

Complaint No. CC12501990

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY,
MUMBAI**

Complaint No. CC12501990

Om Savji Waghela

... Complainant

Versus

Pratham Infra Developers Mumbai

... Respondent

MahaRERA Project Registration No. P51800079554

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

Ld. Adv. Kamlesh Yadav appeared for the complainants.

Ld. Adv Faizan Shaikh 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 18-06-2025 mainly seeking directions from the MahaRERA that the accounts of the Developers be frozen, and all money should be returned back to the buyers and further sale of flats should be stayed; the registration of the said project is required to be cancelled/ revoked/terminated and removed from the website of MahaRERA, as prescribed under the provisions of the Real Estate (Regulation & Development) Act, 2016 (hereinafter referred to as 'RERA') in respect of booking of Flat (hereinafter referred to as "the said flat") in the respondent's registered project known as "ANANTHAM" bearing MahaRERA registration No. **P51800079554** located at Plot/S.No. 257, Taluka Borivali, Dist. Mumbai Suburban (hereinafter referred to as the 'said project').
2. This complaint was heard by MahaRERA on several occasions and the same was

Signature

heard finally on 01-09-2025 as per the as per the Standard Operating Procedure dated 12-06-2020 issued by MahaRERA for hearing of complaints through Video Conferencing 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 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 07-07-2025 :

"First Hearing Matter"

"The complainant is present. The respondent is absent. The complainant has prayed for revocation of the project registration since the complainant is claiming to be one of the owners and has filed a R.C.S. bearing No. 57 of 2024 before the Hon'ble City Civil Court, Dindoshi for the same. Therefore, the respondent may file its reply to the complaint within a period of 2 weeks i.e. by 21-07-2025 on the issue of maintainability of this complaint. The complainant may file a rejoinder to the said reply within a further period of one week i.e. by 28-07-2025. The matter is adjourned to 11-08-2025 for final arguments on the maintainability of this complaint and on the prayers of the complainant."

ii) On 11-08-2025:

"First Hearing Matter"

"Both the parties are present. The respondent has already filed its reply to the complaint on 21-07-2025. The complainant has uploaded an order dated 01-08-2025 of the Hon'ble in City Civil Court Dindoshi in Regular Civil Suit No. 957 of 2025 (Roznama dated 07-07-2025, is accordingly corrected). Therefore, the respondent may file an additional reply in the complaint within a period of one week i.e. by 18-08-2025. The complainant may file his rejoinder to both the reply of the

respondent filed on 21-07-2025 as well as additional reply within a further period of one week i.e. by 25-08-2025. The complainant has also prayed that the respondent may be restrained from creating third party rights, to which the respondent has objected on the ground that the said prayer is not a part of the original complaint. Therefore, the said prayer is rejected. The matter is adjourned to 01-09-2025 for final arguments on the issue of maintainability of this complaint."

iii) On 01-09-2025:

"First Hearing Matter"

"Both the parties are present. However, the complainant is unable to contribute due to technical issues, but the complainant has filed his rejoinder to the reply of the respondent today. The respondent has already filed its replies to the complaint on 21-07-2025 and 20-08-2025 raising the issue of maintainability of this complaint. As it transpired during the hearing, the Hon'ble City Civil Court of Dindoshi in the said Suit No. .957 OF 2025 has passed an interim order which the complainant claims is a stay on the project. However, the respondent contends that the said stay is only with respect to an area admeasuring 98 sq.mtrs. of the entire property, which is more than 800 sq.mtrs. and the remaining 740 sq.mtrs. is free for development by the respondent as per the CC and the registration details. However, the complainant refutes the contention of the respondent. Therefore, both the parties may file written submissions within a period of one week i.e. by 08-09-2025 on the issue of maintainability of this complaint Accordingly, the matter is reserved for order suitably after 08-09-2025 based on the arguments in the hearing as well as the reply, rejoinder and written submissions filed and the interim order of the Hon'ble City City Court uploaded in the complaint. In any case, the respondent should mention the said pending litigation as well as the order in the project registration details. Future course of action in this matter will be taken once such an order on maintainability is issued."

4. Pursuant to directions in the aforesaid hearing, the complainant has filed his written submissions on 04-09-2025 and the respondent has filed its written submissions on 20-09-2025. The same are accepted and taken on record Hence, the MahaRERA has perused the available record.

