

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

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

REGULATORY CASE NO.03 OF 2022

PROJECT NAME: LODHA MAHALAKSHMI - SIGNET
PROMOTER NAME: MACROTECH DEVELOPERS LIMITED

MAHARERA PROJECT REGISTRATION NO. P51900046424

along-with

PROJECT NAME: LODHA BELLEVUE
PROMOTER NAME: MACROTECH DEVELOPERS LIMITED

MAHARERA PROJECT REGISTRATION NO. P51900046567

ORDER

January 03, 2023

(Date of virtual hearing - 22.12.2022, matter reserved for order)

**CORAM: Shri Ajoy Mehta, Hon'ble Chairperson, MahaRERA along with
Shri Mahesh Pathak, Hon'ble Member 1, MahaRERA
Advocate Yogendra Singh & Vicky Pohuja for the Promoter**

1. Macrotech Developers Limited, the Promoter herein had registered the project namely "LODHA MAHALAKSHMI - SIGNET" and "LODHA BELLEVUE" under section 5 of the Real Estate (Regulation and Development) Act, 2016 ("said Act") of Real Estate Regulatory Authority ("RERA") bearing MAHARERA Registration Nos. P51900046424 and P51900046567 respectively (hereinafter referred to as the "said Project 1" and "said Project 2" respectively).
2. The Promoter vide its letter dated 14.12.2022 sought the following directions:
"We hereby request you to kindly grant us early hearing in terms of the orders dated 5th September 2022 and 18th November 2022 and grant our prayers for:
 - a. Deregistration / withdrawal / cancellation of RERA registration no. P51900046424.
 - b. Confirm that P51900046567 is a sperate project from P51900046424 and P51900046567 can be sold etc. without any restrictions."

D. Pathak

Ajy Mehta

3. Pursuant to the above, the Authority fixed a virtual hearing vide the captioned regulatory case number which was heard on 22.12.2022 wherein the following roznama was recorded:

"The Promoter is present.

The Promoter states that the Project namely Lodha Mahalakshmi - Signet was registered with MahaRERA on 22.06.2022 under the registration No. P51900046424. Subsequently on 14.07.2022 the Promoter gave a letter to MahaRERA to keep the aforesaid registration in abeyance wherein no sale or third-party rights were created. Thereafter, subsequently a complaint was filed which was disposed by an Order of this Authority dated 05.09.2022 wherein the Secretary, MahaRERA was directed to enquire into the matter of the grant of registration No. P51900046424 and till such time the said registration was to be kept in abeyance. The Promoter states that he has thereafter submitted 2 letters one on 02.09.2022 and another subsequently seeking to withdraw the registration No. P51900046424.

In the meantime, a second complaint relating to the Project namely Lodha Bellevue bearing registration No. P51900046567 was filed. This complaint was also disposed by the Authority with instructions to the Secretary, MahaRERA to carry out an enquiry in the aforesaid registration. The Promoter states that this new application for MahaRERA project registration filed for Project namely Lodha Bellevue had no connection with the earlier project registration No. P51900046424 granted for Lodha Mahalakshmi - Signet as both the projects are independent buildings with independent access however they are only situated on the same larger plot of land.

The Promoter now seeks permission to withdraw the registration No. P51900046424 granted for Lodha Mahalakshmi - Signet, the commercial project and further seeks that the restriction imposed on Lodha Bellevue bearing registration No. P51900046567, residential project be lifted as the two are not connected in any way and Lodha Bellevue bearing registration No. P51900046567 has been granted registration in keeping with the procedure laid down by MahaRERA. Heard the Promoter, matter is reserved for orders."

4. It is pertinent to note that this Authority is empowered to deal with the regulatory functions under section 34 of the Act. In its regulatory role, MahaRERA performs a wide range of functions. These include change of name of promoters, corrections in error in registrations due to dual registration obtained by Promoters, veracity of advertisement for proposed Projects, expiry of registration certificate and similar regulatory issues. The procedure in respect of these matters has been recently stipulated vide a MahaRERA circular / order No. 29 of 2022 dated 25.04.2022. These matters are fundamentally non adversial in nature. At times in certain regulatory matters in the interest of natural justice and transparency a hearing is required to be given.

