BEFORE THE MAHARASHTRA
REAL ESTATE REGULATORY AUTHORITY, MUMBAI

Through Hybrid Hearing as per
MahaRERA Circular No.: 49/2025 dated 12-09-2025

1. REGULATORY CASE NO. 445 OF 2025

Viva Winner Venture Relators LLP … APPLICANT (PROMOTER)

Viva City- A8 …PROJECT NAME

MAHARERA PROJECT REGISTRATION NO. P99000004130
Along with
2. REGULATORY CASE NO. 446 OF 2025

Viva Winner Venture Relators LLP … APPLICANT (PROMOTER)

Viva City- A9 …PROJECT NAME

MAHARERA PROJECT REGISTRATION NO. P99000003243

Coram: Mahesh Pathak, Member-l, MahaRERA
Ld. Adv. Aruna appeared on behalf of the Applicant

Order
(Order Pronounced on Monday, 30th March 2026)
(*Date of virtual hearing –12.02.2026, matters reserved for order*)

1. The Applicant herein had registered the projects namely "**Viva City- A8**" and "**Viva City-A9**" under section 5 of the Real Estate (Regulation and Development) Act, 2016 ("**Act**") of Real Estate Regulatory Authority ("**RERA**") bearing MahaRERA **Registration Nos. P99000004130** and **P99000003243** (hereinafter referred to as the "**Projects**") located at Vasai-Virar City (M Corp), Taluka Vasai, and Dist.- Palghar.

2. On 06-06-2025 and on 30-07-2025, the applications were made by the Applicant (Promoter) for seeking deregistration of the said Projects. Accordingly, as per the directions of Hon'ble Chairperson/MahaRERA, dated **17-12-2025**, these matters were clubbed together and heard by this Bench on 12-02-2026. The prior intimation

of the said hearing was sent to the Applicant, through an email dated 06-02-2026 and it was directed to appear for the virtual hearing on 12-02-2026. Further, vide the said email, the Applicant was directed to submit its reply on 3 main issues viz i) Specific reason for the De- registration, ii) details of the allottees (along with their contact details and email address) and iii) updated QPRs (if not updated).

3. Accordingly, these matters were heard on 12-02-2026, wherein the following Roznama was recorded respectively :

On 12-02-2026

*"**De-registration Hearing**"*

The applicant - promoter is present. The applicant promoter contends that in the project at Sr. No. 2 having project registration No. P99000004130, there are a total of 32 allottees out of which 30 are settled. The applicant is unable to contact the remaining two allottees despite efforts and despite the issuance of public notice. However, the applicant promoter has already provided an indemnity with regard to the said remaining two allottees after having settled the rest 30 allottees whose settlement letters are submitted. The applicant may file its written submissions within a period of one week i.e. by 19-02-2026, subsequent to which the matter would be reserved for orders.

In the project at Sr. No. 3 - P99000003243, the applicant promoter contends that the total No. of allottees are 29 and 27 allottees have been settled. However, the applicant is unable to contact the remaining two allottees despite efforts and despite the issuance of public notice. The applicant promoter has already provided an indemnity affidavit. The applicant may verify the sold-unsold inventory uploaded in the project registration details. The applicant may file its written submissions within a period of one week i.e. by 19-02-2026, subsequent to which the matter would be reserved for orders."

4. The Applicant (Promoter) had filed the deregistration applications stating the following reason:

"Unable to complete the project"

5. However, on bare perusal of the available record, the following observations are

a. The project was granted registration on 08-08-2017 and 5-08-2017 respectively.

b. The Applicant (Promoter) submitted a Notarized Declaration-Cum- Undertaking dated 06-06-2025, stating that the project has 32 allottees, out of which it has settled with 30 allottees (in Sr. No. 1) and the Applicant (Promoter) submitted a Notarized Declaration-Cum-Undertaking dated 30-07-2025, stating that the project has 29 allottees, out of which it has settled with 27 allottees (in Sr. No. 2).

c. Further, with respect to QPR's, it is stated that as the projects were halted since 2017 and due to covid 19 pandemic it was not able to resume the construction. Hence, the applicant was not able to upload the QPRs.

d. It is further observed that the office of MahaRERA on 30-07-2025 and on 03-09-2025 respectively has issued notices inviting objections for deregistration of the project, wherein no such objections were received.

e. It is further observed that Complaint no. CC0006000000197139 was filed in the said project which was disposed of as settled vide order dated 29-11-2021 (in Sr. No. 1) and Complaint no. CC0006000000195128 was filed in the project (in Sr. No. 2), has been disposed of.

