abodes Pvt. Ltd

...

Complainant

Vs

Balsam Developers Pvt. Ltd  
MahaRERA Regn: P52000006638

...

Respondent

**Coram**

Hon'ble Shri Gautam Chatterjee, Chairperson

4<sup>th</sup> October 2017

**Final Order**

Complainant was represented by Mr. Vinod Kashid, Adv.

Respondent was represented by Mr. Jeetendra Sachdev, Adv.

In 2009, the complainant had purchased and taken possession of two open developed plots from the respondent and thereafter, in 2011, the complainant had given contract to the respondent's sister concern (where the respondent is a director) to construct bungalows on the said plots. The complainant has, now, in his complaint alleged that the respondent has failed to handover the possession of one of the said bungalows and that the respondent has since 2014 given the said bungalows on rent.

Therefore, the complainant prayed for the following orders:

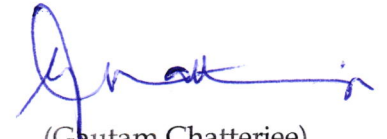
- a) that the respondent be directed to handover the possession of the said bungalow
- b) the respondent be directed to pay all the outstanding rent for the bungalows
- c) the respondent be directed to maintain the said bungalows to their existing condition as mentioned in the agreement
- d) the respondent be directed to compensate the complainant for causing damages to the bungalows.



The advocate for the respondent argued that the complaint is not maintainable as the subject matter as alleged does not fall within the jurisdiction of this Authority.

Considering the above stated facts and the provisions of the Real Estate (Regulation and Development) Act 2016 (hereinafter referred to as the said Act) the respondent has handed over the possession of the developed plots purchased by the complainant and thereby the role of the promoter in this specific case has ceased to exist. The contract to construct the said bungalows between the parties is not a matter of jurisdiction of this Authority.

In view of the aforesaid facts, the complaint is dismissed.



(Gautam Chatterjee)  
Hon'ble Chairperson, MahaRERA