

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

Hearing held through hybrid mode as per  
MahaRERA Circular No.: 48/2025

**REGULATORY CASE NO. 338 OF 2025**

MORAJ INFRATECH PRIVATE LIMITED ...APPLICANT (PROMOTER)

MORAJ WATERFALL GATEWAY RIVER ...PROJECT NAME  
BLOCK

**MAHARERA PROJECT REGISTRATION NO. P50500017334**

**Order**

**19.09.2025**

*(Date of hearing – 22.08.2025, matter reserved for order)*

**Coram: Shri Ravindra Deshpande, Member-II, MahaRERA**

Advocate Ashish Dalal for the Promoter/Project Proponent.

1. The Applicant (Promoter) herein had registered the projects bearing name Moraj Waterfall Gateway River Block under section 5 of the Real Estate (Regulation and Development) Act, 2016 (“**said Act**”) of Real Estate Regulatory Authority (“**RERA**”) bearing the following MAHARERA Registration Number No. P50500017334 (hereinafter referred to as the “**said project**”): On 17.04.2023, application was made by the Applicant (Promoter) for seeking part - deregistration of the said project. In this regard the captioned case was heard on multiple occasions.
2. On following dates, the matter was substantial heard. On 07.03.2025, the following roznama was recorded by this Authority in the present matter:

*“It is submitted that promotor has taken CC from NADC on 29.05.2018, it was proposed to construct ground plus seventeen floors comprising of four wings A,B,C,D. The promotor constructed ground plus first floor and the same is commercial. The promotor has obtained part OC for commercial part, which is obtained on 29.12.2023. Out of 37 commercial units, the promotor has sold 35 units. AFS have been for 32 units and 3 are pending to be executed. It is submitted that the promotor has already given possession and promotor has received consents of 15-unit holders and has*

*uploaded the same. Further, the promotor has also received consent of 17 units but same is not uploaded. It is submitted that in residential part, the promotor has not taken any booking because the project is not financially viable as of now and hence, the promotor has filed application for the deregistration of the said project.*

*The advocate of the promotor submitted that, promotor will upload the consent of 17 units holder, authority letter and other required documents and requested the time of one month.*

*Considering the submissions of the advocate appearing for the applicant, the matter stands adjourned to 11.04.2025"*

3. Thereafter, the present matter was heard on 16.05.2025, wherein, the following roznama was recorded by this Authority in the present matter:-

*"The promoter submits that part OC is received on 29.12.2023 regarding commercial part. Out of thirty-seven units, consent of thirty-one units have been received and the same is submitted. It is submitted that three units are with developer. In regards to three units, AFS is not registered. Out of said three units, one allottee has purchased two units and he is out of India and therefore, his consent is not submitted and the same will be done by next month end.*

*It is submitted that by E-Mail, declaration of Annexure-B has been uploaded, stating the exact position of the project, sold inventories and unsold inventories. Declaration of promoter is also uploaded. As per list of the allottees, the names of allottees were called out, however, none of them is present.*

*It is submitted that consent of the allottees have been provided. QPR Form No.1 to 2A provided. Form No. 5 is not uploaded. It is submitted that for uploading and submission of pending documents of consent, Advocate requested that three weeks' time may be granted. Hence, list this matter on 13.06.2025."*

4. The present matter was finally heard on 22.08.2025, wherein, the following roznama was recorded by this Authority in the present matter:-

*"None is present on behalf of the allottee Mr. Darpan Devendra Bhuta. On perusal of last roznama dated 25.07.2025 discloses that a direction was given to issue notice to Mr. Bhuta and in pursuance of which notice was given to Mr. Darpan Devendra Bhuta who is one of the allottees, who was not present on the last date also.*

*Today also none is present on behalf of the allottee Mr. Darpan Devendra Bhuta. Considering the same, the matter is proceeded in the absence of the allottee Mr. Darpan Devendra Bhuta; therefore, this matter is reserved for orders."*

5. The Applicant (Promoter) has stated the following submissions for seeking part-deregistration of the said project:
  - A. Application for de-registration was for part of project: De-registration of GANGA. Residential Part 35% completed, Commercial Part 100% completed. OC applied for Commercial Part. There is zero booking in GANGA
  - B. Reason for part-deregistration – Stopped construction of GANGA.
  - C. Therefore, the Applicant (Promoter) prayed that the part de-registration application of Residential building – GANGA be allowed.
6. Thus, from the submissions and Notarized declaration-cum- undertaking dated 17.04.2023 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 02.06.2023 and on 19.06.2023 issued notices inviting objections for deregistration of the said project whereby 15 days period was given in each notice to submit objections, if any, wherein no objections were received objecting to part de-registration of the said project.
7. It is observed that even if the Promoter had stated in the Notarized declaration-cum- undertaking dated 17.04.2023 that there are zero allottees in the said project. On perusal of the project webpage, it was observed that there were 32 bookings in the Commercial wing of the said project, hence, the Promoter was asked to submit the 2/3 consent of the said Allottees. During the hearing of de-registration, it was submitted by the Promoter that out of 37 commercial units, the promotor has sold 35 units. AFS have been executed for 32 units and 3 are pending to be executed. It was further submitted that the promotor has already given possession and promotor has received consents of 15-unit holders and has uploaded the same. Further, the promotor has also received consent of 17 units

but same is not uploaded. It is submitted that in residential part, the promotor has not taken any booking because the project is not financially viable as of now and hence, the promotor has filed application for the deregistration of the said project.

8. It was further submitted that the part OC was received on 29.12.2023 regarding commercial part. Out of thirty-seven units, consent of thirty-one units have been received and the same is submitted and that three units are with developer. In regards to three units, AFS is not registered. Out of said three units, one allottee has purchased two units and he is out of India and therefore, his consent was not submitted. It is submitted that by E-Mail, declaration of Annexure-B has been uploaded, stating the exact position of the project, sold inventories and unsold inventories. Declaration of promoter is also uploaded.
9. It is also observed that the Promoter has received 2/3 consent of allottees for de-registration of Residential building from the current MahaRERA Project Registration Number.
10. Before the Authority decides on the order on part-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.”*

11. 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 by the Authority of the intent of the Promoter / Developer to start and complete a project wherein premises for which registration is sought would be handed over to the Allottees. In short with registration, begins the process of regulatory oversight which then lasts till the premises are handed over to the allottee together with OC. 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 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.”*

12. 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.

13. 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 1 building. The present case is that of partial deregistration.
14. 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.
15. 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 residential building 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**

**Date :- 19.09.2025**