6. Despite specific directions issued by the Authority during the hearing held on 12-02-2026, the applicant–promoter failed to submit its written submissions on the record of Authority.

7. The Authority has perused the available record provided by the Applicant–promoter on the MahaRERA projects registration webpage. It is observed that, in the matter at Sr. No. 1, out of 32 allottees, 30 have been settled, and in the matter at Sr. No. 2, out of 29 allottees, 27 have been settled. In both projects, the remaining 2 allottees each are untraceable. The Applicant–promoter, vide letters dated 19-03-2025, 16-04-2025, and 22-04-2025, informed the said allottees that the projects could not be continued due to unavoidable circumstances. Despite multiple reminders through written and telephonic communications, no response was received from the said 4 allottees. Thereafter, the Applicant–promoter issued a public notice dated 04-05-2025 calling upon the said allottees to come forward for mutual settlement as required for the de-registration process; however, no response has been received thereto.

8. In this regard, it is pertinent to note that the Authority, vide Order No. 42/2023 dated 10-02-2023, has laid down provisions for the de-registration of real estate projects. The said MahaRERA Order, clearly provides that in cases where there are existing bookings, an application for de-registration shall be considered only upon settlement of the rights of the allottees, and upon submission of documentary proof of such settlement along with the de-registration application.

9. In the present case, the applicant–promoter has submitted that it no longer intends to complete the project. While the Authority is not required to examine the reasons for such lack of intent, it remains duty-bound to ensure that the interests of allottees are adequately safeguarded. However, in the present case, the Applicant has submitted on record, cancellation deeds executed by 30 allottees in Sr. No. 1 and 27 allottees in Sr. No. 2, showing that their respective bookings in the project have been cancelled. This shows implied consent of the said allottees in terms of MahaRERA Order No. 42 of 2023 dated 10-02-2023. Further, there is no pending complaint filed with respect to the said projects and 2 complaints (1 complaint in each project filed by the allottees) have been disposed of. Hence, there is no pending complaint in the said projects. It shows that the rights of the aforesaid allottees have been duly settled.

10. However, as stated hereinabove, with respect to the remaining untraceable/unsettled allottees (2 in each project), it is observed that the Applicant–promoter has taken bona fide efforts to contact and settle their claims. The Applicant promoter, vide letters dated 19-03-2025, 16-04-2025, and 22-04-2025, informed the said allottees that the project could not be continued due to unavoidable circumstances. Despite much follow-up through written communications and telephonic attempts, no response was received. Thereafter, the Applicant promoter issued a public notice dated 04-05-2025 calling upon the said 4 allottees to come forward for mutual settlement, as required for processing the de-registration applications. However, the said allottees have neither raised any objections to the proposed de-registration nor come forward to settle their claims and the applicant - promoter has provided indemnity with regard to them.

11. In view of the above, it is evident that the Applicant has shown due diligence and bona fide efforts to trace and settle with all concerned allottees. In such circumstances, the de-registration applications cannot be rejected merely on account of non-response from a negligible number of allottees, particularly when the Applicant has already settled the claims of the substantial majority of allottees in the said projects. Hence, the Authority is satisfied that sufficient compliance with the requirements of MahaRERA Order No. 42 of 2023 has been made, and these applications need consideration by the Authority.

12. In view of the above and considering that there is no subsisting intent to complete the project, continuation of the project registration serves no purpose. Hence, the said project registrations are liable to be de-registered.

13. In view of these observations, the said projects stand de-registered, and the Applicant (promoter) is hereby restrained from advertising, marketing, booking, selling, offering for sale, or inviting any person(s) to purchase in any manner any apartment/unit in the said projects, henceforth. The Applicant is further directed to settle the claims of the non-traceable 4 allottees (2 allottees in each project) as and when they raise any grievances.

MAHESH DINKAR PATHAK
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(Mahesh Pathak)

Member-I, MahaRERA