

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

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

REGULATORY CASE NO. 333 OF 2025

Panchshil Infrastructure Holding Pvt. Ltd. ... APPLICANT (PROMOTER)

T-Villa ...PROJECT NAME

MAHARERA PROJECT REGISTRATION NO. P52100010632

Order

Monday, 11th August 2025

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

Coram: Mahesh Pathak, Member-I, MahaRERA

Mr. Nitin Kulkarni, Authorized Representative

1. The Applicant herein had registered the project namely "T-Villa" under section 5 of the Real Estate (Regulation and Development) Act, 2016 ("Act") of Real Estate Regulatory Authority ("RERA") bearing MAHARERA **Registration No. P52100010632** (hereinafter referred to as the "Project").
2. On 05.06.2024, 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. In this regard the matter was heard on, 17.04.2025, wherein the following roznama was recorded by the Authority on 17.04.2025:

"The applicant is present.

The applicant has confirmed that the 4 bookings consisting 4 villas of the project have been cancelled as per the MoU due to the request of the allottees.

The applicant confirms that the said MoU would be sent to the MahaRERA in hard copies, email within a period of one week i.e. by 24-04-2025.

Accordingly, the matter is reserved for order subsequent to the receipt of the said MoU from the applicant suitably after 24-04-2025."

4. The Applicant (Promoter) had filed the deregistration application stating the following reason (As per Annexure-A): ***"The Project is cancelled"***

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

a) That the project was granted registration on 09.09.2021

b) The Applicant (Promoter) submitted a Notarized Declaration-Cum-Undertaking dated 05.06.2023, stating that the project has 4 allottees with whom the MoU dated 25-10-2016 were signed for allotment of the said 4 villas, have been settled and notarized cancellation deeds have also been signed with them on 31-03-2021.

c) Hence, as on date there are no allottees in the said project. Further, with respect to the Quarterly Progress Reports (QPRs), it is noticed that the Applicant has updated the same up to the year 2020-2021.

d) It is also observed that a public notice dated 21-06-2024 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.

e) 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).

6. 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) and accordingly, the hearing was conducted in this case on 17-04-2025, when the applicant promoter appeared through its

authorized representative and made its submissions. On the said date the matter was heard and closed for order.

7. However, pursuant to the directions issued during the hearing held on 17-04-2025, the Applicant promoter has submitted the copies of notarized deeds of cancellation dated 31-03-2021 duly signed between the Applicant and the so called allottees viz Mr. Sangitaben V. Tanti, Mrs. Radh Tanti, Mrs. Gita Tanti and Mr. Jitendra Tanti on record of MahaRERA in hard copy on record of MahaRERA on 30.05.2025. By virtue of the said cancellation deed, the Applicant has refunded the monies to the said allottees between the year 2020 till 2021 through RTGS/cheques.

8. 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 notarised cancellation deeds dated 31-03-2021.

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

