

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

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

REGULATORY CASE NO. 46 OF 2023

SHREEJI CONSTRUCTION

... APPLICANT (PROMOTER)

SHREEJI SQUARE

...PROJECT NAME

MAHARERA PROJECT REGISTRATION NO. P51800032186

ORDER

October 05, 2023

(Date of virtual hearing – 08.09.2023, matter reserved for order)

**Coram: Shri. Ajoy Mehta, Chairperson, MahaRERA
Shri Mahesh Pathak, Hon'ble Member-I, MahaRERA**
Advocate Risha Sheth for the Applicant (Promoter)

1. The Applicant herein had registered the project namely "SHREEJI SQUARE" under section 5 of the Real Estate (Regulation and Development) Act, 2016 ("said Act") of Real Estate Regulatory Authority ("RERA") bearing MAHARERA Registration No. P51800032186 (hereinafter referred to as the "said Project").
2. On 24.04.2023, an application was made by the Applicant (Promoter) for seeking deregistration of the said Project. In this regard the captioned case was heard on 08.09.2023 wherein the following roznama was passed by this Authority in the captioned matter:
"Promoter avers that there are 2wings and erroneously a dual registration has taken place and the same needs to be corrected. Promoter confirms that this will not impact the SRA project which is ongoing. There are no bookings or third-party rights that have been created. It is also noticed that QPRs are not updated and the same to be done on or before 18.09.2023. Matter reserved for order."
3. The Applicant (Promoter) submits the following reasons for seeking deregistration of the said Project number:

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- a. That the said Project registration number is same project which has the project registration No. P51800032149. The said Project registration is void as it is taken erroneously.
 - b. Dual registration may create issues at the time of conveyance of same land in two different projects.
 - c. That de-registration of the said Project shall not affect the SRA (*Slum Rehabilitation Authority*) Project.
 - d. That the Applicant (Promoter) has not created any third-party rights in the said Project.
4. Thus, from the submissions of the Applicant (Promoter) it is clear that there are no Allottees in the said Project as the same was erroneously registered. While perusing the MahaRERA project registration webpage it is observed that the said Project type was registered as commercial and the Project No. P51800032149 is registered as residential. The Promoter herein has not updated the QPRs as directed by the Authority on 08.09.2023. Further, it is also observed that office of MahaRERA on 19.06.2023 & 12.07.2023 issued notices inviting objections for deregistration of the said Project wherein no such objections were received.
5. Thus, it is amply clear that there are two project registration numbers for the same plot of land (project) which has been erroneously taken by the Applicant (Promoter). In this context it is pertinent to note that each real estate Project can have only one MahaRERA Project registration number. This is very clear from the plain reading of section 5(1)(a) of the said Act, relevant extract reproduced hereunder:

"5(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"

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6. Thus, a project cannot have more than one MahaRERA Project registration numbers so as to avoid confusion and misrepresentation among various stakeholders. A strict rule of one project one registration is necessary as the scheme of the said Act is to safeguard the interest of an Allottee and other stakeholders like lenders and also to create an ecosystem that ensures completion of the project in a time bound manner.

7. Further the intent of RERA 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."

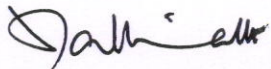
8. On perusal of the preamble, it is evident that the intent is to ensure the sale of plot, apartment, etc. in an efficient and transparent manner and to protect the interest of the consumers. The intent thus mandates the Authority to ensure that the project remains compliant and the home buyers / allottees 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. In order to achieve this objective each project needs to be individually identifiable. This is possible only when each project has its own unique identity number which in the case of this act happens to be the unique registration number. One project having two registration numbers would defeat the very objective of having of a unique registration number.

9. It can thus be concluded that in the event the Authority finds that multiple project registration numbers have been given to a particular project the

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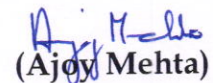
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Authority is bound to take cognizance of the same. The Authority is mandated to exercise oversight once a project registration number is given till the date it is successfully completed. Since there are two project registration numbers existing for same project, it is necessary to deregister one of them. In the present case the said Project (being MAHARERA PROJECT REGISTRATION NO. P51800032186) is sought to be deregistered on this ground. The Applicant (Promoter) admits that they have sought dual registration erroneously and have confirmed that there are no Allottees in the said Project. Thus, the said Project registration (being MAHARERA PROJECT REGISTRATION NO. P51800032186) is **deregistered**. The Promoter herein is directed never to advertise, market, book, sell or offer for sale, or invite person/s to purchase in any manner any apartment / unit in the said Project (being MAHARERA PROJECT REGISTRATION NO. P51800032186). However, the project registration No. P51800032149 shall remain valid and subsisting. It is also noticed by the Authority that the Promoter herein has failed to file the required QPRs. The Secretary MahaRERA to ensure the filing of the QPRs of the said Project (being MAHARERA PROJECT REGISTRATION NO. P51800032186).



(Mahesh Pathak)

Member-I, MahaRERA



(Ajoy Mehta)

Chairperson, MahaRERA