



MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

महाराष्ट्र स्थावर संपदा नियामक प्राधिकरण

Order No. 42/2023

No. MahaRERA / Secy / File no. 27/ 200 /2023

Date: 10/02/2023

Subject: In the matter of de-registration of real estate projects or part of a real estate of project

Whereas, Government of India has enacted the Real Estate (Regulation and Development) Act, 2016 (the Act) and all sections of the Act have come into force with effect from 01.05.2017.

And whereas, the Government of Maharashtra vide Notification No. 23 dated 08.03.2017 has established the Maharashtra Real Estate Regulatory Authority, hereinafter referred to as "MahaRERA" or as "the Authority".

And whereas, the Government of Maharashtra has notified the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017 (the Rules) for carrying out the provisions of the Act.

And whereas, the Authority has notified the Maharashtra Real Estate Regulatory Authority (General) Regulations, 2017 (the Regulations) to carry out the purposes of the Act.

And whereas, the Authority under Section 37 of the Act and Regulation 38 of the Regulations is vested with the powers to issue directions to the promoters, real estate agents and allottees from time to time as it may consider necessary.

And whereas, Chairperson, MahaRERA is vested with the powers of general superintendence and directions in the conduct of the affairs of MahaRERA under Section 25 of the Act.

And whereas, under Section 34 of the Act, one of the functions of the Authority is to register and regulate real estate projects and real estate agents registered under the Act.

And whereas, there are instances where promoters who have registered their real estate projects are unable to commence and complete the construction of the same or having commenced the construction are not in a position to complete the construction of

MAHARERA HEADQUARTERS

Housefin Bhavan, Plot No.C-21, E-Block, Bandra-Kurla-Complex, Bandra (E), Mumbai 400051

Tel. No. 022-68111600 • E mail : helpdesk@maharera.mahaonline.gov.in

महारेरा मुख्यालय

हाउसफिन भवन, प्लॉट नं. सी-21, ई-ब्लॉक, वांद्रे-कुर्ला-कॉम्प्लेक्स, वांद्रे (पूर्व), मुंबई ४०००५१.

दूरध्वनी. क्रमांक. ०२२-६८१११६०० ई-मेल: helpdesk@maharera.mahaonline.gov.in

the real estate project due to various reasons (illustrations not exhaustive) such as, lack of funds, projects economically not viable, litigations filed, inter se disputes / family disputes, change in planning, Government / Planning Authority Notifications and accordingly are desirous of discontinuing the said real estate project. In such cases, keeping these real estate projects as a project registered with MahaRERA will serve no fruitful purpose, nor would the same be beneficial to any stakeholders.

In such cases, on receiving an application from promoters and on evaluating / scrutiny of the same, MahaRERA may allow for de-registration of such real estate projects. The procedure for the same shall be as follows:

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.

B. Secondly,

Submission of application for de-registration of a real estate project:

- i) The promoter shall submit an application to Secretary, MahaRERA, at secy@maharera.mahaonline.gov.in until an online procedure is established in the format as prescribed in Annexure-A along with Notarized Declaration-Cum-Undertaking in the format as prescribed in Annexure - B.

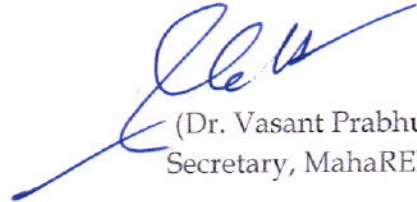
- ii) On receipt of such application, Secretary, MahaRERA, shall initiate action through the legal wing, MahaRERA and place the matter before the Authority for appropriate orders including scheduling a hearing if necessary.

C. Thirdly,

Filing of complaints:

- i) Any aggrieved person may file a complaint in the matter of deregistration of the real estate project.
- ii) Such complaints shall be heard after due notice to the promoter and decided by the Authority expeditiously.
- iii) The terms and conditions as may be imposed by the Authority in the order passed in the complaint shall be binding upon the promoter.

(As approved by the Authority.)


(Dr. Vasant Prabhu)
Secretary, MahaRERA

ANNEXURE A
Application for de-registration of project
(On Letter Head of Promoter)

To
The Secretary,
The Maharashtra Real Estate Regulatory Authority

Sir,

I/ We hereby submit my/our application for de-registration of the real estate project the details whereof are as under:

I.	MahaRERA Project Registration Number	
II.	Promoter details:	
a.	Name:	
b.	Organization type:	
c.	Address:	
d.	Contact details (Mobile):	
e.	Email:	
III.	Application details:	
a.	Whether the application is for de-registration of a real estate project or part thereof.	
b.	Status of the project	
c.	Booking details	
IV.	Reason for de-registration	
V.	Enclosure	

I / We enclose herewith the following documents:

1) Notarized Affidavit stating zero allottees in the real estate project / part of the real estate project to be de-registered in format as prescribed in Annexure - B.

