

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,
MUMBAI

Complaint No. CC12502735

Sanjay P. Vohra

... Complainant

Versus

Sanjona Builders

... Respondent

MahaRERA Project Registration No. P51800033199

Coram: Shri. Mahesh Pathak, Hon'ble Member - I/MahaRERA.

The complainant appeared in person.

Ld. Adv. Bhumika Patel appeared for the respondent.

FINAL ORDER

(Order Pronounced on Tuesday, 2nd December 2025)

(Matter reserved for orders on 01-09-2025)

(Hearing Through Hybrid Mode)

1. The complainant above named has filed this online complaint before the MahaRERA on 12-07-2024 mainly seeking directions from the MahaRERA, to revoke registration, as prescribed under the provisions of Section 7 of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred to as 'RERA') in respect of booking of Unit No. 402 (hereinafter referred to as "the said flat") in the respondent's registered project known as "**Abhilash Phase II**" bearing MahaRERA registration No. **P51800033199** located at Plot No. 428 and 429 C.T.S No. 1275,1275/1 to 5, Taluka Kurla, Dist. Mumbai Suburban (hereinafter referred to as the 'said project').
2. This complaint was heard by MahaRERA on several occasions and the same was heard finally on 01-09-2025 as per Circular No. 48 dated 11-08-2025 issued by MahaRERA for hearing of complaints through Hybrid Mode. Both the parties have been issued prior intimation of this hearing, and they were also informed to file their written submissions if any. On the said dates of hearing, both the parties appeared

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as per their appearances recorded in the Roznamas and made their respective submissions. The MahaRERA heard the submissions of both the parties as per their appearances and also perused the available record.

3. After hearing the arguments of both the parties, the following Roznamas were recorded in this complaint:-

i) On 01-09-2025 :

"First Hearing Matter"

"Both the parties are present. At the outset, MahaRERA has pointed out that this complaint is not maintainable since: i) the complainant is the son of a member in the Housing Society for which has undertaken the said redevelopment project; ii) The complainant is raising group issues by filing this complaint in his individual capacity; iii) The complainant has also filed the complaint in the wrong registration number(as per the respondent).; iv) The OC has already been received in April 2024 and the complainant's mother has been asked to take possession. In view of the above, the respondent may file a reply on the issue of maintainability of this complaint within a period of one week i.e. by 08-09-2025. Further one week's time i.e. till 15-09-2025 is granted to the complainant to file rejoinder to the reply of the respondent. Both parties may file written submissions along with their reply/rejoinder. Accordingly, the matter is reserved for order suitably after 15-09-2025 based on the arguments in the hearing and the reply, rejoinder, written submissions filed and the documents in the project registration details. The registry may verify both the said project registrations, mentioned by the complainant in the complaint. Future course of action in this matter would be taken once such an order on maintainability is issued."

4. Pursuant to directions in the aforesaid hearing, the respondent has filed its reply on the issue of maintainability of this complaint. The same is accepted and taken on record. Hence, the MahaRERA has perused the available record.

5. It is the case of the complainant that serious fraud and irregularities are evident from the details available on the MahaRERA website. The complainant stated that the promoter has illegally obtained two separate MahaRERA registration numbers for a

