

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

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

REGULATORY CASE NO. 359 OF 2025

ROHA MEGA CITY DEVELOPERS LLP ... APPLICANT (PROMOTER)

ROHA MEGA CITY PHASE III ...PROJECT NAME

MAHARERA PROJECT REGISTRATION NO. P52000007617

Order

Tuesday, 5th August, 2025

(Date of virtual hearing -19-05-2025, matter reserved for order)

Coram: Mahesh Pathak, Member-1, MahaRERA

CA Sumit Kapure appeared on behalf of Applicant Promoter

1. The Applicant herein had registered the project namely "**ROHA MEGA CITY PHASE III**" under section 5 of the Real Estate (Regulation and Development) Act, 2016 ("**Act**") of Real Estate Regulatory Authority ("**RERA**") bearing MahaRERA **Registration No. P52000007617** (hereinafter referred to as the "**said Project**").

2. On 22.12.2023, an application was made by the Applicant (Promoter) for seeking deregistration of the said Project. The said matter was heard on 19.05.2025, where the following roznama was recorded by the Authority:

"The applicant is present.

The applicant has pointed out that most of the QPRs and Forms in the project have been submitted for the quarters in 2023-24 through emails since the project registration has been kept in abeyance. The applicant has applied on 22-12-2023 for de-registration since zone change was not possible and all the allottees have been settled (allottees are either refunded or moved to another project). The applicant also undertakes to provide the proof of settlement of the allottees within a period of 1 week i.e. by 26-05-2025.

Therefore, the matter is reserved for order suitably after 26-05-2025 on the issue of deregistration of the said project.

3. The Applicant (Promoter) had filed the deregistration application stating the reason as follows:

“Project (plotting project), is not technically viable to be developed and hence proposed to be discontinued”

4. However, on bare perusal of the available record, the following observations are noteworthy:
- a. That the MahaRERA has granted registration on 17.08.2017.
 - b. That the project consists of only one building.
 - c. The Applicant (Promoter) submitted a Notarized Declaration-Cum-Undertaking dated 28.12.2023, declaring that the project had 168 bookings, out of which 101 allottees were settled and 67 allottees were moved to another project. However, upon scrutiny of the records, it was observed that there is discrepancy about one allottee. Therefore, the Applicant was directed to submit the settlement documents on record of MahaRERA.
 - d. Further, the QPR's are updated till 2023-2024.
 - e. However, in the present case, it is pertinent to note that, as per the webpage information uploaded by the applicant, 169 bookings are reflected on the MahaRERA website. However, the applicant has submitted that there are only 168 allottees in the said project. The applicant has further contended that the discrepancy in the number of bookings could not be rectified on the MahaRERA portal due to login issues arising from the project being kept in abeyance (as per clarification submitted by the applicant on 4-08-2025). Be that as it may, in the absence of any objections received from the allottees in the said project, MahaRERA has no option but to rely upon and take into consideration the submissions made by the applicant promoter.
 - e. It is also observed that the MahaRERA on 15-01-2024 issued notice on MahaRERA website inviting objections for deregistration of the said project wherein no such objections were received.
5. The Applicant (Promoter) was informed via email dated 16.05.2025 to furnish following details: i) specific reason for deregistration, ii) details of allottees along with mobile number and registered email address, iii) updated QPR (if not updated) and

accordingly, the hearing was conducted in this case on 19-05-2025, when the applicant promoter appeared through its authorized representative and made its submissions. On the said date the matter was heard and closed for orders, with directions to the applicant to submit its written submissions within a period of one week.

6. Accordingly, the applicant (promoter) has submitted its written submissions along with supporting documents (in hard copy) on record of MahaRERA on 23.05.2025. In the said submissions, the applicant has stated that it received a notice from MahaRERA informing that the project was kept in abeyance on 05.12.2023. Upon receipt thereof, it has submitted an application for de-registration of the project on 28.12.2023. The applicant further stated that MahaRERA has issued a public notice inviting objections on 15.01.2024. Subsequently, MahaRERA, via email dated 12.03.2024, requested the applicant to submit an updated Quarterly Progress Report (QPR) along with other requisite documents, which was duly submitted by it. The applicant has also provided reasons for seeking de-registration. It has further submitted that there were approximately 168 allottees in the project and the promoter had offered them two options: i) Refund of the amount paid, or ii) Shifting the booking to another project. Out of the total, 102 allottees have opted for a refund, and the promoter has duly repaid all of them and – allottees have sought transfer to another project. The applicant has submitted the proofs for such refund and transfer of allotment duly signed by the allottees of the said project. The applicant further submitted that there are no complaints pending against the said project. As per the QPR for the quarter April-June 2024, there are no remaining allottees in the project, and all allottees' claims have been fully settled.
7. Thus, from the submissions of the applicant (promoter) it is observed that there are no allottees in the project as on date of this order and that all the claims of the 168 allottees are settled as submitted by the applicant (promoter) in the affidavit (undated) on record of MahaRERA on 23-05-2025.
8. 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 herein below 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.”

