BEFORE THE MAHARASHTRA

REAL ESTATE REGULATORY AUTHORITY, MUMBAI

Physical Hearing Held at MahaRERA @03.30 pm (BKC)

SR NO.	SUO MOTU CASE NO. OF 2022	PROJECT NO.	NAME OF PROMOTER	PROJECT NAME
1	**221**	P51700031678	GAUTAM MALI	GAUTAM ENTERPRISES
2	**222**	P51700031425	OM SAI DEVELOPERS	OM SAI DEVELOPERS
3	**223**	P51700028572	SHREE BALAJI DEVELOPERS	SHREE BALAJI DEVELOPERS
4	**224**	P51700031382	R M G INFRA	R M G INFRA
5	**225**	P51700032048	SAMATH DEVELOPERS	SAMARTH DEVELOPERS
6	**226**	P51700031591	SHRI SHIV GORAKSHNATH ENTERPRISES	SHRI SHIV GORAKSHNATH ENTERPRISES
7	**227**	P51700031508	D V INFRA	D V INFRA
8	**228**	P51700028614	PIMPLADEVI CONSTRUCTION SUNILKUMAR C SAHU	PIMPLADEVI CONSTRUCTION
9	**229**	P51700029331	SITA SADASHIV PATIL	MS MACHINDRANATH ENTERPRISES
10	**230**	P51700028549	ADITYA INFRA	ADITYA INFRA
11	**231**	P51700031473	SHREE SAMARTH DEVELOPERS	VALKU HERITAGE
12	**232**	P51700028346	VINAYAK CONSTRUCTION	VINAYAK CONSTRUCTION
13	**233**	P51700030499	SHIV SAI BALAJI BUILDCON	SHIV SAI BALAJI BUILDCON
14	**234**	P51700028616	VINAYAK CONSTRUCTION	VINAYAK CONSTRUCTION
15	**235**	P51700030255	CHIRAG GAJANAN PATIL	CHIRAG CONSTRUCTION
16	**236**	P51700028103	EKVEERA ENTERPRISES	EKVEERA ENTERPRISES
17	**237**	P51700031580	SAIKRUPA DEVELOPER	SAIKRUPA DEVELOPER
18	**238**	P51700029669	MS SAI DEVELOPERS	MS SAI DEVELOPERS
19	**239**	P51700030360	GAONDEVI CONSTRUCTION	GAONDEVI CONTRUCTION
20	**240**	P51700032100	SHREE SWAMI SAMARTH ENTERPRISES	SHREE SWAMI SAMARTH ENTERPRISES
21	**241**	P51700027636	SHREE SAMARTH BALAJI BUILDERS AND DEVELOPERS	SHREE SAMARTH BALAJI BUILDERS AND DEVELOPERS
22	**242**	P51700033058	SHREE SAMARTH KRUPA DEVELOPERS	NARAYAN ARCADE
23	**243**	P51700031148	PRASHANT MALI	OCEAN DEVELOPERS
24	**244**	P51700033483	M/S SHREE GANESH DEVELOPERS	LAKSHMAN HEIGHTS
25	**245**	P51700032591	SIDDHIVINAYAK BUILDERS AND DEVELOPERS	RAGHUKUL HEIGHTS

