

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

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

REGULATORY CASE NO. 70 OF 2023

TAMEEM CONSTRUCTION AND LAND
DEVELOPERS

... APPLICANT (PROMOTER)

TAMEEM CASTLE

...PROJECT NAME

MAHARERA PROJECT REGISTRATION NO. P50500026533

Order

October 31, 2023

(Date of virtual hearing – 10.10.2023, matter reserved for order)

**Coram: Shri. Ajoy Mehta, Chairperson, MahaRERA
Shri Mahesh Pathak, Hon'ble Member-I, MahaRERA**
Advocate Priyal Jain and Representative Awais Farooqui
for the Applicant (Promoter)

1. The Applicant herein had registered the project namely "TAMEEM CASTLE" under section 5 of the Real Estate (Regulation and Development) Act, 2016 ("said Act") of Real Estate Regulatory Authority ("RERA") bearing MAHARERA **Registration No. P50500026533** (hereinafter referred to as the "said Project").
2. On 01.03.2023, an application was made by the Applicant (Promoter) for seeking deregistration of the said Project. In this regard the captioned case was heard by this Authority on 10.10.2023 wherein the following roznama was passed:

"Promoter informs that some preliminary construction was started. However, during covid they suffered a set back and have not been able to sell any units. The Promoter further informs that it is the land belonging to the family and at present, they have no intention of selling it. The Promoter seeks deregistration. Promoter to ensure that an affidavit is filed to indicate what the future plan and the present condition is. The QPRs are also to be updated with respect to this Project number.

The two compliances mentioned hereinabove to be complied with by 23.10.2023 subsequent to which the matter shall be reserved for order."

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3. The Applicant (Promoter) has stated the following for seeking deregistration of the said Project:
 - a. That initial construction has begun in the said Project.
 - b. That due to Covid-19 pandemic and subsequent economic situation, the Applicant Promoter could not sell any units in the said Project neither can complete the construction of the same.
 - c. Further it is also submitted that the Applicant (Promoter) has not created any third-party rights in the said Project nor has made any bookings or received any earnest money. Moreover, the Applicant Promoter is not willing to undertake such an exercise as the said Project land belongs to the family and at present, they have no intension of selling the same.
 - d. The Promoter has updated the QPRs as directed by the Authority on 10.10.2023.
4. Thus, from the submissions of the Applicant (Promoter) it is clear that there are no Allottees in the said Project. Further, it is also observed that office of MahaRERA on 02.06.2023 issued notices inviting objections for deregistration of the said Project wherein no such objections were received.
5. Before the Authority decides on the order on deregistration, the section that provides for grant of registration needs to be examined. Section 5 of the said Act is hereinbelow reproduced for ease of refence:

"Section 5 - grant of registration:

(1) On receipt of the application under sub-section (1) of section 4, the Authority shall within a period of thirty days. (a) grant registration subject to the provisions of this Act and the rules and regulations made thereunder, and provide a registration number, including a Login Id and password to the applicant for accessing the website of the Authority and to create his web page and to fill therein the details of the proposed project; or (b) reject the application for reasons to be recorded in writing, if such application does not conform to the provisions of this Act or the rules or regulations made thereunder: Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard in the matter.

(2) If the Authority fails to grant the registration or reject the application, as the case may be, as provided under sub-section (1), the project shall be deemed to have been registered, and the Authority shall within a period of seven days of the expiry of the said

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