

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

Physical Hearing @3.30pm

SUO-MOTU CASE NO. 297 OF 2023

1. SUNTECK CITY AVENUE 1

2. SUNTECK CITY AVENUE 1- PHASE 2

...PROJECT NAME

SKYSTAR BUILDCON PRIVATE LIMITED

...PROMOTER NAME

**MAHARERA PROJECT REGISTRATION NOS. P51800001281 AND
P521800034112**

Order

Wednesday, 26th July 2023

(Date of hearing - 26-05-2023 - matter was reserved for order)

**Coram: Shri. Ajoy Mehta, Chairperson, MahaRERA
Shri. Mahesh Pathak, Member-1, MahaRERA**

Ld. Advocate Anwar Landage i/b H.V. Bhadbhade, CA Dilip Agarwal, Ld. Adv. Gayathri Tikale (Representative) for the Promoter.

1. The captioned Suo-Motu case is not a complaint but a proceeding initiated against the Promoter by issuing the Show Cause Notices dated 23-12-2022 and 06-02-2023 calling for explanation for dual MahaRERA project registration by the Promoter sought for the same real estate project. This is a regulatory matter and the MahaRERA in exercise of its powers under the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the "said Act") deemed it fit to hear the Promoter while deciding the aforesaid Show Cause Notice.

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2. The Promoter namely M/s. Skystar Buildcon Pvt Ltd is the Promoter (hereinafter referred to as the “said Promoter”) within the meaning of Section 2 (zk) of the said Act. The said Promoter has registered the 1st project known as “SUNTECK CITY AVENUE 1” under section 5 of the said Act bearing **MahaRERA Project Registration No. P51800001281** (hereinafter referred to as the “said Project No.1”). The said Project No. 1 was issued a MahaRERA Registration Certificate on **27-07-2017** by showing total 3 buildings viz Wing A , B and C with certain floors as mentioned in the Project details on the MahaRERA Website with the proposed date of completion as 06-02-2019 and revised date of completion as 31-03-2021, which is subsequently, extended till 30-03-2022. The Promoter has obtained Part Occupancy Certificate for the said Project No. 1 on 08-09-2020.
3. There were certain online complaints filed by the allottees with respect to the said Project No. 1 before the MahaRERA seeking various reliefs under the provisions of the said Act. During the course of hearing held before the Bench of the MahaRERA in the said complaints it was brought to the notice of the MahaRERA that the Promoter has obtained 2nd Project Registration from the MahaRERA in the name of “SUNTECK CITY AVENUE 1-PHASE 2” under section 5 of the said Act bearing MahaRERA Project Registration No. **P51800034112** (hereinafter referred to as the “said Project No.2”).
4. Further, from the MahaRERA Project registration webpage the following Project registration details are noteworthy against both the said Project Nos. 1 & 2:

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PROJECT NOS.	DATES	DETAILS on MahaRERA webpage
1. P51800001 281 Sunteck City Avenue-1 Ongoing Project	22-07-2017 27-07-2017 06-02-2019 31-03-2020 30-03-2022 08-09-2020	Application for registration Registration Certificate issued Proposed completion date Revised completion date Extended completion date Part OC
2. P51800034 112 Sunteck City Avenue-1- Phase -2 New Project	21-03-2022 24-03-2022 31-12-2023	Application for registration Registration Certificate issued Proposed completion date

5. The following facts were brought to the notice after verifying the information uploaded by the Promoter in both these projects:-

- i. That the Promoter while submitting the application for the said Project No. 2 for registration, has included three (3) wings of the said project with certain floors that formed part of its ongoing Project No.1 registered with the MahaRERA.
- ii. Five (5) floors in Wing-A i.e, 26th floor to 30th floor (both inclusive).
- iii. Five (5) floors in Wing-B- i.e., 29th floors to 33rd floors (both inclusive).
- iv. Four(4) floors in Wing-C-i.e, 32nd floor to 35th floors (both inclusive).
- v. The Promoter in the said Project No. 2 has reduced one (1) floor of Wing -C i.e., 36th floor, that is part of the said Project No. 1.

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vi. From the complaint details in respect of the said Project No.1, it appears that there are allotments already made in the said floors which are forming part of both the Projects viz Project No. 1 and Project No.2.

vii. Inclusion of such overlapping floors in the said Project No. 2 was not in compliance of the provisions of the said Act.

6. After having noticed the said facts, a Show Cause Notice dated 23-12-2022 was duly issued to the Promoter calling upon it to submit written explanation as to why action under section 60 of the RERA should not be initiated against it for violation of section 4 of the said Act. Thereafter, a further notice was also issued to the said promoter on 06-02-2023 in continuation of the earlier Show Cause Notice dated 23-12-2022.

