

MAHARERA

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Real Estate (Regulation and Development) Act, 2016 (RERA,2016)

Case law study

Gujarat Real Estate Regulatory Authority

[Amrut Lal Kalidas Patel Vs Bombay Tablet Manufacturing Co Pvt Ltd and
Madhavkishan Infra Housing Projects Pvt Ltd]

This article attempts to discuss the issues in respect of requirement of necessary documents to prove the claim made in the support of the claim made in the complaint.

Issues:

Whether the complaint filed by the allottee without supporting documents to prove the complaint is liable to reject?

Provisions:

Section 31 of the RERA

Section 31 (1) Any aggrieved person may file a complaint with the Authority or the adjudicating officer, as the case may be, for any violation or contravention of the provisions of this Act or the rules and regulations made thereunder against any promoter allottee or real estate agent, as the case may be.

Explanation. —For the purpose of this sub-section “person” shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force.

Rules-11 of Authority Rules, 2016: Manner of filing the complaint with the Authority and the manner of holding an inquiry by the Authority

(1) Any aggrieved person may file a complaint with the Authority for violation under the Act, or the rules and regulations made thereunder, save as those provided to be adjudicated by the adjudicating officer, as per Form 'A' which shall be accompanied by a fee of Rs. 1000/-.

Rule 12 A of (Authority Rules ,2018) “Institution of complaint” provide that;

“Every complaint shall clearly contain particular of dispute and the relief claimed and shall also be accompanied by copies of such documents as are necessary to prove the claim made in the complaint”.

As per the above rules it is clear that complainant is required to submit the relevant documents in support of his claim made in the complaint.

Fact of the Case:

In the present case the complainant Mr Amrut lal K Patel file the complaint against the Respondent Bombay Tablet Manufacturing Co Pvt Ltd and Madhavkishan Infra Housing Projects Pvt Ltd on the ground that Respondent failed to fulfil his promise to give the possession of plot no. 909/5 situated at GIDC even though the complainant has made the payment against the said plot.

In support of the claim, the complainant submitted one agreement for sale where the signature of the Respondents was missing. The respondent submitted before the RERA Authority that stamp paper on which agreement to sale was drafted and made available before the RERA Authority is false and the respondent has not received any payment. Further, the complaint is not as per the provision of RERA, 2016 and Gujarat real Estate Regulatory Authority rules and the respondent is not the promoter as the land is developed by the GIDC.

While perusing the documents submitted by the complainant , it is observed by the RERA Authority that there is no clarity in respect the unit/plot for which payment is made by the complainant and the stamp paper on which agreement to sale is drafted was purchased in the year 1998 which prove that complainant has misused the stamp paper and filed the false complaint. Further, complainant failed to prove the payment made against the plot no. 909/5.

Order of Hon'ble GujRERA Authority:

The complainant has not submitted the documents which can be accepted by the Authority in respect of the claim made in complaint therefore the complaint is not acceptable.

The complainant had made the false complaint and wasted the time and energy of the RERA Authority therefore the penalty of Rs 1,00,000/- (Rupees One Lac) is imposed.