

**BEFORE THE MAHARASHTRA
REAL ESTATE REGULATORY AUTHORITY, MUMBAI**
Physical Hearing Held at MahaRERA @03.30 pm (Churchgate)

SR NO.	SUO MOTU CASE NO. OF 2022	PROJECT NO.	NAME OF PROMOTER	PROJECT NAME
1	275	P51700032396	ADITYA INFRA	SHIV DATTA KRUPA
2	276	P51700031957	DELUXE HOME BUILDERS & DEVELOPERS	DELUXE HOME BUILDING NO.2
3	277	P51700031266	SPARSHIKA BUILDERS AND DEVELOPERS	AJINKYA NARKAR
4	278	P51700032567	SHREE GURUKRUPA CONSTRUCTION	SHIV SAI RESIDENCY
5	279	P51700031643	DHANASHREE BUILDERS AND DEVELOPERS	SUSHEELA TOWER
6	280	P51700026331	M/S SHREE BUILDERS AND DEVELOPERS	SHREE BUILDERS AND DEVELOPERS
7	281	P51700028182	MS RUDRA INFRA THR PORP AMOL B KADUSKAR	RUDRA INFRA
8	282	P51700028232	OM LILAI BUILDERS AND DEVELOPERS	OM LILAI BUILDER AND DEVELOPERS
9	283	P51700028129	DURGA CONSTRUCTION	DURGA CONSTRUCTION BUILDERS AND DEVELOPERS
10	284	P51700030187	GAONDEVI ENTERPRISES	GAONDEVI ENTERPRISES
11	285	P51700030731	SAISH INFRA	SAISH ENCLAVE
12	286	P51700029942	AADITY INFRA	SHIV DRUSHTI
13	287	P51700027633	SHREE KRISHNA INFRA	SHREE KRISHNA INFRA
14	288	P51700027817	MATOSHREE DEVELOPERS	MATOSHREE DEVELOPERS
15	289	P51700033229	ADITYA BUILDCON	SHIV ARADHANA COMPLEX

Order

November 21, 2022

Coram: Shri. Ajoy Mehta, Chairperson, MahaRERA
Shri Mahesh Pathak, Member, MahaRERA

APPEARANCES

None appeared for the Parties

1. The above-mentioned Promoters have registered their respective Projects named above under section 5 of the Real Estate (Regulation and Development) Act, 2016

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("said Act / RERA") bearing the respective MahaRERA Project Registration numbers also mentioned hereinabove.

2. These are suo-motu cases taken up by MahaRERA against all the Promoters mentioned above pursuant to the allegation of submitting a false / fake commencement certificate (CC) as mentioned in the below table with regard the respective MahaRERA Project Registration numbers mentioned therewith:

SR NO.	SUO MOTU CASE NO. OF 2022	PROJECT NO.	CC NUMBERs	CC DATED
1	275	P51700032396	KDMC/NRV/BP/DB/2020/21/24	09.03.2021
2	276	P51700031957	KDMC/TPD/BP/DOM/2021/22/38	22.10.2021
3	277	P51700031266	KDMC/NRV/BP/2021/230/239	20.04.2021
4	278	P51700032567	KDMC/NRV/27/GAV/DOMBI/2020/21/14	10.12.2021
5	279	P51700031643	KDMC/NRV/BP/DOMVI/231/71	08.05.2017
6	280	P51700026331	KDMC/NRV/210/2019	16.11.2019
7	281	P51700028182	KDMC/NRV/CC/415/2020	27.02.2020
8	282	P51700028232	KDMC/NRV/CC/351/2020	27.02.2020
9	283	P51700028129	KDMC/NRV/BP/DOMBI/0028/2020	20.08.2020
10	284	P51700030187	KDMC/NRV/BP/GRAM/2020-21/67	24.02.2021
11	285	P51700030731	KDMC/NRV/BP/DOMBI/2018-19/252	22.05.2019
12	286	P51700029942	KDMC/NRV/BP/KV/DOMBI/2019-20/98	26.09.2019
13	287	P51700027633	KDMC/NRV/BP/DOMBI/2019/20/48	03.03.2020
14	288	P51700027817	KDMC/NRV/BP/KV/DOMBI/2019-20/15	16.03.2020
15	289	P51700033229	KDMC/TPD/BP/DOM/2021-22/245	30.07.2021

3. On 21.11.2022 a physical hearing was held in all the captioned cases whereby the following common roznama was passed by this Authority:

"The Authority on being convened at 3.30pm on 21.11.2022 had the names of all the Parties in the Suo Motu cases from Sr. Nos. 1 to 15 called out. None of the Parties were present nor were they represented. The Authority waited for 15 minutes. However still nobody appeared.

The Authority perused the notices sent and it is seen that notices for the following Project numbers, Promoter & Project Name have been served on the Party either by post or on email.

