

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 113 OF 2013

Shri Vikrant Karnik.	...	Petitioner.
V/s.		
State of Maharashtra and others.	...	Respondents.

None for the petitioner.

A.B.Vagyani, Govt.Pleader with P.G.Sawant, AGP for the State.

Cyrus Ardeshir with Rahul Dwarakadas, Ms.Prachi Dhanani and
Shyam Gopal i/b. Veritas Legal for respondent No.2.

Ms.Gauri Godse for respondent No.4.

Prakash Mahadik for the respondent- BMC.

Omprakash Vaishnaw i/b. Sumeet Tyagi for respondent No.9.

Ms.Sangeeta Yadav i/b. Suresh Kumar for respondent Nos.10 & 11.

R.S.Apte, Senior Advocate with Rohit Sakhadeo for respondent
No.13.

**CORAM : DR.MANJULA CHELLUR, C.J.
AND G.S.KULKARNI, J.**

DATE : 27th April 2017.

P.C. :

Learned Govt.Pleader has placed on record the notification dated 20th April 2017 indicating the Rules, which are known as the Maharashtra Real Estate (Regulation and Development) (Registration of real estate projects, Registration of real estate agents, rates of interest and disclosures on website) Rules, 2017, framed under the Real Estate (Regulation and Development) Act, 2016.

2. A complaint addressed to the Court by one Mr.Vikrant Karnik was treated as Suo Motu Public Interest Litigation in this matter. A gist of the complaint and grievance made therein as noted by the registry reads as under:

“Gist of Complaint/grievance :-

The complaint has disclosed that all the reputed Builders/Developers viz. Lodha Builders & Developers, Dewan Builders, Hiranandani Builder, HDIL Builder, Conwood Builder, Runwal Builder, Ajmera Builder and Kalpataru Builder constructing building in Mumbai and Thane have been violating the rules, regulation, circulars issued by the

Government. It is alleged that while undertaking transaction of properties with the purchasers they as per their own wish and policy are taking huge amount without issuing proper receipts. The purchasers have to pay the entire charges as per *super-built* up area instead of carpet area of the property. Ultimately they have been cheated by evading the stamp duty and income tax of the Government Department. The builders and the Municipal Corporation have to follow rules abide by Municipal Corporation strictly, however the officers of the Municipal Corporation by hand-in-gloves with developer/builders are helping them. According to applicant, due to this wrong practice, there is loss in crores of Government revenue. The applicant has requested to make inquiry by calling report from the concerned department and to take legal action in the matter. The applicant has furnished two Video C.D's under the title of "*Operation Black Money*" recorded by T.V. 9 News channel against the above builders and developers for perusal. The applicant has raised the issue pertains to grievance of public who are being cheated by the hand of the builders/developers and ultimately caused to loss of revenue in crores of Government department. Taking into consideration the facts, we may take positive cognizance by treating this letter as Public Interest Litigation."

3. According to the complainant, non-existence of certain rules and regulations covering entire gamut of stakeholders in the business of real estate has resulted in hurdle and obstacle including financial burden to the general public because of irregularities in the building transactions. In our opinion, by virtue of the Real Estate

(Regulation and Development) Act, 2016 and the Rules framed thereunder, which are now brought into effect from 20th April 2017, the grievance of the complainant is answered. If anyone is aggrieved by any irregularity contrary to the Act and Rules now framed, they are at liberty to approach the concerned authority for redressal of their grievance and, if it is not redressed, they can always approach the Court of law.

4. With the aforesaid observation, this petition is disposed of. Liberty is reserved to the complainant or to any aggrieved party to revive the petition, if still any deficit exists.

(G.S.KULKARNI, J.)

CHIEF JUSTICE