Dallian

Hj 11/11

MahaRERA in such cases issues notices to necessary Parties on its own and such matters have borne the nomenclature of "suo motu" or like in the present case of "regulatory case".

5. It is also pertinent to note that the case before this Authority is not a complaint filed by an aggrieved person under section 31 of the said Act. It is an application made for de-registration of the said Project 1 and seeking directions with respect to the registration of said Project 1 being separate from said Project 2 mentioned hereinabove. In this context the following observations are noteworthy:

a. On 05.09.2022, Chairperson, MahaRERA passed an order in complaint No. CC006000000251910 filed in said Project 1 by Urban Infrastructures Trustees Ltd. & Urban Infrastructure Venture Capital Fund against the Promoter herein. The operative part of the order dated 05.09.2022 is reproduced hereinbelow:

"9. In view of the above observations the captioned complaint is dismissed on the preliminary issue dealt hereinabove. The Complainants have no locus standi and thus the complaint is not maintainable under RERA.

10. Having dismissed the complaint on the issue of maintainability this Authority views that the issues raised by the Complainants warrants a fresh look at the registration. The registration granted needs to be reviewed in view of the issues raised in this complaint. This process of review will be conducted as a suo motu exercise as a part of the regulatory oversight function of this Authority. It is hereby directed that the Secretary, MahaRERA will call for all documents relating to the registration and examine the same afresh. This will be done as a suo motu regulatory exercise. The Secretary shall submit a report on the compliances that have been done or not done for obtaining the said Project registration. The Secretary, MahaRERA shall also suggest remedies and the way forward if any. The report of the Secretary, MahaRERA shall be submitted to this Authority within 30 days from the date of this order. Till the final decision of this report of the Secretary, MahaRERA is not given by this Authority the said Project registration shall be kept in abeyance and the Respondent shall not advertise, market, book, sell or offer for sale, or invite person/s to purchase in any manner any apartment in the said Project. No order as to cost."

b. Pursuant to the directions in the order dated 05.09.2022 the Secretary, MahaRERA submitted a report dated 28.09.2022 which is hereby annexed and marked as "Annexure A".

c. Thereafter, on 18.11.2022, Member 1, MahaRERA passed an order in complaint No. CC006000000292406 filed in said Project 2 by the same Complainants i.e. Urban Infrastructures Trustees Ltd. & Urban Infrastructure Venture Capital Fund against the

Datta

Ajmal

Promoter herein. The operative part of the order dated 18.11.2022 is reproduced hereinbelow:

"16. However, as directed by the Hon'ble Chairperson/MahaRERA in aforesaid order dated 05-09-2022, since the complaint has alleged that this project is extended part of the first project bearing MahaRERA registration no. P51900046424, the Ld. Secretary/MahaRERA is directed to club this project along with the said Project no. P51900046424 and after scrutinizing all relevant documents submitted by the respondent no. 1, to file report before the Hon'ble Chairperson/MahaRERA for further appropriate order. Till then this project registration shall be kept in abeyance and the respondent promoter is restrained from any advertisement, marketing, booking, selling or offer for sale, or invite person/s to purchase in any manner any apartment in this project as well.

17. With these observations/ directions, the present complaint stands disposed of."

d. Pursuant to the directions in the order dated 18.11.2022 the Secretary, MahaRERA submitted a report which is hereby annexed and marked as "**Annexure B**".


6. On perusal of the two reports submitted by the Secretary, MahaRERA the following directions are given:
- a. That the said Project 1 be de-registered as there are no bookings made by the Promoter herein.
 - b. That the said Project 2 is a separate project and the Promoter herein for the said Project 2 is allowed to advertise, market, book or create third party rights by offer for sale, enter into agreement for sale for any apartment in the said Project 2.

