

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

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

REGULATORY CASE NO.03 OF 2022

PROJECT NAME: LODHA MAHALAKSHMI - SIGNET
PROMOTER NAME: MACROTECH DEVELOPERS LIMITED

MAHARERA PROJECT REGISTRATION NO. P51900046424

along-with

PROJECT NAME: LODHA BELLEVUE
PROMOTER NAME: MACROTECH DEVELOPERS LIMITED

MAHARERA PROJECT REGISTRATION NO. P51900046567

ORDER

January 03, 2023

(Date of virtual hearing – 22.12.2022, matter reserved for order)

**CORAM: Shri Ajoy Mehta, Hon'ble Chairperson, MahaRERA along with
Shri Mahesh Pathak, Hon'ble Member 1, MahaRERA
Advocate Yogendra Singh & Vicky Pohuja for the Promoter**

1. Macrotech Developers Limited, the Promoter herein had registered the project namely "LODHA MAHALAKSHMI - SIGNET" and "LODHA BELLEVUE" under section 5 of the Real Estate (Regulation and Development) Act, 2016 ("**said Act**") of Real Estate Regulatory Authority ("**RERA**") bearing MAHARERA Registration Nos. **P51900046424** and **P51900046567** respectively (hereinafter referred to as the "**said Project 1**" and "**said Project 2**" respectively).
2. The Promoter vide its letter dated 14.12.2022 sought the following directions:
"We hereby request you to kindly grant us early hearing in terms of the orders dated 5th September 2022 and 18th November 2022 and grant our prayers for:
 - a. Deregistration / withdrawal / cancellation of RERA registration no. P51900046424.
 - b. Confirm that P51900046567 is a sperate project from P51900046424 and P51900046567 can be sold etc. without any restrictions."

D. A. Mehta

A. J. Mehta

3. Pursuant to the above, the Authority fixed a virtual hearing vide the captioned regulatory case number which was heard on 22.12.2022 wherein the following roznama was recorded:

"The Promoter is present.

The Promoter states that the Project namely Lodha Mahalakshmi - Signet was registered with MahaRERA on 22.06.2022 under the registration No. P51900046424. Subsequently on 14.07.2022 the Promoter gave a letter to MahaRERA to keep the aforesaid registration in abeyance wherein no sale or third-party rights were created. Thereafter, subsequently a complaint was filed which was disposed by an Order of this Authority dated 05.09.2022 wherein the Secretary, MahaRERA was directed to enquire into the matter of the grant of registration No. P51900046424 and till such time the said registration was to be kept in abeyance. The Promoter states that he has thereafter submitted 2 letters one on 02.09.2022 and another subsequently seeking to withdraw the registration No. P51900046424.

In the meantime, a second complaint relating to the Project namely Lodha Bellevue bearing registration No. P51900046567 was filed. This complaint was also disposed by the Authority with instructions to the Secretary, MahaRERA to carry out an enquiry in the aforesaid registration. The Promoter states that this new application for MahaRERA project registration filed for Project namely Lodha Bellevue had no connection with the earlier project registration No. P51900046424 granted for Lodha Mahalakshmi - Signet as both the projects are independent buildings with independent access however they are only situated on the same larger plot of land.

The Promoter now seeks permission to withdraw the registration No. P51900046424 granted for Lodha Mahalakshmi - Signet, the commercial project and further seeks that the restriction imposed on Lodha Bellevue bearing registration No. P51900046567, residential project be lifted as the two are not connected in any way and Lodha Bellevue bearing registration No. P51900046567 has been granted registration in keeping with the procedure laid down by MahaRERA. Heard the Promoter, matter is reserved for orders."

4. It is pertinent to note that this Authority is empowered to deal with the regulatory functions under section 34 of the Act. In its regulatory role, MahaRERA performs a wide range of functions. These include change of name of promoters, corrections in error in registrations due to dual registration obtained by Promoters, veracity of advertisement for proposed Projects, expiry of registration certificate and similar regulatory issues. The procedure in respect of these matters has been recently stipulated vide a MahaRERA circular / order No. 29 of 2022 dated 25.04.2022. These matters are fundamentally non adversarial in nature. At times in certain regulatory matters in the interest of natural justice and transparency a hearing is required to be given.

