

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

Virtual Hearing held through video conference as per
MahaRERA Circular No.: 27/2020

REGULATORY CASE NO. 249 OF 2024

DREAM WORLD LANDMARKS LLP

... APPLICANT (PROMOTER)

GODREJ GREENS

...PROJECT NAME

MAHARERA PROJECT REGISTRATION NO. P52100000985

Order

July 31, 2024

(Rectification Application)

1. The Applicant has filed a rectification application dated 09.07.2024 in the captioned complaint (hereinafter referred to as "**the said rectification application**") seeking to rectify a typographical error in the final order dated 28.06.2024 (hereinafter referred to as "**the said final order**")
2. It is observed that the Applicant, vide the said rectification application has sought rectification of following parts of the said final order:

Sr. No.	Paragraph no. in said final order	Relevant portion of the said final order	Rectification sought
1.	Para No.2	an application was made by the Applicant (Promoter) for seeking deregistration of the said Project	an application was made by the Applicant (Promoter) for seeking deregistration of a part of the said Project i.e. building B7 .
2.	Para no. 3(b)	That Applicant (Promoter) is not continuing with this Project	That Applicant (Promoter) is not continuing with a part of this Project i.e. Building B7
3.	Para No.4	Thus, from the submissions and Notarized declaration-cum-undertaking dated 20.09.2023 of the Applicant (Promoter) it is clear that there are zero Allottees in the said Project . Further, it is also observed that office of MahaRERA on 30.11.2023 issued notices inviting objections for deregistration of the said Project	Thus, from the submissions and Notarized declaration-cum-undertaking dated 20.09.2023 of the Applicant (Promoter) it is clear that there are zero Allottees in the building sought to be deregistered in said Project. Further, it is also observed that office of MahaRERA on 30.11.2023 issued notices inviting objections

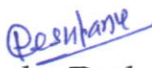
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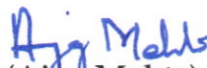
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			for deregistration of the building sough to be deregistered in said Project
4.	Para No.10	and to keep the said Project registration valid for the remining three buildings.	and to keep the said Project registration valid for the remining six buildings.

3. In view of the above, the typographical errors/ errors apparent on record are hereby rectified and the said **rectification application** is **allowed**. The remaining part of the said final order shall remain the same and this rectification order to be read along with the said final order.


(Ravindra Deshpande)
Member-II, MahaRERA


(Mahesh Pathak)
Member-I, MahaRERA


(Ajoy Mehta)
Chairperson, MahaRERA

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

Virtual Hearing held through video conference as per
MahaRERA Circular No.: 27/2020

REGULATORY CASE NO. 249 OF 2024

DREAM WORLD LANDMARKS LLP ... APPLICANT (PROMOTER)

GODREJ GREENS ...PROJECT NAME

MAHARERA PROJECT REGISTRATION NO. P52100000985

Order

June 28, 2024

(Date of virtual hearing -25.06.2024, matter reserved for order)

Coram: Shri. Ajoy Mehta, Chairperson, MahaRERA

Shri Mahesh Pathak, Hon'ble Member-I, MahaRERA

Shri Ravindra Deshpande, Hon'ble Member-II, MahaRERA

Advocate Dr. Sanjay Chaturvedi present for the Applicant (Promoter)

Nisha & Nikhil Talwar present as Objector No. 1

Praful Kanfade present as Objector No. 2.

1. The Applicant herein had registered the project namely "GODREJ GREENS" under section 5 of the Real Estate (Regulation and Development) Act, 2016 ("said Act") of Real Estate Regulatory Authority ("RERA") bearing MAHARERA Registration No. P52100000985 (hereinafter referred to as the "said Project").
2. On 20.09.2023, an application was made by the Applicant (Promoter) for seeking deregistration of the said Project. In this regard the captioned case was heard on 25.06.2024 wherein the following roznama was recorded by this Authority in the captioned matter:

"Promoter informs that there were 7 towers out of which 6 have been completed. One was remaining to be constructed. However, they don't intend to proceed with that further and hence seek deregistration. There are 9 people who have taken objections out of which 2 have appeared.

Mr. Talwar appears on behalf of Nisha Talwar and states that since this is a deregistration of tower other than the tower in which he is a resident, he would have no objections. Shri Praful Kanfade appears, and he states that he has a grievance regarding

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*his delayed possession. He is not able to explain how his allotment is related to the building for which deregistration is being sought.
Matter reserved for orders."*

3. The Applicant (Promoter) has stated the following for seeking deregistration of the said Project:
 - a. That the Project consists of seven (7) buildings namely B1, B2, B3, B4, B5, B6 & B7 of which building B7 building is sought to be deregistered wherein no bookings have been made.
 - b. That Applicant (Promoter) is not continuing with this Project due to prevailing market scenario, pandemic situation and other reasons work was not commenced for building/tower B7 and that no inventory has been sold.
 - c. The Promoter has updated the QPRs.

4. Thus, from the submissions and Notarized declaration-cum- undertaking dated 20.09.2023 of the Applicant (Promoter) it is clear that there are zero Allottees in the said Project. Further, it is also observed that office of MahaRERA on 30.11.2023 issued notices inviting objections for deregistration of the said Project wherein nine (9) such objections were received from the allottees namely Firoz Hangad, Shantonu Ghosh, Arshad Dilawar Mulani, Praveen Srivastav, Dr. Soniya Walia, Nisha Talwar, Sagarkumar Girjabapu Dhobe, Jaymala Dhanajirao Jadhav and Prafun Kanfode. Further notice of hearing were issued to all the nine (9) objectors wherein two (2) objector namely Nisha & Nikhil Talwar and Praful Kanfode were present.