SR NO.	SUO MOTU CASE NO. OF 2022	PROJECT NO.	NAME OF PROMOTER	PROJECT NAME
26	**246**	P51700031939	AASHU MUNGESH	VAGHESHWARI DEVELOPERS
27	**247**	P51700032570	RUDRA INFRA BUILDERS & DEVELOPERS	RUDRA HEIGHTS
28	**248**	P51700028064	SAILEELA DEVELOPERS	SAILEELA DEVELOPERS
29	**249**	P51700032591	SIDDHIVINAYAK BUILDERS AND DEVELOPERS	RAGHUKUL HEIGHTS
30	**250**	P51700028143	VINAYAK ENTERPRISES	VINAYAK ENTERPRISES
31	**251**	P51700029880	RAJYOG ENTERPRISES	GAONDEVI HEIGHTS
32	**252**	P51700031734	SUNSHINE DEVELOPERS	SUNSHINE DEVELOPERS
33	**253**	P51700031269	TULJABHAVANI BUILDERS AND DEVELOPERS	TULJABHAVANI BUILDERS AND DEVELOPERS
34	**254**	P51700032343	SAI JYOT ENTERPRISES	SAI JYOT ENTERPRISES
35	**255**	P51700030128	AMARDEEP ANANT KHANDEKAR	SHREE SAI CHAYA ARCADE
36	**256**	P51700028573	SANSKAR BUILDCON	SANSKAR BUILDCON BUILDERS AND DEVELOPERS
37	**257**	P51700033406	SHREE MAHALAXMI DEVELOPERS	SHREE MAHALAXMI HEIGHTS
38	**258**	P51700028640	GULMOHAR DEVELOPERS	GULMOHAR DEVELOPERS
39	**259**	P51700033040	M/S SHREE ENTERPRISES	VIVAAN HEIGHTS
40	**260**	P51700028349	ARUN PRATAP SINGH	BALAJI DEVELOPERS
41	**261**	P51700031329	BHAVANI DEVELOPERS	SANTULA ARCHADE
42	**262**	P51700029181	OM SAI CONSTRUCTION THR RAJARAM	OM SAI CONSTRUCTION
43	**263**	P51700028410	VISHNU SHAHU CONSTRUCTION	VISHNU SHAHU CONSTRUCTION
44	**264**	P51700033103	NIVESH ENTERPRISES	BAMA PATIL SHOPPING CENTRE
45	**265**	P51700027636	SHREE SAMARTH BALAJI BUILDERS AND DEVELOPERS	SHREE SAMARTH BALAJI BUILDERS AND DEVELOPERS
46	**266**	P51700029420	EXPERT HOME CONSTRUCTION LLP	EXPERT HOME CONSTRUCTION LLP
47	**267**	P51700028549	ADITYA INFRA	ADITYA INFRA
48	**268**	P51700031735	GREEN CONSTRUCTION	GREEN CONSTRUCTION
49	**269**	P51700031591	SHRI SHIV GORAKSHNATH ENTERPRISES	SHRI SHIV GORAKSHNATH ENTERPRISES
50	**270**	P51700031878	VASTU DEVELOPERS	VASTU DEVELOPERS
51	**271**	P51700029550	TRIJAL ENTERPRISES	TRIJAL ENTERPRISES
52	**272**	P51700032270	SHREE DEVELOPERS	SHREE DEVELOPERS
53	**273**	P51700028572	SHREE BALAJI DEVELOPERS	SHREE BALAJI DEVELOPERS

SR NO.	SUO MOTU CASE NO. OF 2022	PROJECT NO.	NAME OF PROMOTER	PROJECT NAME
54	**274**	P51700030361	VINAYAK VATIKA BUILDERS AND DEVELOPERS	VINAYAK VATIKA BUILDERS AND DEVELOPERS

Order

November 03, 2022
Coram: Shri. Ajoy Mehta, Chairperson, MahaRERA
Shri Mahesh Pathak, Member, MahaRERA
Advocate Harish Thombre for Promoters at
Sr. Nos. 1 to 10, 12, 16, 19, 27, 30, 33, 34, 36, 39, 41, 46, 49, 52 & 53
Remaining all Promoters were absent

1. The above-mentioned Promoters have registered their respective Projects named above under section 5 of the Real Estate (Regulation and Development) Act, 2016 (**"said Act / RERA"**) bearing the respective MahaRERA Project Registration numbers also mentioned hereinabove.

2. It is pertinent to note that inadvertently repetition has been observed while numbering the above cases and the same is clarified herein below:
   - Suo-Motu case Nos. 223 and 273 pertains to the same Project No. P51700028572,
   - Suo-Motu case Nos. 226 and 269 pertains to the same Project No. P51700031591,
   - Suo-Motu case Nos. 230 and 267 pertains to the same Project No. P51700028549,
   - Suo-Motu case Nos. 241 and 265 pertains to the same Project No. P51700027636 and
   - Suo-Motu case Nos. 245 and 249 pertains to the same Project No. P51700032591.

   Thus, total 49 cases of the above mentioned registered MahaRERA Projects were heard by this Authority on 28.10.2022.

