

BEFORE THE  
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY  
MUMBAI

COMPLAINT NO: CC00600000022897

Malik Maredia  
MahaRERA Regn. No. P51900014065

... Complainant

Versus

MahaRERA

... Respondent

**Corum:** Shri. Gautam Chatterjee, Chairperson, MahaRERA

Complainant was represented by Adv. Dharam Jumanji a/w Adv. Munaf Virjee (i/b. ABH Law LLP).


**Order**

February 26, 2020

1. Via the present Complaint, the Complainant has filed a recall or rectification application against the order dated November 3, 2017 wherein a penalty of 2% of the project cost was imposed, on the Complainant, for the delayed application for registration of the on-going project. The Complainant has submitted that the area of the land of the said project is less than 500 sq. mts. and the Complainant was not mandatorily required to register the same with MahaRERA in view of the exemption under section 3(2) (a) of the Real Estate (Regulation and Development) Act, 2016 and that the Complainant had mistakenly applied for registration. Therefore, the Complainant has prayed that the Order dated November 3, 2017 be recalled and the Complainant be permitted to withdraw MahaRERA Application No. REA51900025155 in respect of the project registration no: P51900014065 and pass such other and further orders as maybe necessary in the facts and circumstances of the case and in the interests of justice.



2. As per Rule 3(7) of the Maharashtra Real Estate (Regulation and Development) (Registration of real estate projects, Registration of real estate agents, rates of interests and disclosures on website) (Amendment) Rules, 2019, the promoter is permitted to withdraw the application for registration application for registration of the real estate project before the expiry of the period of 30 days of its submission to Authority, however, the Complainant did not choose to do so.
3. On review of the Complainant's registration webpage it is observed that the area of the land of the said project is less than 500 sq. mts. and the Complainant was not mandatorily required to register the same with MahaRERA in view of section 3(2) (a) of the Real Estate (Regulation and Development) Act, 2016. The Complainant has registered the said project of his own volition. However, since the Complainant was not mandatorily required to register the said project, MahaRERA waived the said penalty.
4. There is no provision in the said Act to deregister a project, once a project has been registered. Therefore, the prayer of the Complainant to permit withdrawal of MahaRERA Application No. REA51900025155 in respect of the project registration no: P51900014065, cannot be allowed and accordingly, the matter is hereby disposed of.

  
(Gautam Chatterjee)  
Chairperson, MahaRERA