5. It is observed and from the submissions it is clear that the nine (9) objectors have interest vested in the other building namely B1, B2, B3, B4, B5, B6 of the said Project and not in building B7 which the Applicant (Promoter) has sought to de-register. Further the Applicant (Promoter) submits that out of the total 868 allottees in the said Project of all the buildings, 601 allottees have consented for correction in the said Project and that these consents to be consider for

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deregistration. Thus, it can be concluded that there are no objections or the objections raise have been settled.

6. Before the Authority decides on the order on deregistration, the section that provides for grant of registration needs to be examined. Section 5 of the said Act is hereinbelow reproduced for ease of refence:

"Section 5 - grant of registration:

(1) On receipt of the application under sub-section (1) of section 4, the Authority shall within a period of thirty days. (a) grant registration subject to the provisions of this Act and the rules and regulations made thereunder, and provide a registration number, including a Login Id and password to the applicant for accessing the website of the Authority and to create his web page and to fill therein the details of the proposed project; or (b) reject the application for reasons to be recorded in writing, if such application does not conform to the provisions of this Act or the rules or regulations made thereunder: Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard in the matter.

(2) If the Authority fails to grant the registration or reject the application, as the case may be, as provided under sub-section (1), the project shall be deemed to have been registered, and the Authority shall within a period of seven days of the expiry of the said period of thirty days specified under sub-section (1), provide a registration number and a Login Id and password to the promoter for accessing the website of the Authority and to create his web page and to fill therein the details of the proposed project.

(3) The registration granted under this section shall be valid for a period declared by the promoter under sub-clause (C) of clause (1) of sub-section (2) of section 4 for completion of the project or phase thereof, as the case may be."

7. On perusal of section 5 it is clear that a project registration is granted pursuant to the Promoter / Developer seeking a grant of registration. A grant for registration when sought under section 5 is an acknowledgment of the intent of the Promoter / Developer to start and complete a project wherein premises as described under the said Act would be handed over to the Allottees. Thus, the critical ingredient of section 5 is the intent of the Promoter to complete the project as registered. A registration number has been provided so as to ensure that from the point the project starts namely on receipt of commencement certificate to the point when the project concludes namely on receipt of occupation / completion certification the project remains compliant. This is the intent of RERA and this

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intent is clearly brought about in the preamble of the said Act which is reproduced hereinbelow:

"An Act to establish the Real Estate Regulatory Authority for regulation and promotion of the real estate sector and to ensure sale of plot, apartment or building, as the case may be, or sale of real estate project, in an efficient and transparent manner and to protect the interest of consumers in the real estate sector and to establish an adjudicating mechanism for speedy dispute redressal and also to establish the Appellate Tribunal to hear appeals from the decisions, directions or orders of the Real Estate Regulatory Authority and the adjudicating officer and for matters connected therewith or incidental thereto."

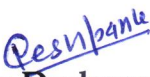
8. On perusal of the preamble, it is evident that the intent is to ensure the sale of plot, apartment, etc. in an efficient and transparent manner and to protect the interest of the consumers. The intent thus mandates the Authority to ensure that the project remains compliant and the home buyers / allottees receive their premises as promised. Hence the legislation is to ensure delivery of the premises to the home buyers / allottees. This is a beneficial legislation where a tangible asset needs to move from the Promoter / Developer to the home buyer / allottee in a manner as laid out under the said Act. The legislation is not for just providing project registration numbers which do not lead to home buyers / allottees receiving tangible assets. The Authority needs to make it clear here that when a project registration number is once given to a project, the project must then proceed and take a course as defined in the said Act and finally a tangible premises should get delivered to the home buyers / allottees as was promised. The grant of a project registration number is not a hypothetical exercise for complying with some statistical documentation.

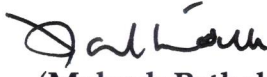
9. It can thus be concluded that in the event the Authority finds that a project registration number which has been granted to a project is not likely to be completed the Authority is bound to take cognizance of the same and take such actions as may be necessary to bring the project to a conclusion. The Authority is mandated to exercise oversight once a project registration number is given till the date it is successfully completed thus it is also for the Authority to take a call when it becomes apparent that the project is not likely to move further.

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10. In the present case, the above shall hold good in a circumstance where the Promoter is seeking deregistration of the project registration in toto and not partially. The Authority is now facing a situation to deregister a building from the said Project registration and to keep the said Project registration valid for the remaining three buildings. The present case is that of partial deregistration. The Authority has no reason nor a mandate to delve into why the intent had arisen. Thus, deregistration of part of a project registration cannot be made possible as there is no such thing to partially deregister a part and keep the remaining part valid and subsisting. Hence, the said deregistration application is rejected.
11. Thus, in order to protect the interest of the allottees of the said Project the Authority shall at this stage refrain from passing any order with regard to deregistration of the said Project in toto or partially. Further with regard to the deletion of the building B-7 in said Project, the Applicant (Promoter) is directed to carry out necessary correction process and comply with the mandate prescribed by MahaRERA in this regard. The Director Registration, MahaRERA to facilitate the correction process within a period of 60 days from the date of the correction application made by the Applicant (Promoter) in the said Project.


(Ravindra Deshpande)
Member-II, MahaRERA


(Mahesh Pathak)
Member-I, MahaRERA


(Ajoy Mehta)
Chairperson, MahaRERA