5. It is the case of the complainants that they are the owners of a plot admeasuring 98.10 sq. mtrs. bearing Survey No. 27, Hissa No. 2/1, corresponding to CTS No. 257/1 (Part), Village Borivali, purchased from M/s Vas Infrastructure Ltd. under a registered Deed of Conveyance dated 27/12/2023. The said plot forms part of a larger property admeasuring 840 sq. mtrs. Out of this larger plot, an area of 741.90 sq. mtrs. has already been conveyed to M/s Indrapuri Co-operative Housing Society Ltd. under a deemed conveyance order passed by the Competent Authority under Section 5A of MOFA. The complainants **submitted** that M/s Indrapuri CHS Ltd. has appointed M/s Pratham Infra Developers (Mumbai) for redevelopment of the society building on the 741.90 sq. mtrs. plot. They **stated** that although IOD and CC have been issued, the conditions of the IOD have not been complied with. In particular, the developer has not conducted a survey, demarcated the land, or constructed the boundary wall as required. The developer has also not applied for a separate property card for the portion of land claimed by the society, nor submitted the PRC card for the setback area, despite it being specifically required. The complainants further **submitted** that the developer has wrongly shown the entire larger plot – including the complainants' land – in the plans submitted before the BMC, misleading authorities by not disclosing that only a part of CTS No. 257/1 is being used. As the larger property has not been subdivided, the redevelopment proposal is allegedly improper and misleading. The complainants alleged that the project has been registered in violation of Section 5 of the RERA and that the respondent has made false and misleading representations by projecting the entire CTS No. 257/1 as part of the redevelopment. They therefore prayed for: (i) freezing of the developer's accounts and refund to the buyers; (ii) a stay on further sale of flats; and (iii) cancellation/revocation of the project registration (Certificate No. P51800079554) under Section 7 of RERA.
6. The respondent has filed its reply on 21-07-2025, stating that Indrapuri CHS Ltd. is the sole owner of the 741.90 sq. mtrs. plot under a deemed conveyance order dated 28/02/2023, followed by a registered Deed of Unilateral Conveyance dated 12/09/2023. It is submitted that the society has been in lawful possession of this land for many years, and M/s Pratham Infra Developers (Mumbai) has been lawfully

appointed as the developer under a registered Development Agreement dated 03/10/2023 and a registered Power of Attorney. The respondent also **submitted** that MahaRERA has issued project registration on 12/03/2025. The deemed conveyance order was earlier challenged by M/s Vas Infrastructure Ltd. – the complainants' predecessor in title – before the Bombay High Court and City Civil Court but no relief was obtained, and the matters were withdrawn or dismissed. Thereafter, Vas Infrastructure sold the 98.10 sq. mtrs. land to M/s Dhanvika Realty, despite being aware of all facts. The respondent **submitted** that the complainant (partner of M/s Dhanvika Realty) has been filing multiple litigations to obstruct the redevelopment, including Suit No. 1091 of 2024 and Writ Petition (L) No. 14839 of 2024, both of which were rejected or dismissed. The present complaint is therefore barred by **res judicata**, amounts to **forum shopping**, and suppresses material facts. It is further **submitted** that the complainant has no privity of contract, no locus standi, and no right, title, or interest in the project land of 741.90 sq. mtrs. The complainant is not an allottee or a promoter and therefore cannot invoke MahaRERA jurisdiction. The redevelopment is being carried out lawfully with all approvals, including IOD, CC, and RERA registration. No violation of the RERA Act is made out. Accordingly, the respondent prayed that the complaint be dismissed with costs

7. The complainant filed his rejoinder on 01-09-2025, denying the respondent's submissions and reiterating his complaint.
8. The complainant filed his written submissions on 04-09-2025, reiterating the contents of his complaint.
9. The respondent filed its written submissions on 20-09-2025, denying the allegations and relying on certain judgments in support of its case.
10. The MahaRERA has examined the submissions made by both parties and perused the material placed on record. The complainant, claiming to be one of the co-owners of the project land, has approached the MahaRERA seeking revocation of the project registration granted to the respondent under Section 7 of the RERA. He has also

sought directions to stop the construction of the project and to restrain the respondent from creating third-party rights therein.