FINAL ORDER

Thus, from the above the said Project 1 is **de-registered**. The Promoter herein is allowed to advertise, market, book or create third party rights by offer for sale, enter into agreement for sale any apartment in the said Project 2. No order as to costs.



Mahesh Pathak
Member 1, MahaRERA



Ajay Mehta
Chairperson MahaRERA

Report

In the matter of Complaint No. CC006000000251910

Urban Infrastructure Trustees Ltd. &
Urban Infrastructure Venture Capital Fund Complainants

VS

Macrotech Developers Ltd. Respondent No. 1
Money Magnum Nest Private Ltd. Respondent No. 2

MahaRERA Project Registration No. P51900046424

This report is being submitted pursuant to the order dated 05.09.2022 passed in the above complaint. The order directs secretary, MahaRERA to call for the documents relating to project registered under No. P51900046424 and examine the same as a Suo-Motu regulatory exercise. The order further directs Secretary, MahaRERA to submit a report on the compliance done or not done for obtaining the project registration and also suggest remedies and the way forward if any.

Accordingly, the records of the case was called for and the webpage of the promoter was also seen. The case under reference relates to the application dated 18.06.2022 submitted by Respondent No. 1, Macrotech Developers Limited for registration of their real estate project known as Lodha Mahalakshmi-Signet to be developed on the land bearing C S No. 1913 admeasuring 1629.53 sq. mtrs. The project type being commercial.

From the records it is noticed that the application as submitted had the following deficiencies:

- 1) Past experience details were not mentioned.
- 2) Litigations details not listed
- 3) Informing that the project plan is not sanctioned by MCGM but at the same time mentioning that one building plan is sanctioned.
- 4) Uploading Commencement Certificate of another property

In spite of the above listed non-compliance in the application, the concerned officer scrutinizing the application committed an error in recommending the application for approval especially when the Commencement Certificate that was uploaded was in respect of land bearing C.S. No. 464 Senapati Bapat Marg, Lower Parel, G/S Ward, (Mumbai Textile Mill), Mumbai and not in respect of land bearing C.S. No. 1913 of Byculla Division situated at Matunga Azad Road, Near Jacob Circle, Mahalaxmi, Mumbai-400 011.

The issue was therefore investigated and it was concluded that the concerned officer had committed a serious error in recommending the application for approval and hence his contract service was terminated.

Subsequently by letter dated 22.07.2022, promoter was called upon to submit clarification regarding submission of certain incorrect information and documents.

Promoter by letter dated 27.07.2022 had submitted the Commencement Certificate dated 27.07.2022 related to the project.

Promoter has now uploaded on his webpage the Commencement Certificate and has also listed the past experience and litigation details. However, webpage of the promoter for the field "Is project plan sanctioned by MCGM" shows "No" which is an incorrect statement as the Commencement Certificate is granted by MCGM and this field will have to be corrected by the promoter.

It may be mentioned here that the promoter by letter dated 05th September 2022 has requested for de-registration of the MahaRERA registration granted to the project Lodha Mahalaxmi Signate under MahaRERA Registration No. P 51900046424, copy enclosed. The de-registration has sought on the ground that there are no bookings in the project.

In view of the above, the said application will have to be considered by the Authority on merits.

The registration process has been migrated into new system wherein the applications received for project registration is now scrutinized by three dedicated teams, Technical, Legal and Finance. The case under reference was scrutinized in the pre-migration period when the scrutiny of the applications was done only by the Technical team. Under new system detailed scrutiny of the applications are done.

Dated this 28th day of September, 2022.


Secretary / MahaRERA

Annexure B

REPORT

Date:

Sub: Complaint No. CC006000000292406

1. Urban Infrastructure Trustees Ltd.
 2. Urban Infrastructure Venture Capital Fund
- Complainants

Versus

1. Macrotech Developers Limited
 2. Money Magnum Nest Private Limited Respondents
- MahaRERA Project Registration No. P51900046567

Ref: Note of Assistant Legal Adviser bearing No. MahaRERA/L.A./693/ 2022 dated 06.12.2022

Assistant Legal Adviser, MahaRERA vide the note referred above has requested for a report on the aspect whether MahaRERA Project Registration No. P 51900046567 has any bearing with the earlier MahaRERA Project Registration No. P 51900046424 which registration number was the subject matter of the earlier complaint No. CC 006000000251910 decided by Hon'ble Chairperson, MahaRERA on 05.09.2022.

