

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

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

**REGULATORY CASE NO. 319 OF 2025**

HUBTOWN LIMITED

... APPLICANT (PROMOTER)

HUBTOWN SIDDHI

...PROJECT NAME

**MAHARERA PROJECT REGISTRATION NO. P51700001954**

**ORDER**

March 03, 2025

(Date of virtual hearing -22.01.2025, matter reserved for order)

**Coram: Manoj Saunik, Chairperson, MahaRERA  
Mahesh Pathak, Member-I, MahaRERA  
Ravindra Deshpande, Member-II, MahaRERA**

Ms. Geeta Menon, authorised representative present for Applicant (promoter)

1. The applicant herein had registered the project namely "HUBTOWN SIDDHI" under section 5 of the Real Estate (Regulation and Development) Act, 2016 ("Act") of Real Estate Regulatory Authority ("RERA") bearing MAHARERA Registration No. P51700001954 (hereinafter referred to as the "Project").
2. On 04.04.2023, an application was made by the applicant for seeking deregistration of the project. In this regard the case was heard by this Authority on 22.01.2025 wherein the following roznama was recorded:

*"The representative of the promoter seeks deregistration of the said project. The promoter submits that there are zero allottees in the project. However, the MahaRERA website shows that there are three bookings. The advocate for the promoter submits that the allottees are settled.*

*In view of the above the promoter is directed to submit an affidavit on record stating that the allottees are settled and that there are zero allottees along with the evidence, if any. Further, the address mentioned on the deregistration application is different from that on the registration certificate. The promoter to submit an affidavit on the clarification of the address of the project to be deregistered. The promoter is directed to update all the pending quarterly progress report. Subsequent to filing of affidavits within 7 days, the matter shall be reserved for orders."*

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3. The applicant (promoter) has stated that they are not developing the project due to many constraints and that there is no construction started in the project, and they have decided to discontinue the project. Therefore, the applicant (promoter) is seeking deregistration of the project.

4. The following observations are noteworthy:

a. That the project was granted registration on 09.09.2021. Further the project registration has lapsed on 30.07.2023.

b. That the project consists of only one building.

c. Further, it is observed that as per MahaRERA webpage there are three (3) booking in the project. However, the promoter in the affidavit dated 30.01.2025 has submitted that there were three (3) allottees in the project. However, since they were not intending to continue with the project, they have returned/ refunded the payments received by the three (3) allottees. The applicant (promoter) has attached bank statements reflecting the refunds and stating their claim. The same has been perused by the Authority. Below are the details of the allottees whose claims have been settled:

SR. NO.	NAME OF ALLOTTEES	FLAT NO.	REFUNDED AMOUNTS	DATE OF TRANSACTION
1.	MILIND GANESH SHENOY	903	16,60,625/-	05.09.2022
2.	SANTOSH P YEOLEKAR	1102	16,22,715/-	06.10.2021
			13,77,285/-	15.06.2022
3.	PREMASHISH DAS	1201	20,30,550/-	07.08.2018

d. Further, the applicant (promoter) has mentioned address of the project as: 215/1, 215/2(pt), 216, 218, Vill. Majiwade, Thane (W), Dist. Thane in the Application - Annexure A whereas it has been observed that the address of the project as per the registration certificate dated 09.09.2021 is: 216/1 at Vartak Nagar, Thane, 400606. There was a discrepancy in the project address (plot details) for which deregistration is applied for by the applicant (promoter). In this regard the applicant (promoter) was directed in the

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roznama dated 22.01.2025 to submit a clarification on the same. The applicant (promoter) vide email dated 18.02.2025 has submitted as follows:

*"I) Hubtown Siddhi is a part of the larger scheme of thane which includes:*

*a) S. No. 215 H. No. 1/1, 1/2, 1/3, 1/5, 1/6*

*b) S. No. 215, H. No. 2/1, 2/3, 2/4, 2/5, 2/6*

*c) S. No. 216 H. No. 1, 2, 3*

*d) S. No. 218*

*II) In and within the above Larger S no. is situated Hubtown Siddhi which has S. No. 215/1/1.*

*III) The initial Commencement Certificate was given for the entire Larger Scheme which had all the Survey numbers mentioned in serial no. I, as above.*

*IV) Initially while registering the Project Siddhi, the S. no. given was erroneous and while applying for De - registration the combined S. No. of the Sale plot which was mentioned in Architect Certificates was punched.*

*V) This was an error from our side.*

*VI) We are attaching the Certificate from the Licensed Architect for Thane Municipal Corporation (TMC) who has certified the address of the Project Hubtown Siddhi, for your authentication and further necessary action."*

- e. From the submissions made by the applicant (promoter) it is ascertained that the project is a part of larger layout, and the Commencement Certificate (CC) is obtained by the applicant (promoter) for the larger layout. However, project "hubtown siddhi" is situated on S. no. 215/1/1 and the applicant (promoter) had erroneously at the time of registration of the project mentioned the S. no. as 216/1 and in the application had erroneously mentioned the S. nos. as 215/1, 215/2(pt), 216, 218. Thus, it is observed that there was an error on the part of the applicant (promoter) in mentioning the plot details.
- f. Further, with respect to QPR's update as directed in the roznama dated 22.01.2025, the applicant (promoter) vide email dated 30.01.2025 has submitted that all the quarterly progress reports (QPR's) have been uploaded till the time of deregistration application.
- g. It is also observed that office of MahaRERA on 02.06.2023 and 19.06.2023 issued notices inviting objections for deregistration of the project wherein no such objections were received.