single building, being shown as Phase I (P51800001840) and Phase II (P51800033199), which is impermissible and amounts to fraud and an attempt to mislead both MahaRERA and homebuyers. Phase I is shown as a completed 13-storeyed building with pocket terraces on the 4th-floor level, whereas Phase II is shown as construction being carried out on top of those pocket terraces, which is illegal. The complainant further stated that one of the partners, Sunil Gupta, who is shown as a promoter/partner on the MahaRERA website, expired in 2022, and therefore the partnership firm, as displayed, has ceased to legally exist. A fresh partnership deed should have been executed and submitted to the authorities, but the same has not been done. Moreover, Form 4 (Affidavit-cum-Declaration) uploaded on the MahaRERA portal is signed by Sunil Gupta as deponent, even though he passed away in 2022, making the declaration invalid and fraudulent. The complainant also alleged that the Society has illegally sold 16,700 sq. ft. of fungible FSI to Sanjona Builders for Rs. 56 lakhs, whereas the Government Ready Reckoner value is Rs. 13.73 crores and the market value exceed Rs. 60 crores. Since this is a redevelopment project, the fungible FSI allotted to members for increasing their habitable area is non-transferable, making the sale and its utilisation for free-sale flats illegal. The complainant states that several free-sale flats in Phase I and Phase II are constructed using this illegally obtained fungible area. It is further alleged that, as per MCGM noting and MOFA requirements, the promoter was required to obtain consent from all existing members and new purchasers, including the owner of Flat No. 402, which was not done. Despite this, construction has been carried out on the 4th-floor pocket terrace, which was originally completed in 2016. The promoter has also obtained Part OC for 13 floors on 27.09.2023, while continuing illegal construction on the 4th-floor level in 2025. The complainant highlighted that an 87-year-old senior citizen, Smt. Santosh Vohra (owner of Flat No. 402), is being coerced to waive arrears of rent for her temporary accommodation under threat that possession will not be handed over, despite Part OC having been received in September 2023. The complainant therefore stated that the entire project is tainted with fraud, illegality, and violation of MahaRERA, MCGM norms, and MOFA provisions, and accordingly prays for revocation of the project registration.

6. The respondent has filed its reply on the issue of maintainability, wherein it is stated that the respondent is a Partnership Firm and the Promoter/Developer under Section 2(zk) of RERA, 2016, for the residential building "ABHILASH PHASE II." It is submitted that the complainant does not fall within the definition of an "allottee" under Section 2(d) of RERA, 2016, as no Agreement for Sale has ever been executed between the parties. The complainant is only a member of the society in a redevelopment project, and therefore the rehabilitation component falls outside the jurisdiction of MahaRERA. The respondent has further submitted various grounds of non-maintainability:

i. The complaint has not been filed in the prescribed Form A, in contravention of MahaRERA Order No. 11 dated 23/10/2019.

ii. The complaints at Sr. Nos. 1 and 2 are not in the appropriate format, making it difficult to adjudicate or verify the claims. The complainants have failed to submit clear, legible, or reliable evidence.

iii. The complainant has no locus standi, as they are not "allottees," having neither executed an Agreement for Sale nor purchased any unit in the project "Abhilash Phase II." Hence, they cannot be considered "aggrieved persons" under Section 31 of RERA.

iv. The complainant has not annexed any documentary evidence, such as an Agreement for Sale, Allotment Letter, payment receipts, Power of Attorney, or any document identifying the flat, its consideration, or possession date. In the absence of these mandatory details, the complaint is liable to be dismissed.

v. It is submitted that the flat in question forms part of the redevelopment component of "ABHILASH" (RERA Reg. No. P51800001840), undertaken by M/s Sanjona Builders, and not the project in which the present complaint is filed. Further, the concerned existing society member has not purchased any additional area; therefore, the flat is exempt under Section 3(2)(c) of the RERA and does not require RERA registration.

vii. The respondent has already obtained a Part Occupancy Certificate (POC) on 27/09/2023 for stilt + 1st to 13th floors (except the 6th floor), along with the engineer's certificate and all requisite permissions. The POC establishes that the building is habitable and possession can be handed over for flats covered under it. Since the

subject flat forms part of the redevelopment component, it is exempt under Section 3(2)(c) and outside the jurisdiction of MahaRERA. Issues of common amenities can only be raised collectively by the society or association of allottees, not by an individual. Moreover, the complaint has been filed after issuance of the POC and the offer of possession, disentitling the complainant from any relief. In view of the above submissions, the respondent prayed that the complaint be dismissed in limine as not maintainable.

