

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

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

REGULATORY CASE NO. 332 OF 2025

Sitaram Muktaji Salunke

... APPLICANT (PROMOTER)

Muktaji Salunke Nagar

...PROJECT NAME

MAHARERA PROJECT REGISTRATION NO. P52300023951

Order

Tuesday, 12th August 2025

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

Coram: Mahesh Pathak, Member-1, MahaRERA

Applicant Mr. Sheshrao Salunke appeared in person

1. The Applicant herein had registered the project namely "Muktaji Salunke Nagar" under section 5 of the Real Estate (Regulation and Development) Act, 2016 ("Act") of Real Estate Regulatory Authority ("RERA") bearing MAHARERA **Registration No. P52300023951** (hereinafter referred to as the "Project") located at Village Bahirwadi, Taluka and Dist- Beed.
2. On 27.06.2023, an application was made by the Applicant (Promoter) for seeking deregistration of the 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. In this regard the matter was heard on, 17.04.2025, wherein the following roznama

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was recorded by the Authority on 17.04.2025:

"The applicant is present.

The applicant contends that due to family dispute he wishes to de-register the said project. One booking done in the project is prior to registration and the plot has been handed over to the said allottee as per the said booking and agreement for sale signed with the allottee. The applicant may provide the proof of the same (booking, agreement for sale, possession, handing over letter etc.,) within a period of 1 week i.e. by email to the MahaRERA within a period of one week i.e. by 24-04-2025.

Subsequent to which, the matter would be reserved for order on the application of the applicant for deregistration of the project."

4. The Applicant (Promoter) had filed the deregistration application stating the following reason:

"Due to family dispute changed the mindset to sale the property"

5. However, on bare perusal of the available record, the following observations are noteworthy:

a. That the project was granted registration on 14-01-2020.

b. The Applicant (Promoter) submitted a Notarized Declaration-Cum-

Undertaking dated 27.06.2023, stating that the project has Zero allottees.

However, upon scrutiny it has been observed that the project has 1 booking.

c. Further, with respect to QPR's, it is updated till 15.03.2023.

d. It is also observed that office of MahaRERA on 12.07.2023 issued notices inviting objections for deregistration of the project wherein no such objections were received.

6. However, in the present case, pursuant to the directions issued by the MahaRERA during the course of the hearing held on 17-04-2025, the applicant-promoter, vide an email dated 11-08-2025, has submitted proof of settlement with the allottee of the said project and furnished a copy of the registered sale deed dated 02-08-2019 along with the possession letter dated 12-08-2019, duly signed by the said allottee, viz., Mrs. Kamal Shivprasad Jaju. In this case, it is an admitted fact that the said registered sale deed in respect of the said plot was executed with the said allottee prior to the registration of the said project with the MahaRERA on 14-01-2020. This demonstrates that, as on date, there remains no allottee in the said project.

7. Furthermore, the applicant, in reply to the email dated 12-04-2025, has submitted the following:
- i. Due to a change in business strategy, the promoter has decided to retain the land.
 - ii. No allotments have been made.
 - iii. As there has been no development, the QPRs remain NIL.
8. Thus, from the submissions of the applicant-promoter, it is observed that there are no allottees in the project as on the date of this order, and that the claim of the sole allottee stands settled, as the applicant has executed a registered sale deed dated 02-08-2019 with the said allottee.
9. 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."

10. 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."

11. 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.

12. 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.
13. 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."

14. 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.
15. In the present case, the Applicant promoter has expressed that there is no longer any intent to complete the project as the said project is cancelled (as per the Applicant). 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.
16. 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 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.

17. 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