The above issue was referred to the Technical Wing, MahaRERA for submission of remarks. Accordingly, Technical Wing, MahaRERA has submitted its remarks, a copy whereof is submitted for ready reference.

The following aspects emerge on perusal of the scrutiny remarks submitted by Technical Wing, MahaRERA.

- 1) The real estate project registered under MahaRERA Project Registration Nos. P51900046424 and P51900046567 are being implemented on land bearing CTS No.1913 of Byculla Division and the promoter in respect of both the said projects is Macrotech Developers Pvt. Ltd.

2) The name of the project registered under MahaRERA Project Registration No. P51900046424 is Lodha Mahalaxmi – Signet, the user whereof being ‘commercial’, whereas, the name of the project registered under MahaRERA Project Registration No. 51900046567 is Lodha Bellevue Wing 4 (original this project was known as Lodha Mahalaxmi Tower 4 which has been subsequently changed under correction application) the user whereof being “residential”. The layout plan for the property bearing CTS No.1913 is approved by the Planning Authority, MCGM on 25.07.2022 for 5 wings, viz. Wing 1, Wing 2, Wing 3, Wing 4 and Wing 5.

3) Regarding MahaRERA Project Registration No. P 51900046567 the sanctioned plans for the said wing, i.e. Wing 4 as well as Commencement Certificate issued on 27.07.2022 had been uploaded along with application submitted for project registration. So also the relevant documents regarding technical, financial and legal aspect for projects registration were uploaded and in view thereof the Registration Certificate was accordingly generated. Subsequently, there was a correction application which has been allowed as per the approval accorded and necessary Registration Certificate in that regard has also been generated on 25.09.2022.

4) Regarding the real estate project registered under MahaRERA Project Registration No. 51900046424 at the time of submission of application for registration, Commencement Certificate for the proposed wing i.e. Wing 5 as well as the sanctioned building plans regarding the said Wing were not uploaded and the same till date has not been uploaded. The IOD in this case that was uploaded was in respect of land bearing CTS No.464 in G/South Municipal Ward. The complaint filed in this project had necessarily challenged this aspect, viz. submission of wrong documents and non-submission of certain particulars and

therefore issuance of project registration was questioned. By order dated 05.09.2022, Hon'ble Chairperson has dismissed the complaint, however, the project registration has been kept in abeyance and pending decision on the same a report has been called for, from Secretary, MahaRERA. The said issue of project registration has now been listed for hearing on 22.12.2022. In this case the promoter by letter dated 14.07.2022 has requested that MahaRERA Project Registration be kept in abeyance and subsequently by letter dated 02.09.2022 has requested that the said project registration be de-registered.

5) In addition to the above two real estate project registration there is one another project registered under MahaRERA Project Registration No. P 51900046594 which is named by promoter Macrotech Developer Ltd as Lodha Mahalaxmi Tower 2 - Wing 2. This project is also being implemented on land bearing CTS No. 1913 of Byculla Division.

From the above it can be concluded that the real estate projects registered under MahaRERA Project Registration Nos. P51900046424 and P51900046567 are different projects. Regarding MahaRERA Project Registration No. P 51900046424 as mentioned at point No.4 above, Hon'ble Chairperson has listed the matter as a regulatory suo moto case for hearing on 22.12.2022 on which day, considering the directions of Hon'ble Member 1, as stated in paragraph 16 of the order dated 18.11.2022 in Complaint No. CC006000000292406, the issue regarding MahaRERA Project Registration No. P51900046567 may also be listed as a regulatory suo moto case.


Secretary/MahaRERA