

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

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

PMAY CELL, PUNE MUNICIPAL CORPORATION ... APPLICANT (PROMOTER)

IN

**1. REGULATORY CASE NO. 136 OF 2024**

PMAY SCHEME AT SURVEY NO 89 PART AND  
92 PART, HADAPSAR, TAL HAVELI, DIST  
PUNE

...PROJECT NAME

**IN MAHARERA PROJECT REGISTRATION NO. P52100026777**

a/w

**2. REGULATORY CASE NO. 137 OF 2024**

PMAY SCHEME AT SURVEY NO 89 PART AND  
92 PART PLOT D, HADAPSAR, TAL HAVELI,  
DIST PUNE

...PROJECT NAME

**IN MAHARERA PROJECT REGISTRATION NO. P52100029009**

a/w

**3. REGULATORY CASE NO. 138 OF 2024**

PMAY SCHEME AT SURVEY NO 89 PART AND  
92 PART PLOT E, HADAPSAR, TAL HAVELI,  
DIST PUNE

...PROJECT NAME

**IN MAHARERA PROJECT REGISTRATION NO. P52100029030**

**Order**

February 27, 2024

(Date of virtual hearing – 13.02.2024, 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**

Representative present for the Applicant (Promoter) (all cases at Sr. No 1 to 3).

1. The Applicant herein had registered three (3) projects namely "PMAY SCHEME AT SURVEY NO 89 PART AND 92 PART, HADAPSAR, TAL HAVELI, DIST PUNE", "PMAY SCHEME AT SURVEY NO 89 PART AND 92 PART PLOT D, HADAPSAR,

*Peshnare*

*Dattaraj*

*Ajay Mehta*

TAL HAVELI, DIST PUNE" and "PMAY SCHEME AT SURVEY NO 89 PART AND 92 PART PLOT E, HADAPSAR, TAL HAVELI, DIST PUNE" under section 5 of the Real Estate (Regulation and Development) Act, 2016 ("said Act") of Real Estate Regulatory Authority ("RERA") bearing MAHARERA Registration No. P52100026777, P52100029009 and P52100029030 respectively (hereinafter referred to as the "said Project No. 1, 2 & 3 respectively and collectively referred to as said Projects").

2. On 02.06.2023 (for case at Sr. No 1) and 28.11.2023 (for case at Sr. No 2 & 3), applications were made by the Applicant (Promoter) for seeking deregistration of the said Projects as per circular 25A/2023. In this regard the captioned case was heard on 13.02.2024 wherein the following roznama was recorded by the Authority in the captioned matter:

*"Promoter informs that earlier in 2019, they had taken a single registration number for certain buildings to come up on the plot. However subsequently there was natural demarcation done and accordingly there were 3 sets of buildings. The Promoter then approached RERA and obtained 3 different registration numbers.*

*The Promoter now seeks deregistration of the earlier registration number. The Promoter further seeks that certain buildings need to be deleted.*

*The matter of deletion of buildings which have the same registration number located in the land having same CTS number in the overall scheme will be taken up by the Director, Registration separately.*

*Matters are reserved for order."*

3. The Applicant (Promoter) has stated the following for seeking deregistration of the said Project:

- a. The Applicant (Promoter) submits that all the three (3) Projects falls under the Prime Minister Avas Yojana (PMAY) scheme.
- b. That the Applicant (Promoter) in its deregistration applications stated that due to subdivision of plots there is change in planning and further due to unfavourable conditions onsite the construction of building D-9, C-12 & C-15 are cancelled in the said Projects.
- c. That there are no allottees in the said Project.

*Peshkane*

*Sathish*

*By Mail*

4. It is observed that the Projects consists of the following numbers of building on the same plot of land, details of which are mentioned in the table below:

SR. NO.	REGULATORY CASE (RC) NO.	PROJECT NO.	BUILDING COUNT	TOTAL BUILDINGS IN THE PROJECT	RELIEFS (in brief)
1.	136 of 2024	P52100026777	7	C-12, C-13, C-15, C-21, D-4, D-5 & D-9	De-registration
2.	137 of 2024	P52100029009	3	D-4, D-5 & D-9	Deletion of building D- 9
3.	138 of 2024	P52100029030	3	C-12, C-13 & C-15	Deletion of building C-12 & C-15
4.	NA	P52100028895	1	C-21	NA

5. Before moving further, the following observations are noteworthy:
- It is observed that in total there are ten (10) projects registered under the name of the Applicant (Promoter), out of which four (4) projects are having the same plot details. These 4 projects are registered under numbers P52100026777, P52100029009, P52100029030 & P52100028895 (*as mentioned in table above*).
  - That the Applicant (Promoter) has applied for de-registration vide the applications dated 02.06.2023 (*for said Project No. 1*) and 28.11.2023 (*for said Project Nos. 2 & 3*).
  - Further, during the hearing on 13.02.2024, the Applicant (Promoter) submitted that due to unfavourable conditions the Applicant (Promoter) has changed the plans and requested to cancel / delete the building Nos. D-9 from Project No. P52100029009 and C-12 & C-15 from Project No. P52100029030 and de-registration of the Project No. P52100026777.
  - Thus, from the submissions and observation it is clear that the Applicant (Promoter) seeks to de-register Project No. P52100026777 and seeks deletion of buildings D-9 from Project No. P52100029009 and C-12 & C-15 from Project No. P52100029030.
  - The Applicant (Promoter) admits that there are no Allottees in the said Projects.

*Pearlman*

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- f. That office of MahaRERA on 04.12.2023 issued notices inviting objections for deregistration of the said Projects wherein no such objections were received.
- g. Further, it is observed that the compliances namely Form-1, Form-2, Form-3, Form-5 are pending for all the said Projects.
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 reference:
- "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

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certification the project remains compliant. This is the intent of RERA and this 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. In the present case the Promoter submits that in 2019, a single registration number for seven (7) buildings on the same plot of land was taken i.e. said Project No. 1. However subsequently there was natural demarcation done and accordingly there were three (3) sets of buildings. The Promoter then approached the MahaRERA and obtained three (3) different registration numbers. Thus, The Promoter now seeks deregistration of the first registration number i.e. said Project No. 1 and seeks certain buildings to be deleted from the said Project No.

*Deshpande*

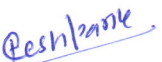
*Gadhikar*

*Ajay Nall*




2 & 3 as mentioned clearly para No. 5 hereinabove. Further in the present case it is evident that there are no allottees. There is also no intent to complete the said Project No. 1 and hence there is no logic to continue with the said Project registration No. 1.

10. Thus, the said Project No. 1 is deregistered, and 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 same. The Applicant (Promoter) to comply with all the compliances namely Form-1, Form-2, Form-3, Form-5 which are pending in the said Projects within 30 days from date of this order.
11. Further with regard the deletion of the building D-9, in said Project No. 2 and buildings C-12 & C-15 in said Project No. 3, 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 application made by the Applicant (Promoter) in the said Project Nos. 2 & 3.

  
(Ravindra Deshpande)  
Member-II, MahaRERA

  
(Mahesh Pathak)  
Member-I, MahaRERA

  
(Ajoy Mehta)  
Chairperson, MahaRERA