3. These are suo-motu cases taken up by MahaRERA against all the Promoters mentioned above pursuant to the allegation of submitting a false / fake commencement certificate (CC) as mentioned in the below table with regard the respective MahaRERA Project Registration numbers mentioned therewith:

SR NO.	SUO MOTU CASE NO. OF 2022	PROJECT NO.	CC NUMBERs	CC DATED
1	**221**	P51700031678	KDMC/NRV/BP/GRAM/2020-21/74	29.01.2021
2	**222**	P51700031425	KDMC/NRV/BP/2020-21/19	17.08.2019
3	**223**	**P51700028572**	**KDMC/NRV/BP/DV/GRAM/CC-0025/40**	**19.04.2020**
4	**224**	P51700031382	KDMC/NRV/BP/GRAM/2020-21/96	28.09.2021
5	**225**	P51700032048	KDMC/NRV/BP/2020-21/15	20.01.2021
6	**226**	**P51700031591**	**KDMC/NRV/BP/GRAM/2021-22/114**	**11.10.2021**
7	**227**	P51700031508	KDMC/NRV/BP/2020-21/253	28.12.2020
8	**228**	P51700028614	KDMC/NRV/BP/DV/GRAM/CC-0020/30	31.08.2020
9	**229**	P51700029331	KDMC/NRV/BP/DV/GRAM/CC/0026/20	17.08.2020
10	**230**	**P51700028549**	**KDMC/NRV/BP/GRAM/2019-20/10**	**10.02.2020**
11	**231**	P51700031473	KDMC/NRV/BP/DV/2017-18/1822	04.01.2018
12	**232**	P51700028346	KDMC/NRV/BP/DV/2017-18/245	13.11.2019
13	**233**	P51700030499	KDMC/NRV/BP/DV/GRAM/2020-21/16	12.01.2021
14	**234**	P51700028616	KDMC/NRV/BP/DV/GRAM/CC/0027/61	11.01.2021
15	**235**	P51700030255	KDMC/NRV/BP/DV/GRAM/635/2020	14.09.2020
16	**236**	P51700028103	KDMC/NRV/BP/DV/GRAM/2020-21/19	14.01.2021
17	**237**	P51700031580	KDMC/NRV/BP/DV/GRAM/2020-21/84	02.03.2021
18	**238**	P51700029669	KDMC/NRV/109/2021	12.01.2021
19	**239**	P51700030360	KDMC/NRV/BP/GRAM/2020-21/71	22.01.2021
20	**240**	P51700032100	KDMC/NRV/BP/2020-21/105	02.03.2021
21	**241**	**P51700027636**	**KDMC/NRV/DV/2019/25**	**21.08.2019**
22	**242**	P51700033058	KDMC/NRV/BP/KV/DV/2019-20/29	22.12.2020
23	**243**	P51700031148	KDMC/NRV/BP/2021-22/95	01.10.2021
24	**244**	P51700033483	KDMC/NRV/BP/DV/CC/102/2021	15.09.2021
25	**245**	**P51700032591**	**KDMC/NRV/BP/DV/CC/0068/19**	**19.08.2021**
26	**246**	P51700031939	KDMC/NRV/BP/DV/2018/19/430	17.09.2019
27	**247**	P51700032570	KDMC/NRV/BP/DV/2020/21/14/28	21.05.2021
28	**248**	P51700028064	KDMC/NRV/CC/254/2020	27.02.2020
~~29~~	~~249~~	~~P51700032591~~	~~KDMC/NRV/BP/DV/CC/0068/19~~	~~19.08.2021~~
30	**250**	P51700028143	KDMC/NRV/BP/DV/GRAM/88/0015/20	02.03.2020
31	**251**	P51700029880	KDMC/NRV/BP/DV/2020-21/24	03.03.2021
32	**252**	P51700031734	KDMC/NRV/BP/2019-20/496	21.12.2020
33	**253**	P51700031269	KDMC/NRV/BP/GRAM/2020-21/86	02.03.2021
34	**254**	P51700032343	KDMC/NRV/BP/DV/2020-21/14	14.09.2021
35	**255**	P51700030128	KDMC/NRV/BP/DV/2018-19/46	23.01.2019