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5. 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 three (3) allottees are settled as submitted by the applicant (promoter) in the affidavit dated 30.01.2025.
6. 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 Act is hereinbelow 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."*

7. 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 Act would be handed over to the allottees. Thus, the critical ingredient of section 5 is the intent of the promoter to complete the project as registered. 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 RERA and this

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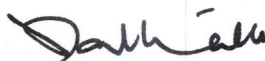


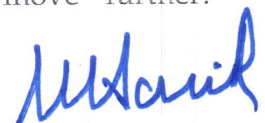
intent is clearly brought about in the preamble of the Act which is reproduced hereinbelow:

*"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."*

8. On perusal of the preamble, it is evident that the intent is to ensure the sale of plot, apartment, shop etc. in an efficient and transparent manner and to protect the interest of the consumers. The intent thus mandates the Authority to ensure that the project remains compliant and the home buyers / allottees receive their premises. Hence the legislation is to ensure delivery of the premises to the home buyers / allottees. This is a beneficial legislation where an apartment/unit/shop needs to move from the promoter / developer to the home buyer / allottee in a manner as laid out under the Act. The legislation is not for providing project registration numbers which do not lead to home buyers / allottees receiving their apartment/unit/shop. The Authority needs to make it clear here that a project registration number once given to a project, the project must then proceed and take a course as defined in the Act and finally premises (apartment/unit/shop) get delivered to the home buyers / allottees. The grant of a project registration number is not a hypothetical exercise for complying with certain statistical purpose.
9. It can thus be concluded that in the event the Authority finds that a project registration number which has been granted to a project is not likely to be completed the Authority is bound to take cognizance of the same and take such actions as may be necessary to bring the project to a conclusion. As the Authority is mandated to exercise oversight once a project registration number is given till the date it is successfully completed it is also for the Authority to take a call when it becomes apparent that the project is not likely to move further.

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10. Thus, the Authority as per order 42/2023 dated 10.02.2023 issued provision for deregistration of the project, the Authority as per the order 42/2023 lays down the pre-requisites for de-registration of a project. The para-A (iii) of the order 42/2023 becomes relevant here and the same is re-produced as under:

"A. Firstly,

**Pre-requisites for de-registration of a real estate project**

- i) Only those real estate projects which have zero allottees i.e. the real estate projects where there are 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 then there should be zero allottees in that part of the real estate project.
- iii) Provided further that in real estate projects where there are bookings, application for de-registration shall be entertained subject to the rights of such allottees being settled by the promoter and documents in that regard being submitted for verification along with the application for de-registration.
- iv) Provided also that when de-registration of part portion of a real estate affects the rights of rest of the allottees in the balance part of such real estate project then 2/3rd consent of such allottees need to be submitted along with the application for de-registration."

11. The pre-requisite at para-A (iii) refers to that in real estate project with existing bookings, an application for de-registration will be considered only if the promoter has settled the rights of allottees and submits the necessary documents for verification along with the de-registration application.
12. In the present case the intent to complete the project itself is not there anymore. There could be various reasons for the same. The Authority has no reason nor a mandate to delve into why the intent to complete has evaporated. The Authority has however to ensure that while there is no intent to complete the same is not driven by an intent to short change home buyers / allottees. Where allottees have been taken care of and their interest are not jeopardised anymore the Authority sees no reason to deny a deregistration when sought for.
13. The Authority sees no logic on maintaining a project registration number where either there are no allottees or where there are allottees but whose legal obligations have been fulfilled by the promoter. The Authority is very clear that the exercise of grant of project registration number, the oversight over a project having a registration number and maintenance of records of such projects is not

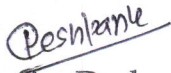
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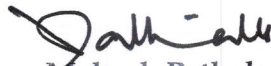
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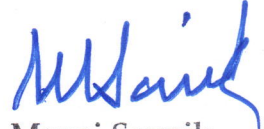
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a theoretical exercise. This exercise is clearly for the specific purpose of delivery of the premises. In the present case it is evident that as on date of this order there are no allottees and the rights of all the allottees are settled by the promoter. 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.

14. Thus, the project is **deregistered**, and the applicant (promoter) herein is directed never to advertise, market, book, sell or offer for sale, or invite person/s to purchase in any manner any apartment / unit in the project.

  
Ravindra Deshpande  
Member-II, MahaRERA

  
Mahesh Pathak  
Member-I, MahaRERA

  
Manoj Saunik  
Chairperson, MahaRERA