

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

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

VALSHET CORPORATION

... APPLICANT (PROMOTER)

IN

REGULATORY CASE NO. 110 OF 2023

ROYALE SHAGUN C

...PROJECT NAME

MAHARERA PROJECT REGISTRATION NO. P51700021386

a/w

REGULATORY CASE NO. 111 OF 2023

ROYALE SHAGUN E

...PROJECT NAME

MAHARERA PROJECT REGISTRATION NO. P51700016494

Order

February 22, 2024

(Date of virtual hearing – 13.02.2024, matter reserved for order)

**Coram: Shri. Ajoy Mehta, Chairperson, MahaRERA
Shri Mahesh Pathak, Hon'ble Member-I, MahaRERA
Shri Ravindra Deshpande, Hon'ble Member-II, MahaRERA
Advocate Rohan Mane for the Applicant (Promoter).**

1. The Applicant herein had registered the project namely "**ROYALE SHAGUN C**" and "**ROYALE SHAGUN E**" under section 5 of the Real Estate (Regulation and Development) Act, 2016 ("**said Act**") of Real Estate Regulatory Authority ("**RERA**") bearing **MAHARERA Registration Nos. P51700021386 & P51700016494 respectively** (hereinafter referred to as the "**said Projects**" jointly and "**said Project No.1**" & "**said Project No.2**" separately).
2. On 28.03.2023 an application was made for seeking deregistration of the said Project No. 1 and on 05.04.2023, an application was made for seeking deregistration of the said Project No. 2 by the Applicant (Promoter) as per circular 25A/2023. In this regard the captioned cases were heard on 13.02.2024

Deshpande

Deshpande

Aj Mehta

wherein the following roznama was recorded by the Authority in the captioned matter on 13.02.2024:

"Promoter informs that there are three projects. Promoter seeks to deregister all three projects as they are planning to undertake different activity on the said land. The Promoter informs that there are no allottees in any of the projects. Matter is reserved for order."

3. The Applicant (Promoter) has stated the following for seeking deregistration of the said Projects:
 - a. That there are three projects on the said larger plot. Applicant (Promoter) seeks to deregister all three projects as they are planning to undertake different activity on the said land.
 - b. That the said Project No. 1 area is 280.71 sq. mtrs which is less than 500 sq. mtrs as per the section 3 of the RER Act.
 - c. That the said Project No. 2 area is 462.56 sq. mtrs which is less than 500 sq. mtrs as per the section 3 of the RER Act
 - d. That there are no allottees in the said Project.
4. Thus, from the submissions of the Applicant (Promoter) it is clear that there are no Allottees in the said Projects. It is observed that the said Projects each consists of only one (1) building. Further, it is also observed that office of MahaRERA on 12.07.2023 issued notices inviting objections for deregistration of the said Projects wherein no such objections were received.
5. It is pertinent to note that there are in all 3 projects registered on the same plot of land. The following are the details of the registration numbers of they larger plot of land having three registrations:

SR. NO.	REGULATORY CASE (RC) NO.	PROJECT NO.	BUILDING COUNT	TOTAL BUILDINGS IN THE PROJECT
1.	RC 110 of 2023	P51700021386	1	C
2.	RC 111 of 2023	P51700016494	1	E
3.	NA	P51700019577	1	D

Pesh/anku

Ajmal

The 3rd registration bearing No. P51700019577 is not sought for deregistration vide any application but during the hearing the Applicant (Promoter) has orally sought to deregister the same as well along with the two others mentioned above.

6. Before the Authority decides on the order on deregistration, it is pertinent to note that the Applicant cannot orally seek deregistration of a project registration and is called upon to file necessary application for the same which shall be dealt with as and when filed.
7. Moving ahead, with the issue of deregistration it is pertinent to note the section 3 that provides conditions prior to the registration of the Project. Section 3 of the said Act is hereinbelow reproduced for ease of reference:

"3. Prior registration of real estate project with Real Estate Regulatory Authority. —

(1) No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act:

Provided that projects that are ongoing on the date of commencement of this Act and for which the completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the said project within a period of three months from the date of commencement of this Act:

Provided further that if the Authority thinks necessary, in the interest of allottees, for projects which are developed beyond the planning area but with the requisite permission of the local authority, it may, by order, direct the promoter of such project to register with the Authority, and the provisions of this Act or the rules and regulations made thereunder, shall apply to such projects from that stage of registration.

(2) Notwithstanding anything contained in sub-section (1), no registration of the real estate project shall be required—

(a) where the area of land proposed to be developed does not exceed five hundred square meters or the number of apartments proposed to be developed does not exceed eight inclusive of all phases:

Provided that, if the appropriate Government considers it necessary, it may, reduce the threshold below five hundred square meters or eight apartments, as the case may be, inclusive of all phases, for exemption from registration under this Act;

(b) where the promoter has received completion certificate for a real estate project prior to commencement of this Act;

(c) for the purpose of renovation or repair or re-development which does not involve marketing, advertising selling or new allotment of any apartment, plot or building, as the case may be, under the real estate project.

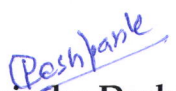
Reshama


Sahar

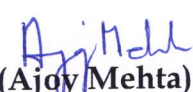
Ajith

Explanation. – For the purpose of this section, where the real estate project is to be developed in phases, every such phase shall be considered a stand alone real estate project, and the promoter shall obtain registration under this Act for each phase separately.”

8. On perusal of section 3 it is clear that a Project is not required to be registered where the area of land proposed to be developed does not exceed five hundred (500) square meters. In the captioned case the project area is 280.71 sq. mtrs which is less than 500 sq. mtrs. Hence the said Project is not mandated to be registered with MahaRERA. However, the Applicant (Promoter) had registered the said Project No. 1 on 24.06.2019 and the said Project No. 2 on 18.05.2018 with the MahaRERA.
9. Thus, it can be concluded that notwithstanding the exemption outlined in the aforementioned Act, it is evident that the Applicant (Promoter) voluntarily opted to register the said Projects with the Authority. Nevertheless, in accordance with the provision stipulating that registration is not compulsory for the Applicant (Promoter), the Applicant (Promoter) retains the prerogative to deregister the said Projects at its discretion. In the present instance, the Applicant (Promoter) has applied for deregistration. Consequently, the Authority hereby allows the de-registration applications and **de-registers** the said Projects.


(Ravindra Deshpande)
Member-II, MahaRERA


(Mahesh Pathak)
Member-I, MahaRERA


(Ajoy Mehta)
Chairperson, MahaRERA