SR NO.	SUO MOTU CASE NO. OF 2022	PROJECT NO.	CC NUMBERs	CC DATED
36	**256**	P51700028573	KDMC/NRV/CC/750/2020	31.08.2020
37	**257**	P51700033406	KDMC/NRV/BP/DV/2020-21/14	14.10.2021
38	**258**	P51700028640	KDMC/NRV/BP/DV/2018-19/145	19.03.2020
39	**259**	P51700033040	KDMC/NRV/BP/DV/CC/125/21	02.09.2021
40	**260**	P51700028349	KDMC/NRV/CC/451/2020	31.08.2020
41	**261**	P51700031329	KDMC/NRV/BP/DB/2020/21/248	28.04.2021
42	**262**	P51700029181	KDMC/NRV/BP/DV/GRAM/CC/0027/	18.03.2020
43	**263**	P51700028410	KDMC/NRV/CC/625/2020	31.08.2020
44	**264**	P51700033103	KDMC/TPD/BP/DV/CC/2021-21/0106/29	26.03.2021
~~45~~	~~**265**~~	~~P51700027636~~	~~KDMC/NRV/DV/2019/25~~	~~21.08.2019~~
46	**266**	P51700029420	KDMC/NRV/BP/DV/2019-20/17	24.12.2020
~~47~~	~~**267**~~	~~P51700028549~~	~~KDMC/NRV/BP/GRAM/2019-20/10~~	~~10.02.2020~~
48	**268**	P51700031735	KDMC/NRV/BP/2021-22/218	25.10.2021
~~49~~	~~**269**~~	~~P51700031591~~	~~KDMC/NRV/BP/GRAM/2021-22/114~~	~~11.10.2021~~
50	**270**	P51700031878	KDMC/NRV/BP/GRAM/2021-22/147	14.10.2021
51	**271**	P51700029550	KDMC/NRV/CC/548/2021	17.02.2021
52	**272**	P51700032270	KDMC/NRV/BP/GRAM/2020-21/108	24.02.2021
~~53~~	~~**273**~~	~~P51700028572~~	~~KDMC/NRV/BP/DV/GRAM/CC/0025/40~~	~~19.04.2020~~
54	**274**	P51700030361	KDMC/NRV/BP/DV/GRAM/2019-20/198	17.12.2020

4. On 28.10.2022 a physical hearing was held in all the captioned cases whereby the following common roznama was passed by this Authority:

"Advocate states that earlier also he had sought time. He has filed his say in the matters which are on record. Advocate brings to the notice of this Authority that there is a criminal complaint which has also been filed against his clients and the same is under investigation before the Thane crime branch. The Advocate further avers that since a criminal investigation is pending in the matters and that they are being summoned by the Police for investigation purposes, no precipitatory action should be taken in these matters till then.

The Advocate pleads that these matters be kept in abeyance till the outcome of the criminal investigation. Heard the Advocate, the matters are reserved for orders"

5. In the captioned suo-motu cases written submissions on behalf of the Promoters at Sr. Nos. 1 to 10, 12, 16, 19, 27, 30, 33, 34, 36, 39, 41, 46 & 52 have been submitted and the same are perused and taken on record by this Authority.

6. The following observations and provisions of the said Act are noteworthy in the present case:

a. As per section 4 of the said Act every Promoter who seeks registration of his real estate project is mandated to make an application to this Authority in such form, manner, within such time and accompanied by such fee as specified by the regulations made therein and also enclose the documents such as a brief details of the enterprise of the Promoter, a brief detail of the projects launched by him (in the past five years, whether already completed or being developed), **an authenticated copy of the approvals and commencement certificate from the competent authority obtained** in accordance with the laws as may be applicable for the real estate project, the sanctioned plan, layout plan and specifications of the proposed project, etc.

b. Hence, all the Promoters while seeking their respective Project registrations have to submit with their applications the above-mentioned CC as one of the mandatory requisites for seeking project registration under the said Act.

c. Further, vide letters dated 17.08.2022, the Assistant Director, Town Planning office of Kalyan Dombivali Municipal Corporation (**KDMC**) informed MahaRERA that the above-mentioned CCs submitted while seeking MahaRERA Project registration of the above-mentioned Projects has not been issued by the office of KDMC. Thus, it appears that the above-mentioned CCs have been obtained by means that are suspect. Further, it is also brought to the notice of this Authority that an investigation into this issue is also pending before the Thane crime branch against the Promoters of the above-mentioned Projects.