2) Consent of two-third allottees to seek permission to de-register the portion of the real estate project (If applicable)

I/We hereby state and declare that the details furnished above are true and correct.

I/We state and declare that there is no case pending before any Court / NCLT / Forum / Tribunal or any authorized body regarding this project, the project site and / or in the matter of de-registration of the real estate project / part of the real estate project.

I/We further state and declare that there is no prohibitory order of any nature passed by any Court / NCLT / Forum / Tribunal against the real estate project / part of the real estate project, the project site and / or in the matter of de-registration of the project.

I/We state and declare that there is no bar to de-register the real estate project / part of the real estate project, from any bank / financiers / financial institutions who have a charge on the said real estate project.

I/we state, declare and undertake to submit such statements / declarations as well as documents / additional documents as may be called for by the Authority.

Thanking you

Yours faithfully,

Signature of the promoter / _____ and authorized representative of the promoter

Seal / Stamp

Place:

Date:

ANNEXURE B
DECLARATION-CUM-UNDERTAKING

I _____ name of deponent _____ adult, Indian inhabitant, the Proprietor / Partner / Designated Partner / Director / Karta / Chairman / President / Secretary / Treasurer / Trustee of the Proprietary Concern / Partnership Firm / LLP / Company / HUF / Society / Trust / Association of Persons / Body of Individuals having my office at _____ address _____ do hereby on solemn affirmation state, declare and undertake as under:

- 1) I say and declare that I am the promoter of the real estate project _____ project name _____ registered with MahaRERA under project registration No. _____ registration No. _____

OR

- 1) I say and declare that I am the proprietor of the proprietary concern _____ name of the proprietary concern _____, the promoter of the real estate project _____ project name _____ registered with MahaRERA under project registration No. _____ registration No. _____.

OR

- 1) I say and declare that I am the _____ designation _____ and authorized signatory of _____ name of the legal entity _____, the promoter of the real estate project _____ project name _____ registered with MahaRERA under project registration No. _____ registration No. _____. Copy of the authority letter dated _____ is attached herewith.

- 2) I say and declare that I have applied for de-registration of the real estate project registered with MahaRERA under project registration No. _____ registration no. _____, located at _____ address of project site _____.

OR

- 2) I say and declare that I have applied for de-registration of part of the real estate project registered with MahaRERA under project registration No. _____ registration no. _____, located at _____ address of project site _____.

- 3) I say and declare that the above referred real estate project has zero allottees.

OR

- 3) I say and declare that the above referred real estate project has _____number_____ bookings and the rights of each of the allottees have been settled. The list of the allottees along with their respective present residential added cell number, and email id is attached herewith for ready reference and the documents entered into with each of the allottees are annexed hereto for verification. I further say, declare, undertake and confirm that there are no other bookings or allotments in any form whatsoever besides what is stated hereinabove in the said real estate project.
- 4) I say and declare that there is no case pending before any Court / NCLT / Forum / Tribunal or any authorized body regarding this project, the project site and / or in the matter of de-registration of the real estate project / part of the real estate project.
- 5) I say and declare that there is no prohibitory order of any nature passed by any Court / NCLT / Forum / Tribunal against the real estate project / part of the real estate project, the project site and / or in the matter of de-registration of the project.
- 6) I say and declare that there is no bar to de-register the real estate project / part of the real estate project, from any bank / financiers / financial institutions who have a charge on the said real estate project.
- 7) I say, declare and undertake that on de-registration of the real estate project as applied for, if any complaint / complaints is / are received by MahaRERA, I as promoter / I as _____designation_____ and authorized signatory of the promoter undertake to settle the dispute as per the order of the Authority passed in the said complaint / complaints.
- 8) I state, declare and undertake to submit such statements / declarations as well as documents / additional documents as may be called for by the Authority.
- 9) I say and declare that the statements made above are true and correct.

I solemnly state, declare and undertake that the contents of this Declaration-cum-Undertaking are true and correct.

Solemnly affirmed at _____

Dated this _____ day of _____ 20__

Deponent

Before me

Identified by