

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

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

REGULATORY CASE NO. 330 OF 2025

KACHHI PROPERTIES

... APPLICANT (PROMOTER)

ANANDGRIHA PHASE III

...PROJECT NAME

MAHARERA PROJECT REGISTRATION NO. P52700007506

Order

Thursday, 7th August 2025

(Date of virtual hearing -17.04.2025, matter reserved for order)

Coram: Mahesh Pathak, Member-1, MahaRERA

Applicant Mr. Mahesh Lalwand present in person (Promoter)

1. The Applicant herein had registered the project namely "ANANDGRIHA 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. P52700007506** (hereinafter referred to as the "said Project").
2. On 22.07.2023, an application was made by the Applicant (Promoter) for seeking deregistration of the said Project. The said matter was heard on 17.04.2025, when the following roznama was recorded by the Authority:
*"The applicant is present.
The applicant submits that the project is postponed due to lack of response from purchasers. In respect of 2 allottees, the registered cancellation deeds have already been signed and the proof of the same is submitted to the MahaRERA.
Accordingly the matter is reserved for order as per the application of the applicant for deregistration of the said project."*
3. The Applicant (Promoter) had filed the deregistration application stating the reason as follows:

"Project is postponed due to lack of response from purchasers"

4. However, in the present case, on bare perusal of the available record, the following observations are noteworthy:

a. That the project was granted registration on 17.08.2017

b. Applicant (Promoter) submitted a Notarized Declaration-cum-Undertaking dated 24.07.2023, declaring that the project had zero allottees. However, upon scrutiny of the available information on the MahaRERA website, it was observed that there were two allottees in the project. Accordingly, the Applicant (Promoter) was directed to furnish the requisite details regarding the said allotments as per email dated 13-05-2023. In compliance with the said directions, the Applicant (Promoter), has submitted its response along with copies of two registered Deeds of Cancellation dated 20-04-2023 and 13-06-2022, in support of its claim that the said allotments had been cancelled.

d. Further, with respect to the Quarterly Progress Reports (QPRs), it is noticed that the Applicant has updated the same up to the year 2021-2022.

e. It is also observed that a public notice dated 14.08.2023 was issued by the MahaRERA Office on its official website, inviting objections to the proposed deregistration of the said project. However, no objections have been received in response to the said public notice.

5. Thus, based on the submissions made by the Applicant (Promoter), it is observed that there are no allottees in the project as on the date of this order, and all claims of the two erstwhile allottees stand settled, as submitted by the Applicant (Promoter).

5. The Applicant (Promoter) was informed via email dated 12.04.2025 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). However, the Applicant (Promoter) has failed to comply with directions, to furnish requisite documents and update the QPRs. Hence, the submissions made by the Applicant along with this De-registration Application have been perused.

6. 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 2

allottees are settled as the Applicant has executed the cancellation deeds dated 20-04-2023 and 13-06-2022.

7. 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."

8. 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.”

9. 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.

10. 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.

11. 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."*

12. **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.

13. In the present case, the Applicant 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.

14. 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 Applicant by signing the cancellation deeds. There is also no intent to complete the project by the Applicant and hence there is no logic to continue with the project registration number and hence the same needs to be deregistered.

15. 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