

**BEFORE THE MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL, MUMBAI**

APPEAL NO. U-8/2021 SC10002323

Inorbit Malls (India) Pvt. Ltd.

.. Appellant

-VS-

Shitalkumar B. Jadhav

.. Respondent

*Adv. Mr. Sureshkumar Firodiya for Appellant.
None for Respondent.*

**CORAM : SHRIRAM R. JAGTAP, MEMBER (J) &
Dr. K. SHIVAJI, MEMBER (A)**

DATE : 12th October, 2023.

(THROUGH VIDEO CONFERENCING)

Learned Advocate Mr. Sureshkumar Firodiya submits that subject project consists of 43 flats. Promoter has obtained occupation certificate dated 21.10.2014 for 42 flats (page No. 35) and thereafter Promoter has obtained occupation certificate dated 10th July, 2017 (page No. 37) for one flat and therefore there is no need to register the subject project as the subject project after coming into force of RERA was not ongoing.

2] Learned Advocate has placed his reliance on the citations which are at page Nos. 148 to 225.

3] He further submits that the written submissions are to be considered as oral arguments of Appellant. He further submits that as per frequently asked questions No. 11, If O.C./ B.C.C. are issued in May/June/July does project have to be registered? And the learned Authority answered the said question as "ongoing projects have time till 30th July to register. If before doing registration, the project has got OC/ BCC, the project has

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been completed as per Section 5(3) of the Act. Hence, it does not require registration."

4] He has further submitted that while disposing of the complaint learned Authority did not serve notice to appellant and passed impugned order behind the back of the Appellant. Besides the Respondent does not have locus standi to file complaint against Promoter because he is stranger to the project.

5] With these contentions learned Advocate has submitted that he has concluded his submissions.

6] Matter is kept back for arguments of Respondent.

At 1.15 p.m.

7] None for the parties.

8] In order to give reasonable opportunity last chance is granted to Respondent for arguments.

9] Stand over to 28th November, 2023 for arguments of Respondent.


(Dr. K. SHIVAJI)

SPK/-


(SHRIRAM R. JAGTAP)