PROJECT NO.	NAME OF PROMOTER	PROJECT NAME	STATUS OF NOTICES SENT
P51700032396	ADITYA INFRA	SHIV DATTA KRUPA	EMAIL AND BY POST DELIVERED

P51700031957	DELUXE HOME BUILDERS & DEVELOPERS	DELUXE HOME BUILDING NO.2	EMAIL AND BY POST DELIVERED
P51700031266	SPARSHIKA BUILDERS AND DEVELOPERS	AJINKYA NARKAR	EMAIL AND BY POST DELIVERED
P51700032567	SHREE GURUKRUPA CONSTRUCTION	SHIV SAI RESIDENCY	BACK UNCLAIM/ EMAIL DELIVERED
P51700031643	DHANASHREE BUILDERS AND DEVELOPERS	SUSHEELA TOWER	BACK UNCLAIM/ EMAIL DELIVERED
P51700026331	M/S SHREE BUILDERS AND DEVELOPERS	SHREE BUILDERS AND DEVELOPERS	BACK UNCLAIM/ EMAIL DELIVERED
P51700028182	MS RUDRA INFRA THR PORP AMOL B KADUSKAR	RUDRA INFRA	BACK UNCLAIM/ EMAIL DELIVERED
P51700028232	OM LILAI BUILDERS AND DEVELOPERS	OM LILAI BUILDER AND DEVELOPERS	BACK UNCLAIM/ EMAIL DELIVERED
P51700028129	DURGA CONSTRUCTION	DURGA CONSTRUCTION BUILDERS AND DEVELOPERS	BACK UNCLAIM/ EMAIL DELIVERED
P51700030187	GAONDEVI ENTERPRISES	GAONDEVI ENTERPRISES	BACK UNCLAIM/ EMAIL DELIVERED
P51700030731	SAISH INFRA	SAISH ENCLAVE	EMAIL AND BY POST DELIVERED
P51700029942	AADITY INFRA	SHIV DRUSHTI	EMAIL AND BY POST DELIVERED
P51700033229	ADITYA BUILDCON	SHIV ARADHANA COMPLEX	EMAIL AND BY POST DELIVERED

The Authority also notices that in the following Project numbers, Promoter and Project name, the notices have been returned, unserved with reasons 'unclaimed' and the emails have also bounced for them.

PROJECT NO.	NAME OF PROMOTER	PROJECT NAME	STATUS OF NOTICES SENT
P51700027633	SHREE KRISHNA INFRA	SHREE KRISHNA INFRA	BACK UNCLAIM/ EMAIL BOUNCE
P51700027817	MATOSHREE DEVELOPERS	MATOSHREE DEVELOPERS	BACK UNCLAIM/ EMAIL BOUNCE

Since the Suo Motu cases are of public importance and protection of the home buyers and promotion of the real estate sector is an important duty cast upon this Authority hence it would be necessary for this Authority to reserve the matter for necessary orders.

It is imperative that an early decision is taken on the matters so as to protect the larger interest of the various stakeholders.

The Authority notes with concern that the Promoters inspite of hearing notices being served well in advance of the hearing date have chosen not only to remain absent and unrepresented but have also not taken any steps to inform the Authority about the reasons for the same. The captioned cases are all reserved for orders."

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4. The following observations and provisions of the said Act are noteworthy in the present case:
- a. As per section 4 of the said Act every Promoter who seeks registration of his real estate project is mandated to make an application to this Authority in such form, manner, within such time and accompanied by such fee as specified by the regulations made therein and also enclose the documents such as a brief details of the enterprise of the Promoter, a brief detail of the projects launched by him (in the past five years, whether already completed or being developed), **an authenticated copy of the approvals and commencement certificate from the competent authority obtained** in accordance with the laws as may be applicable for the real estate project, the sanctioned plan, layout plan and specifications of the proposed project, etc.
 - b. Hence, all the Promoters while seeking their respective Project registrations have to submit with their applications the above-mentioned CC as one of the mandatory requisites for seeking project registration under the said Act.
 - c. Further, vide letters dated 17.08.2022/17.10.2022, the Assistant Director, Town Planning office of Kalyan Dombivali Municipal Corporation (**KDMC**) informed MahaRERA that the above-mentioned CCs submitted while seeking MahaRERA Project registration of the above-mentioned Projects has not been issued by the office of KDMC. Thus, it appears that the above-mentioned CCs have been obtained by means that are suspect. Further, it is also brought to the notice of this Authority that an investigation into this issue is also pending before the Thane crime branch against the Promoters of the above-mentioned Projects.
 - d. In view thereof, it is pertinent to examine section 7 of the said Act that empowers this Authority to revoke / cancel registration granted under section 5 of the said Act:

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"7. (1) The Authority may, on receipt of a complaint or suo motu in this behalf or on the recommendation of the competent authority, revoke the registration granted under section 5, after being satisfied that –

(a) the promoter makes default in doing anything required by or under this Act or the rules or the regulations made thereunder;

(b) the promoter violates any of the terms or conditions of the approval given by the competent authority;

(c) the promoter is involved in any kind of unfair practice or irregularities.

