

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

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

REGULATORY CASE NO. 43 OF 2023

AZURE TREE LANDS PRIVATE LIMITED ... APPLICANT (PROMOTER)

KALPATARU CENTRINO ...PROJECT NAME

MAHARERA PROJECT REGISTRATION NO. P52100026091

INTERIM ORDER

October 03, 2023

(Date of virtual hearing – 08.09.2023, matter reserved for order)

**Coram: Shri. Ajoy Mehta, Chairperson, MahaRERA
Shri Mahesh Pathak, Hon'ble Member-I, MahaRERA**
Advocate Suneet Tyagi for the Applicant (Promoter)

1. The Applicant herein had registered the project namely "KALPATARU CENTRINO" under section 5 of the Real Estate (Regulation and Development) Act, 2016 ("said Act") of Real Estate Regulatory Authority ("RERA") bearing MAHARERA Registration No. P52100026091 (hereinafter referred to as the "said Project").
2. On 20.02.2023, an application was made by the Applicant (Promoter) for seeking deregistration of the said Project. in this regard the captioned case was heard on 08.09.2023 wherein the following roznama was passed by this Authority in the captioned matter:

"Promoter avers that the Project was never launched nor have any rights been created. Promoter is seeking deregistration as per Order 42 of 2023. It is also seen from documents on record that the Project land has been sold to a third party. It is also brought to the notice of the Authority that QPRs are not up to date. Promoter to file QPRs on or before the 18.09.2023.

Matter reserved for order."

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3. The Applicant (Promoter) has stated the following for seeking deregistration of the said Project:
 - a. That the said Project was on hold as it was not feasible to the Promoter due to estimates of costs.
 - b. That the Promoter has already sold the said Project land to a third party vide a sale deed dated 26.08.2022.
 - c. Further it is also submitted that the Applicant (Promoter) has not created any third-party rights in the said Project nor has made any bookings or received any earnest money.
 - d. The Promoter also clarifies that there is no physical development carried out on the land of the said Project and that the Land is a vacant plot as on date.
 - e. The Promoter has updated the QPRs as directed by the Authority on 08.09.2023.
4. Thus, from the submissions of the Applicant (Promoter) it is clear that there are no Allottees in the said Project as the same was never constructed nor developed. Further the Applicant mentions that they have already sold the said Project to a third party on 26.08.2022. Further, it is also observed that office of MahaRERA on 02.06.2023 & 19.06.2023 issued notices inviting objections for deregistration of the said Project wherein no such objections were received.
5. It is observed by the Authority that the Promoter who has approached for deregistration has already sold the land on which the said Project was to be constructed. The new owner of the land has not appeared before the Authority. There is no way to verify whether the new owner of the land intends to carry on with the said Project and its registration number. It must be noted here that the said Project registration number is an inseparable part of the project and the underlying land on which the project is to be executed. It is nobody's case that the said Project and its underlying land has been transferred while the registration number remains with the Promoter who sought the same. In such a

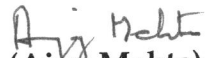
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circumstance it becomes imperative for the Authority to verify the current status of the said Project and also the intent of the new owner of the land.

6. In view of the above the Authority cannot at this juncture consider the deregistration request of the Promoter herein since they have already sold of the said Project land. The Authority would seek to verify the status from the new owner of the land.
7. Thus, the said Project registration be kept in **abeyance** and the Promoter herein is directed not to advertise, market, book, sell or offer for sale, or invite person/s to purchase in any manner any apartment / unit in the said Project. Further the captioned case is adjourned to **10.10.2023 at 03.00 pm** for virtual hearing, notices in this regard to be sent to the new owner of the land. The Promoter herein to provide MahaRERA office with all necessary details in this regard.


(Mahesh Pathak)
Member-I, MahaRERA


(Ajoy Mehta)
Chairperson, MahaRERA