9. 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 property to complete as a project in the manner envisaged under the said registration. 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 the said Act and this intent is clearly brought about in the preamble of the said Act which is reproduced herein below:

“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.”

10. On bare perusal of the preamble to the Act, it is evident that the legislative intent is to ensure the sale of plots, apartments, shops, etc., in an efficient and transparent manner, and to protect the interests of allottees. The underlying objective mandates the Authority to ensure that the project remains compliant and that the homebuyers/allottees receive possession of their respective premises. This is a beneficial legislation intended to facilitate the transition of an apartment/unit/shop from the promoter to the homebuyer/allottee, in the manner prescribed under the Act. The purpose of the legislation is not merely to grant project registration numbers for statistical or procedural purposes, but to ensure that such registration leads to the actual delivery of the promised premises. Therefore, once a project registration number is granted, the project must progress as per the provisions of the Act, culminating in the handover of possession to the allottees. The grant of a registration number is not a hypothetical exercise devoid of substantive outcomes.
11. In view of the above, if the Authority is of the view that a project for which a registration has been granted under section 5 of the said Act, is unlikely to be completed, it is incumbent upon the Authority to take cognizance of such a situation and to initiate appropriate action to bring the project to its logical conclusion. Since the Authority is mandated to exercise continuous oversight from the grant of registration until the successful completion of the project, it must also take necessary steps where it becomes apparent that the project is unlikely to progress further.
12. In this regard, it is pertinent to note that the Authority, vide Order No. 42/2023 dated 10.02.2023, has laid down provisions for the de-registration of real estate projects. The said order prescribes the pre-requisites for de-registration, and paragraph A(iii) thereof is relevant to the present matter. The same is reproduced below:

"A. Pre-requisites for de-registration of a real estate project

i) Only those real estate projects which have zero allottees, i.e., projects with no bookings, shall be considered for de-registration.

ii) Provided that, where part of a registered real estate project is sought to be de-registered, there should be zero allottees in that part of the project.

iii) Provided further that in real estate projects where there are bookings, the application for de-registration shall be entertained only if the rights of such allottees have been settled by the promoter and the relevant documents are submitted for verification along with the application for de-registration.

iv) Provided also that where de-registration of a portion of a real estate project affects the rights of allottees in the remaining part of the project, consent of two-thirds of such affected allottees shall be submitted along with the application for de-registration."

13. The aforesaid Paragraph A(iii) of the MahaRERA Order clearly provides that in cases where there are existing bookings, an application for de-registration shall be considered only upon settlement of the rights of the allottees, and upon submission of documentary proof of such settlement along with the de-registration application.
14. In the present case, the promoter has expressed that there is no longer any intent to complete the project. The Authority is not required to examine or ascertain the reasons for the lack of such intent. However, it is the duty of the Authority to ensure that such lack of intent does not result in harm or prejudice to the homebuyers/allottees. Where it is established that the rights of allottees have been fully settled and their interests are no longer at risk, the Authority sees no reason to deny de-registration of the project.
15. The Authority finds no rationale in continuing to maintain the registration number of a project where either there are no allottees, or where the promoter has fulfilled all legal obligations towards the existing allottees. The Authority reiterates that the exercise of granting a project registration number, maintaining oversight, and preserving project records is not a theoretical formality, it serves the clear and substantive purpose of ensuring delivery of premises to homebuyers/allottees. In the present case, it is evident that, as on the date of this order, there are no allottees in the

project, and the rights of all former allottees have been fully settled by the promoter. There is also no intent to complete the project and hence there is no logic to continue with the project registration number and hence the same needs to be deregistered.

16. In view of these observations, the said project stands **de-registered**, and the applicant (promoter) is hereby **restrained** from advertising, marketing, booking, selling, offering for sale, or inviting any person(s) to purchase in any manner any apartment/unit in the said project, henceforth.



(Mahesh Pathak)

Member-I, MahaRERA