Explanation. – For the purposes of this clause, the term "unfair practice means" a practice which, for the purpose of promoting the sale or development of any real estate project adopts any unfair method or unfair or deceptive practice including any of the following practices, namely: –

(A) the practice of making any statement, whether in writing or by visible representation which, –

(i) falsely represents that the services are of a particular standard or grade;

(ii) represents that the promoter has approval or affiliation which such promoter does not have;

(iii) makes a false or misleading representation concerning the services;

(B) the promoter permits the publication of any advertisement or prospectus whether in any newspaper or otherwise of services that are not intended to be offered;

(d) the promoter indulges in any fraudulent practices."

e. From the plain reading of section 7 it is clear that this Authority has powers u/s 7 of the said Act with regard the revocation of registration of MahaRERA Projects for the Promoter indulging in any kind of unfair practices. In the present case of not obtaining the CCs from the Competent Authority and misrepresenting to this Authority as well as the allottees / home buyers and collecting money through misrepresentation and taking the bookings in the above-mentioned MahaRERA registered Projects can be said to be unfair or deceptive practice.

f. Hence, in terms of the above letter addressed to MahaRERA by KDMC with regard the issuance of the above CCs, there is no ambiguity in the fact that the above mentioned CCs are not valid and legal and have been obtained by means that are suspect. Thus, this Authority thinks it a fit case to revoke / cancel the above mentioned MahaRERA Project registrations for all the above listed Projects inorder to safeguard the interest of the prospective Allotees and the existing Allotees from investing / engaging any further in these Projects.

- g. Further, all the Promoters shall be barred / restrained forthwith from advertising, marketing, booking, selling or offering for sale, or inviting persons to purchase in any manner any apartment or building, as the case may be, in these Projects or part of it, in any planning area, of these Projects.
- h. Further the Secretary, MahaRERA shall ensure that all the designated bank accounts of each of the above listed MahaRERA Projects are informed to the Banks and the same are frozen so as restrain any further misuse of funds collected under the above-mentioned Projects so as to protect the interest of Allottees / home buyers of these Projects
- i. This Authority would also urge upon the Secretary (Urban Development) Government of Maharashtra to immediately put in place a system wherein all milestone approvals relevant to buyers / purchasers of real estate projects; such as Commencement Certificate (CC), Occupation Certificate (OC) are put upon a dedicated portal by the respective Planning Authority so that the veracity of the Certificates can be verified by both the buyers / purchasers of real estate projects and MahaRERA. This shall be an important consumer protection measure.

FINAL ORDER

- A. Thus, in view of the above observations and the provisions of the said Act, this Authority revokes / cancels the following **MahaRERA Project Registrations:**

SR NO.	PROJECT NO.	PROJECT NAME
1	P51700032396	SHIV DATTA KRUPA
2	P51700031957	DELUXE HOME BUILDING NO.2
3	P51700031266	AJINKYA NARKAR
4	P51700032567	SHIV SAI RESIDENCY
5	P51700031643	SUSHEELA TOWER
6	P51700026331	SHREE BUILDERS AND DEVELOPERS
7	P51700028182	RUDRA INFRA
8	P51700028232	OM LILAI BUILDER AND DEVELOPERS
9	P51700028129	DURGA CONSTRUCTION BUILDERS AND DEVELOPERS
10	P51700030187	GAONDEVI ENTERPRISES

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11	P51700030731	SAISH ENCLAVE
12	P51700029942	SHIV DRUSHTI
13	P51700027633	SHREE KRISHNA INFRA
14	P51700027817	MATOSHREE DEVELOPERS
15	P51700033229	SHIV ARADHANA COMPLEX

- B. Further, all departments such as Secretary (Urban Development) Government of Maharashtra and all local Planning Authorities to ensure that all statutory certificates are uploaded immediately upon issuing the same on their respective website / webpage and any changes / additions / alterations / modifications must also be immediately uploaded upon issuing of the same from time to time.
- C. Further the Secretary, MahaRERA shall ensure that all the designated bank accounts of each of the above listed MahaRERA Projects are informed too and are frozen till further orders.
- D. Further, all the above-mentioned Promoters are restrained not to advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner apartment or building, as the case may be, in these above listed Projects or part of it.



(Mahesh Pathak)

Member, MahaRERA



(Ajoy Mehta)

Chairperson, MahaRERA