11. The complainant has mainly contended that the respondent has undertaken the development without verifying the title to the project land and has obtained the project registration certificate fraudulently. He has further submitted that Civil Suit No. 957 of 2025 is pending before the Hon'ble City Civil Court at Dindoshi, Mumbai, wherein interim relief has been granted restraining the respondent from creating third-party rights in respect of the project land. Relying on these grounds, he has prayed for allowing this complaint and granting the reliefs sought.
12. The respondent, however, has assailed the complaint by raising a preliminary issue regarding its maintainability. It has submitted that the complainant is disputing ownership only with respect to a portion of the land admeasuring 98.10 sq. mtrs. out of the total project land of 741.90 sq. mtrs. It is further submitted that the complainant, being a partner of M/s Dhanvika Realty, has been repeatedly filing litigations to obstruct the redevelopment, including Suit No. 1091 of 2024 and Writ Petition (L) No. 14839 of 2024 before the Hon'ble Bombay High Court, both of which were rejected or dismissed. The respondent has contended that the complainant has no locus standi to file this complaint and that the complaint amounts to forum shopping. On these grounds, the respondent has prayed for dismissal of the complaint as not maintainable.
13. During the hearing, the complainant produced a copy of an order dated 01-08-2025 passed by the Hon'ble City Civil Court, Dindoshi, and relied upon the interim directions issued therein.
14. The respondent has clarified that the interim order relied upon by the complainant pertains only to the portion of land admeasuring 98.10 sq. mtrs., whereas the project is being implemented on the larger land parcel admeasuring 840 sq. mtrs. It is therefore submitted that the respondent is entitled to proceed with development on

the remaining area of approximately 742 sq. mtrs. On this basis, the respondent has prayed that the interim reliefs sought by the complainant be rejected.

15. Be that as it may, since the respondent has raised a preliminary objection regarding the maintainability of the complaint, the MahaRERA is of the considered view that the said issue must be decided first before examining the complaint on merits.
16. Both parties have filed their written submissions on the issue of maintainability, which mainly reiterate the averments contained in the complaint and the reply.
17. In the present case, the complainant admittedly claims ownership rights over a portion of land admeasuring 98.10 sq. mtrs. situated on Survey No. 27, Hissa No. 2/1, CTS No. 257/1 (Part), Village and Taluka Borivali. It is undisputed that this portion forms part of a larger undivided plot admeasuring 840 sq. mtrs., which stands conveyed to Indrapuri CHS Ltd. under a deemed conveyance executed in 2023. Pursuant thereto, the society executed a registered Development Agreement dated 03-10-2023 in favour of the respondent. Based on such development rights, the respondent has started implementing the said project by obtaining various permissions and also obtained project registration for the entire land admeasuring 741.9 sq. mtrs.
18. The complainant, being a partner of Dhanvika Realty LLP, has already filed Civil Suit No. 957 of 2025 before the Hon'ble City Civil Court seeking to restrain the respondent and the said society from carrying out any development on the land portion of 98.10 sq. mtrs., although the sanctioned project pertains to the entire plot of 741.9 sq. mtrs. However, the complainant has approached the MahaRERA mainly seeking reliefs under Section 7 of RERA solely on the basis of his alleged ownership rights over the said portion of land.
19. It is admitted that the respondent has undertaken the project on the larger plot of 741.9 sq. mtrs. and that MahaRERA granted project registration on the basis of valid

permissions sanctioned by the competent authority. The complainant has not produced any documentary evidence to show that any of these permissions have been revoked, cancelled, or suspended by the competent authority.

20. The complainant has further alleged that the respondent does not possess clear title to the project land. In this regard, it is pertinent to note that RERA does not confer jurisdiction upon the MahaRERA to adjudicate disputes relating to title or ownership of immovable property. Such disputes are civil in nature and fall within the exclusive jurisdiction of competent civil courts. Therefore, the present complaint, which essentially raises issues of ownership and title, is prima facie not maintainable before the MahaRERA under the provisions of the RERA.
21. It is also noticed by the MahaRERA that the respondent has duly disclosed the pendency of Civil Suit No. 957 of 2025 and the interim order dated 01-08-2025 passed therein in the "Pending Litigation" column on the MahaRERA website, thereby fulfilling its statutory obligation under Section 4 of RERA.
22. Without prejudice to the above finding on maintainability, even assuming that the complaint is maintainable, the substantive reliefs sought under Section 7 of RERA cannot be granted. It is ostensibly because, as per Section 7 of the RERA, the project registration may be revoked only if the promoter commits defaults or violations specified in clauses (a) to (c) of Section 7(1) or engages in unfair practices. In the present case, the complainant has not produced any cogent documentary evidence to establish that the respondent has violated any term or condition of the approvals granted by the competent authority or has committed any breach contemplated under Section 7 of the RERA. No order of any competent authority or court has been placed on record to support allegations of forgery, fraud, or irregularities. Moreover, the complainant has failed to submit any document on record of the MahaRERA to show that the CC issued by the competent authority has been cancelled or set aside. Therefore, the relief of revocation of project registration is devoid of merit as on date.

23. In view of the above, the complaint stands dismissed both on the ground of maintainability and on merits. No further hearing is required in the matter. However, the complainant is at liberty to approach the MahaRERA by filing a fresh complaint, if he so desires, in the event the commencement certificate issued to the respondent by the competent authority is cancelled or set aside.


(Mahesh Pathak)

Member - 1/MahaRERA