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MahaRERA in such cases issues notices to necessary Parties on its own and such matters have borne the nomenclature of “**suo motu**” or like in the present case of “**regulatory case**”.

5. It is also pertinent to note that the case before this Authority is not a complaint filed by an aggrieved person under section 31 of the said Act. It is an application made for de-registration of the said Project 1 and seeking directions with respect to the registration of said Project 1 being sperate from said Project 2 mentioned hereinabove. In this context the following observations are noteworthy:

- a. On 05.09.2022, Chairperson, MahaRERA passed an order in complaint No. CC006000000251910 filed in said Project 1 by Urban Infrastructures Trustees Ltd. & Urban Infrastructure Venture Capital Fund against the Promoter herein. The operative part of the order dated 05.09.2022 is reproduced hereinbelow:

*“9. In view of the above observations the captioned complaint is **dismissed** on the preliminary issue dealt hereinabove. The Complainants have no locus standi and thus the complaint is not maintainable under RERA.*

*10. Having dismissed the complaint on the issue of maintainability this Authority views that the issues raised by the Complainants warrants a fresh look at the registration. The registration granted needs to be reviewed in view of the issues raised in this complaint. This process of review will be conducted as a suo motu exercise as a part of the regulatory oversight function of this Authority. It is hereby directed that the Secretary, MahaRERA will call for all documents relating to the registration and examine the same afresh. This will be done as a suo motu regulatory exercise. The Secretary shall submit a report on the compliances that have been done or not done for obtaining the said Project registration. The Secretary, MahaRERA shall also suggest remedies and the way forward if any. The report of the Secretary, MahaRERA shall be submitted to this Authority within 30 days from the date of this order. Till the final decision of this report of the Secretary, MahaRERA is not given by this Authority the said Project registration shall be kept in **abeyance** and the Respondent shall not advertise, market, book, sell or offer for sale, or invite person/s to purchase in any manner any apartment in the said Project. No order as to cost.”*

- b. Pursuant to the directions in the order dated 05.09.2022 the Secretary, MahaRERA submitted a report dated 28.09.2022 which is hereby annexed and marked as “**Annexure A**”.
- c. Thereafter, on 18.11.2022, Member 1, MahaRERA passed an order in complaint No. CC006000000292406 filed in said Project 2 by the same Complainants i.e. Urban Infrastructures Trustees Ltd. & Urban Infrastructure Venture Capital Fund against the





Promoter herein. The operative part of the order dated 18.11.2022 is reproduced hereinbelow:

"16. However, as directed by the Hon'ble Chairperson/MahaRERA in aforesaid order dated 05-09-2022, since the complaint has alleged that this project is extended part of the first project bearing MahaRERA registration no. P51900046424, the Ld. Secretary/MahaRERA is directed to club this project along with the said Project no. P51900046424 and after scrutinizing all relevant documents submitted by the respondent no. 1, to file report before the Hon'ble Chairperson/MahaRERA for further appropriate order. Till then this project registration shall be kept in abeyance and the respondent promoter is restrained from any advertisement, marketing, booking, selling or offer for sale, or invite person/s to purchase in any manner any apartment in this project as well.

17. With these observations/ directions, the present complaint stands disposed of."

d. Pursuant to the directions in the order dated 18.11.2022 the Secretary, MahaRERA submitted a report which is hereby annexed and marked as "**Annexure B**".

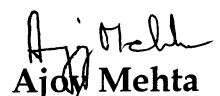
6. On perusal of the two reports submitted by the Secretary, MahaRERA the following directions are given:
- a. That the said Project 1 be de-registered as there are no bookings made by the Promoter herein.
 - b. That the said Project 2 is a separate project and the Promoter herein for the said Project 2 is allowed to advertise, market, book or create third party rights by offer for sale, enter into agreement for sale for any apartment in the said Project 2.

FINAL ORDER

Thus, from the above the said Project 1 is **de-registered**. The Promoter herein is allowed to advertise, market, book or create third party rights by offer for sale, enter into agreement for sale any apartment in the said Project 2. No order as to costs.



Mahesh Pathak
Member 1, MahaRERA



Ajay Mehta
Chairperson MahaRERA