

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

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

REGULATORY CASE NO. 318 OF 2025

LANDMARK PROPERTIES

... APPLICANT (PROMOTER)

FORTUNE PARK

...PROJECT NAME

MAHARERA PROJECT REGISTRATION NO. P52700004779

ORDER

March 04, 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**

Advocate Aniket Thormote present for Applicant (promoter)

1. The applicant herein had registered the project namely "FORTUNE PARK" under section 5 of the Real Estate (Regulation and Development) Act, 2016 ("Act") of Real Estate Regulatory Authority ("RERA") bearing MAHARERA Registration No. P52700004779 (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 advocate for the promoter seeks deregistration of the said project on the grounds of financial unviability. The promoter submits that there are zero allottees in the project. However, the MahaRERA website shows that there are two bookings. The advocate for the promoter submits that the allottees are settled, one allottee was refunded and the other is accommodated in another project.

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, within 7 days, subsequent to which the matter shall be reserved for orders. The promoter is directed to update all the pending quarterly progress report."

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3. The applicant (promoter) states that due to financial unviability they have decided to discontinue with 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.
 - b. That project is a plotted development comprising 18 plots as submitted in the deregistration application.
 - c. Further, it is observed that as per MahaRERA webpage there are two (2) booking in the project. However, the applicant (promoter) in the affidavits dated 04.04.2023 and 29.01.2025 has submitted that there are zero (0) allottees in the project and that rights of each of the allottees are settled.
 - d. Further, the advocate for the applicant (promoter) during the hearing dated 22.01.2025 submitted that out of the two (2) bookings one allottee was refunded and the other allottees was accommodated in another project of the applicant (promoter). Moreover, as per roznama dated 22.01.2025 applicant (promoter) was directed to submit an affidavit on record stating that the allottees in the project are settled and there are zero allottees along with documentary evidence within seven days.
 - e. Subsequently, the applicant (promoter) vide email dated 10.02.2025 & 20.02.2025 submitted the same affidavits dated 04.04.2023 and 29.01.2025. However, the applicant (promoter) did not provide any documentary evidence of settlement of allottees which was requested by the Authority vide email dated 18.09.2023 and 14.02.2025 i.e subsequent to filing of deregistration application and direction as per the roznama dated 22.01.2025 respectively. The applicant (promoter) has failed to provide any documentary evidence for his claim of settlement of two (2) allottees in the project.
 - f. Moreover, the applicant (promoter) vide email dated 10.02.2025 and 20.02.2025 submits that *"the MahaRERA portal incorrectly reflects the number of allottees as two due to an inadvertent entry. However, as confirmed to the Hon'ble Chairperson, the actual number of allottees is zero. Currently, the option*

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to modify these details is frozen on the MahaRERA portal. Nonetheless, we have been instructed to resubmit Annexure B to proceed with the de-registration process. We hereby reaffirm that there are no allottees in the project and submitting Annexure B, kindly proceed with the de-registration accordingly."

- g. As observed time and again the applicant (promoter) submits that there are zero allottees in the project and the rights of each allottees are settled. However, applicant (promoter) fails to provide documentary evidence stating his claims.
 - h. Further, it is also observed that the applicant (promoter) in the affidavits submits that the list of allottees along with their residential address, contact number and email ids is attached along with the affidavits. However, in the list of allottees "NA" i.e not applicable is written in all the details columns to be provided by the applicant (promoter). The applicant (promoter) has also failed to provide details of the allottees to the Authority.
 - i. Further, with respect to quarterly progress reports (QPR's) as directed in the roznama dated 22.01.2025, the applicant (promoter) has failed to update the QPR's.
 - j. 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.
5. Thus, from the above it is observed that there are no allottees in the project as submitted by the applicant (promoter) in affidavits (declaration cum undertaking) dated 04.04.2023 and 29.01.2025. However, it is also observed that there is no document on record stating that the claims of the two (2) allottees are settled. Further, the applicant (promoter) vide email dated 10.02.2025 and 20.02.2025 also submits that the two (2) bookings which reflects on the webpage is an inadvertent error.
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:

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"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 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."

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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.
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.*

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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, it can be ascertained from the submissions, affidavits and submission made during the hearing by the applicant (promoter) that the rights of the allottees are settled, however, the promoter has failed to submit the necessary documents for verification of settlement claims along with the de-registration application. Further it is pertinent to note that the applicant (promoter) vide mail dated 10.02.2025 & 20.10.2025 submits that the two (2) allottees which reflects on the MahaRERA webpage is an inadvertent entry and that they are not able to modify the details as the details are frozen on the MahaRERA portal. Thus, if assuming that it was an inadvertent error on the part of the applicant (promoter), however, the same was not mentioned by the applicant (promoter) in his submissions made or in the affidavits filed before the Authority. Further, it is also pertinent to note that the advocate of the promoter as well submitted that the allottees are settled and did not mention about the inadvertent error. It was only when the applicant (promoter) was directed to submit the evidence of settlement vide the roznama dated 22.01.2025 and vide email dated 14.02.2025 of the Authority, the promoter submitted that it was an inadvertent entry.
13. It is evident from their deliberate misrepresentation and suppression of facts before the Authority by the applicant (promoter). Despite claiming that the

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rights of the allottees are settled, the applicant (promoter) failed to submit the necessary documents for verification along with the de-registration application. This omission appears to be an intentional attempt to evade regulatory scrutiny. Furthermore, the applicant (promoter) initially did not mention any inadvertent error regarding the two (2) allottees reflected on the MahaRERA webpage. Instead, their advocate unequivocally stated that the allottees were settled. However, when the Authority directed the applicant (promoter) to provide evidence of settlement, they abruptly changed their stance, asserting that the entries were inadvertent and could not be modified due to the frozen status of the portal. The fact that this supposed error was never disclosed in the affidavits, submissions, or during oral arguments further suggests a calculated effort to withhold crucial information.

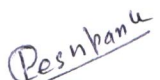
14. Additionally, the timing of the promoter's claim regarding the inadvertent entry raises serious doubts about their credibility. If the entry was indeed an error, it should have been brought to the Authority's attention at the earliest opportunity rather than being used as an excuse only after being asked to submit proof of settlement. This delay in disclosure indicates an intentional effort to mislead the Authority and manipulate the de-registration process. The promoter's actions reflect a clear lack of transparency and an attempt to circumvent due process by fabricating justifications only when confronted with demands for verification. The deliberate suppression of facts, contradictory statements, and evasion of documentary proof collectively demonstrate the promoter's devious intent in the deregistration of the project.
15. Thus, in view of the above, the **deregistration application is rejected** for lack of transparency, suppression of facts, contradictory statements, and evasion of documentary proof along with other the reasons stated as above. No order as to costs.
16. The applicant (promoter) is at liberty to approach the **Director Compliances, MahaRERA**, with supporting evidence of his claims and upon compliance of

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quarterly progress reports. Subsequent to which, the Director Compliances, MahaRERA to verify the documentary evidence and upon satisfactory fulfilment, shall place before the Authority, a report for deregistration of the project.


Ravindra Deshpande
Member-II, MahaRERA


Mahesh Pathak
Member-I, MahaRERA


Manoj Saunik
Chairperson, MahaRERA