

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

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

REGULATORY CASE NO. 334 OF 2025

M/S. ARTHV AISHYA HABIT PVT. LTD. ... APPLICANT (PROMOTER)

SHIVSHAKTI ENCLVE ...PROJECT NAME

MAHARERA PROJECT REGISTRATION NO. P50500010655

Final Order

Monday, 30th June 2025

**Coram: Mahesh Pathak, Member-I, MahaRERA
(Through Video Conferencing)**

The Applicant Promoter is absent

1. The Applicant (Promoter) herein has registered the project namely "SHIVSHAKTI ENCLVE" under section 5 of the Real Estate (Regulation and Development) Act, 2016 ("Act"), of Real Estate Regulatory Authority ("RERA") bearing MahaRERA Registration No. **P50500010655** (hereinafter referred to as the "said Project").
2. On 03.06.2024, an application was made by the Applicant (Promoter) for seeking deregistration of the said Project. Accordingly, as per the directions of Hon'ble Chairperson/MahaRERA, dated 11-02-2025, this matter was heard by this Bench on various occasion. The prior intimation of the said hearing was sent to the Applicant, through an email dated 12-04-2025 and it was directed to appear for the virtual hearing on 17-04-2025. Further, vide the said email, the Applicant was directed to submit its reply on 3 main issues viz i) Specific reason for the De-registration, ii) details of the allottees (along with their contact details and email address) and iii) updated QPRs (if not updated).
3. The Authority passed the following roznama in this matter:-
 - (i) 17.04.2025
"The applicant is present. The applicant requests for an adjournment which is accordingly granted. However, the applicant may submit the proof that the 10 allottees

shown in the project (agreement for sale executed with 9 allottees) have been settled by the next date of hearing. The matter is adjourned to a suitable date for further hearing on the application of deregistration. List the matter for next hearing on 19-05-2025."

(ii) 19.05.2025

"The applicant is absent.

Although the applicant-promoter was present in the previous hearing held on 17-04-2025, when the applicant-promoter requested for an adjournment to submit proof of settlement of all the allottees in the project. However, the applicant-promoter is absent today despite notice and has not submitted the said proof as well. Therefore, the matter is adjourned to a suitable date for further hearing and as a last chance to the applicant-promoter.

List the matter for next hearing on 30-06-2025."


4. Accordingly, this matter was scheduled for hearing today and the notice for this hearing was also served upon the Applicant through an email dated 27-06-2025.
5. However, despite the aforesaid directions, the Applicant has neither appeared for the hearing held today nor submitted any compliance report pursuant to the emails dated 12-04-2025 and 27-06-2025. This conduct indicates that the Applicant is not inclined to pursue or contest the present de-registration application.
6. The record also shows that the Applicant (Promoter) has filed the de-registration application by citing the reason, *"Suo moto deregistration due to scarcity of funds as well as medical and health issue of one of Director of the company."* However, despite directions, the Applicant has failed to comply with the directions issued by the MahaRERA vide the emails dated 12-04-2025 and 27-06-2025. Thereby the Applicant has failed to submit i) updated Quarterly Progress Reports (QPRs), ii) 2/3rd consent of the allottees and iii) specific reasons for the de-registration.
7. However, the record shows that the Applicant, although has partially complied with point (iii) by citing the reasons for de-registration, it has failed to comply with directions at point nos. (i) and (ii), namely, submission of updated QPRs and two-thirds consent of the allottees. The record also reveals that the Applicant has



submitted QPRs only up to the year 2021 and has furnished consent from 6 allottees out of a total of 10 allottees.

8. Meaning thereby that the Applicant has failed to comply with the mandatory requirements necessary for de-registration of the said project, as stipulated under MahaRERA Order No. 42 of 2023 dated 10-02-2023. Hence, the Authority is not inclined to grant the relief sought by the Applicant for de-registration of the said project.
9. In addition to the above, the Applicant's repeated absence, continued non-compliance, and failure to diligently prosecute the matter reflect a lack of bona fide intent. Hence, the Authority has no other alternative but to dismiss this application for de-registration for default, non-compliance, and also for want of prosecution. However, liberty is granted to the Applicant (Promoter) to seek restoration of the application by filing a proper and complete application along with all requisite documents, including the specific reasons for de-registration (as per Annexure I) and the updated Quarterly Progress Reports (QPRs), before the Director (Compliance), MahaRERA, who shall consider the same upon being satisfied.

Date: 30th June 2025


Mahesh Pathak
Member-I, MahaRERA