7. The MahaRERA has examined the submissions made by both parties and also perused the available record. The complainant by filing this complaint under the provisions of section 31 of the RERA, is mainly seeking substantive reliefs towards the revocation of the said project registration granted in favour of the respondent under section 7 of the RERA alleging various illegalities done by the respondent while implementing the said project.
8. The complainant has mainly contended that i) the respondent has registered one single building as two separate phases under MahaRERA project registration numbers P51800001840 (Phase I) and P51800033199 (Phase II); ii) although one of the partners of the respondent firm, Mr. Sunil Gupta, expired in 2022, his name continues to be shown as a partner on the MahaRERA website, and the respondent has not uploaded a revised partnership deed; iii) the society has illegally sold FSI to the respondent for an amount of Rs. 56,00,000/-, although the prevailing market value of the said FSI is alleged to be more than Rs. 60 crores; iv) the respondent has allegedly stopped paying rent to the complainant's mother without any lawful justification; and v) although the OC for the project was obtained in the year 2023, the respondent is still illegally carrying out construction in the building. In view of these grounds, the complainant has prayed for revocation of the project registration.
9. The respondent, by filing its reply on the record of MahaRERA, has refuted the complainant's allegations and has primarily raised the issue of maintainability of the complaint on the following grounds:
 - a) the complainant forms part of the redevelopment component, which does not fall within the ambit of RERA;
 - b) the complainant is not an allottee in the said project and therefore has no locus

standi to file the complaint;

c) a part OC for the project has already been obtained on 27-09-2023 up to the 13th floor (except the 6th floor), and therefore any issues relating to common amenities must be raised by the society or the association of allottees formed in the project;

d) the flat referred to by the complainant (Flat No. 402 of Smt. Santosh Vohra) pertains to Phase I of the project registered under MahaRERA No. P51800001840, whereas the present complaint concerns Phase II registered under No. P51800033199, and hence is not maintainable.

On all these grounds, the respondent has prayed for dismissal of the complaint.

10. Hence, before dealing with the facts of this complaint on merits, the MahaRERA needs to decide the said issue of maintainability of this complaint raised by the respondent being a preliminary issue.
11. During the course of hearing, both parties were directed to file their respective reply/rejoinder/written submissions on record of MahaRERA on the aforesaid issues of maintainable raised by the respondent.
12. Accordingly, the respondent has filed its reply on the record of MahaRERA on 15-10-2025, reiterating the aforesaid grounds regarding the maintainability of the complaint and has prayed for dismissal of the complaint as not maintainable.
13. However, the complainant despite directions, has failed to file any rejoinder/ written submissions on the said issue of maintainability raised by the respondent. Hence, all the said issue of maintainability of this complaint raised by the respondent remains undisputed and unchallenged.
14. Be that as it may, in the present case, it is an admitted position that the project in question is a redevelopment project undertaken by Chembur Abhilash Co-operative Housing Society Ltd by assigning development rights in respect of the project land in favour of respondent through a duly executed Development Agreement dated 29-01-2007 read with Supplementary Development Agreement dated 13-08-2009. It is

also admitted that the complainant's mother was the original member of the said society.

15. It is further an admitted position that the complainant is asserting rights in respect of the said flat and he is agitating the said reliefs on behalf of his mother for non-payment of rent. Moreso, the complainant has not submitted any cogent documentary proof on record of MahaRERA to show that he has ever purchased any flat in the said project registered by the respondent. It shows that the complainant has no locus standi to file this complaint in the said project registered by the respondent and also the flat for which he is raising the disputes falls within the redevelopment component, which does not fall within the purview of RERA as per section 3(2) (c) of the RERA. Hence, the issues raised by the respondent at point nos. (a) and (b) for dismissal of the present complaint has a legal merit. Accordingly, the complaint is held to be not maintainable. As a result, the additional ground for dismissal raised by the respondent at point no. (d) does not survive for further consideration. It is ostensibly because, although the project is registered in two separate phases under MahaRERA registration numbers P51800001840 (Phase I) and P51800033199 (Phase II), the project is, in substance, a single development with a same layout.
16. In addition, to this, the MahaRERA has also noticed that the complainant is raising issues relating to the alleged illegal construction in the said project after the issuance of the OC dated 27-09-2023 (wrongly mentioned as April 2024 in the Roznama dated 01-09-2025, which stands rectified), and has filed this complaint in his individual capacity. In this regard, the MahaRERA is of the considered view that since there is an already registered society in existence for the said project, any grievance concerning such alleged illegal construction must be raised by the society. Hence, there is merit in the respondent's objection regarding the maintainability of the complaint as raised at point no. (c).
17. However, assuming for the sake of argument that the complaint is maintainable and requires adjudication on merits, the MahaRERA has noticed that although the