7. In response to the notices issued by the Secretary/MahaRERA, the Promoter has filed its say/reply on 12-01-2023 and 15-02-2023, wherein it has not submitted any defence to the charges levied against it. However, it has requested for grant of personal hearing so as to enable it to explain the factual aspects of the matter.

8. Accordingly, as per the approval of the Authority, a hearing was scheduled on 26-05-2023, when the Promoter appeared and made its submissions. After hearing the submission made by the Promoter, the following roznama was passed by the Authority on 26-05-2023:-

“ Two show cause notices were issued on 23-12-2022 and 06-02-2023 regarding captioned project registration numbers. The promoter replied to both show cause notices and has also applied for extension of the 1st registration No. P51800001281 which had lapsed on 30-03-2022.

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The reason why the MahaRERA has issued the notice is that 5 topmost floors in each of the wings came to be included in the new registration no. P51800034112 as was subsequently found out by the MahaRERA.

Therefore, the topmost five floors of the 3 wings now have two registration numbers, the allottees in the top 5 wings now have 2 registration numbers which need to be corrected.

The promoter has explained the circumstances in which such new registration was obtained and has submitted its explanation dated 25-05-2023 and has requested for extension of the P51800001282. Further the Promoter has prayed for keeping the new registration No. P51800034112 in abeyance and to be finally discontinued which was granted on 24-03-2022. The Promoter has also contended that new allottees in the registration No. P51800034112 have agreement for sale registered with both registration numbers mentioned in them.

In view of the above the matter is reserved for orders."

9. Pursuant to the aforesaid hearing held on 26-05-2023, the promoter has also filed its written submissions on record of the Authority on 23-06-2023. The same is accepted and taken on record in compliance of principles of natural justice.

10. In the said written submissions, the Promoter itself has prayed for the following reliefs:

"a. To de-register the registration of the project Sunteck City Avenue 1- Phase 2 bearing No. P51800034112.

b. To allow the continuation of registration of the project Sunteck City Avenue 1 bearing No. P51800001281 with extension in project validity till 31st December, 2023.

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c. To allow us carry out necessary corrections / modifications and further updates in the said registration as per prevailing rules and regulations issued by MahaRERA."

11. In view of the aforesaid submissions and prayers sought by the Promoter, the Authority prima facie is of the view that since the Promoter itself showed its willingness to get the said Project No. 2 de-registered, nothing survives in the said Show Cause Notices dated 23-12-2022 and 06-02-2023 issued by the Secretary/MahaRERA.

12. In this regard, it is pertinent to note about the issue of obtaining the dual project registration i.e., said project No. 2 i.e., P51800034112 , when the said project No. 1 i.e., P51800001281 was still not revoked and or cancelled under the said Act specifically under Section 5(1) (a), it is amply clear that each real estate project can have only one MahaRERA project registration number. This is very clear from the plain reading of section 5(1)(a) of the said Act, the said provisions read as under:-

" (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."

13. Thus , a Project cannot have two and or multiple MahaRERA Project Registration numbers so as to avoid confusion and misrepresenting amongst various stake holders. However, by doing such an act of getting the said Project No. 2 registered with the MahaRERA under section 5 of the said Act, the Promoter has acted in violation of the provisions of

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section 4 of said Act. Hence, the Promoter is liable for penal action as provided under section 60 of the said Act.

FINAL ORDER

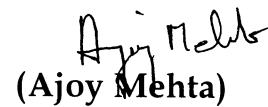
In view of the observations hereinabove, the following directions are passed by this Authority:-

- a. The MahaRERA Project Registration number **P51800034112** (said project No.2) issued to the Promoter on 24-03-2022 is hereby **revoked and cancelled** as the same is void ab initio.
- b. The MahaRERA Project Registration number **P51800001281** (said Project No.1) shall stand.
- c. The Promoter for revival of the said Project No. 1 may file appropriate application for corrections/ extension/ modification etc. as required in the said Project No. 1 for revival of the said Project No. 1 , which would be considered by the Authority as per the applicable norms.
- d. The Promoter is directed to pay a penalty of Rs. 1,00,000/- under the provisions of section 60 of the said Act, for violation of section 4 of the said Act.
- e. The said penalty amount shall be paid within a period of 7 days from the date of this order, failing which the application as stated in aforesaid para no. (c) would not be considered by the Authority.
- f. No order as to cost.



(Mahesh Pathak)

Member-1/MahaRERA



(Ajoy Mehta)

Chairperson, MahaRERA