complainant seeks revocation of the project registration granted to the respondent-promoter, the record shows that the complainant's grievances mainly pertain to the alleged illegal sale of FSI by the society, namely Chembur Abhilash CHS Ltd. In this regard, MahaRERA is of the view that it lacks jurisdiction under the RERA to adjudicate issues relating to the sale or misuse of FSI. Such grievances, if any, must be raised against the said society before the competent court of law. It is ostensibly because the jurisdiction of the MahaRERA under Section 31 of the RERA is confined to disputes between allottees and promoters relating to obligations under registered real estate projects.

18. Moreso, as far as the substantive issue raised by the complainant for revocation of project registration, the MahaRERA is of the view that as per the provision of section 7 of the RERA, the MahaRERA registration may be cancelled/revoked if the promoter makes default in doing anything required by or under the RERA or if the promoter violates any of the terms or conditions of the approval given by the competent authority or if the promoter is involved in any kind of unfair practice or irregularities as specified under section 7(1)(a) to (c) and (A) and (B) of the RERA. However, in the instant case, as stated hereinabove, the complainant has not produced any cogent documentary evidence to show that the respondent has violated any of the terms or conditions stipulated in the provisions of section 7 of the RERA. Therefore, the prayer for revocation of project registered by the respondent with the MahaRERA sought by the complainant is devoid of any merits. Also, the complainant has not established the fact that the respondent is involved in any kind of unfair trade practice or irregularities by submitting any order passed by the competent court of law. Moreso, the complainant has also not submitted any cogent documentary proof on record of MahaRERA i.e. any order passed by the competent authority to establish the fact that respondent has done any violation of various permissions granted by it. Hence, the relief sought by the complainant under section 7 of the RERA for revocation of the MahaRERA project registration granted to the respondent is devoid of any merits.
19. Furthermore, as per Order No. 11 of 2019 dated 23-10-2019, the MahaRERA has laid

down the Standard Operating Procedure (SOP) for handling complaints filed with respect to the MahaRERA registered projects. While issuing the said SOP, it was directed that the groups complaints shall be entertained only in respect of the common reliefs under sections 7 and 8 of the RERA or for common amenities. However, it seems that the complainant by filing this complaint in his own individual capacity cannot seek such common sort of reliefs under section 7 of the RERA.

20. In addition to this, with regard to the issue raised by the complainant that the name of a deceased partner has been shown as a partner of the said firm, the MahaRERA has noticed that the project was registered before the MahaRERA pursuant to an application dated 14-01-2022. If the said partner was alive at the time of filing the application, his name would validly appear on the MahaRERA website. However, if his name continues to appear on the website even after his demise, the MahaRERA finds no illegality in this, as the said partner was indeed a partner of the respondent firm at the relevant time when the project was registered.
21. However, in view of the above, MahaRERA finds that the present complaint does not involve any cause of action falling within the ambit of RERA and therefore, the present complaint is not maintainable under the provisions of the RERA.
22. In view of these facts, the present complaint stands dismissed being not maintainable as well as on merits. Hence, no further hearing is required to be given in this matter. However, the complainant is at liberty to agitate his grievances against the respondents before the appropriate forum under the applicable law, if he so desires.



(Mahesh Pathak)

Member - 1/MahaRERA