d. In view thereof, it is pertinent to examine section 7 of the said Act that empowers this Authority to revoke / cancel registration granted under section 5 of the said Act:

"7. (1) The Authority may, on receipt of a complaint or suo motu in this behalf or on the recommendation of the competent authority, revoke the registration granted under section 5, after being satisfied that –
(a) the promoter makes default in doing anything required by or under this Act or the rules or the regulations made thereunder;
(b) the promoter violates any of the terms or conditions of the approval given by the competent authority;
(c) the promoter is involved in any kind of unfair practice or irregularities.
Explanation. – For the purposes of this clause, the term "unfair practice means" a practice which, for the purpose of promoting the sale or development of any real estate project adopts any unfair method or unfair or deceptive practice including any of the following practices, namely: –
(A) the practice of making any statement, whether in writing or by visible representation which, –
(i) falsely represents that the services are of a particular standard or grade;
(ii) represents that the promoter has approval or affiliation which such promoter does not have;
(iii) makes a false or misleading representation concerning the services;
(B) the promoter permits the publication of any advertisement or prospectus whether in any newspaper or otherwise of services that are not intended to be offered;
(d) the promoter indulges in any fraudulent practices.".

e. From the plain reading of section 7 it is clear that this Authority has powers u/s 7 of the said Act with regard the revocation of registration of MahaRERA Projects for the Promoter indulging in any kind of unfair practices. In the present case of not obtaining the CCs from the Competent Authority and misrepresenting to this Authority as well as the allottees / home buyers and collecting money through misrepresentation and taking the bookings in the above-mentioned MahaRERA registered Projects can be said to be unfair or deceptive practice.

f. Hence, in terms of the above letter addressed to MahaRERA by KDMC with regard the issuance of the above CCs, there is no ambiguity in the fact that the above mentioned CCs are not valid and legal and have been obtained by means that are suspect. Thus, this Authority thinks it a fit case to revoke / cancel the above mentioned MahaRERA Project registrations for all the above listed Projects inorder to safeguard the interest of the prospective Allotees and the existing Allottees from investing / engaging any further in these Projects.

g. Further, all the Promoters shall be barred / restrained forthwith from advertising, marketing, booking, selling or offering for sale, or inviting persons to purchase in any manner any apartment or building, as the case may be, in these Projects or part of it, in any planning area, of these Projects.

h. Further the Secretary, MahaRERA shall ensure that all the designated bank accounts of each of the above listed MahaRERA Projects are informed to the Banks and the same are frozen so as restrain any further misuse of funds collected under the above mentioned Projects so as to protect the interest of Allottees / home buyers of these Projects

i. This Authority would also urge upon the Secretary (Urban Development) Government of Maharashtra to immediately put in place a system wherein all milestone approvals relevant to buyers / purchasers of real estate projects; such as Commencement Certificate (CC), Occupation Certificate (OC) are put upon a dedicated portal by the respective Planning Authority so that the veracity of the Certificates can be verified by both the buyers / purchasers of real estate projects and MahaRERA. This shall be an important consumer protection measure.

FINAL ORDER

A. Thus, in view of the above observations and the provisions of the said Act, this Authority revokes / cancels the following **MahaRERA Project Registrations:**

SR NO.	PROJECT NO.	PROJECT NAME
1	P51700031678	GAUTAM ENTERPRISES
2	P51700031425	OM SAI DEVELOPERS
3	**P51700028572**	**SHREE BALAJI DEVELOPERS**
4	P51700031382	R M G INFRA
5	P51700032048	SAMARTH DEVELOPERS
6	**P51700031591**	**SHRI SHIV GORAKSHNATH ENTERPRISES**
7	P51700031508	D V INFRA
8	P51700028614	PIMPLADEVI CONSTRUCTION
9	P51700029331	MS MACHINDRANATH ENTERPRISES
10	**P51700028549**	**ADITYA INFRA**

11	P51700031473	VALKU HERITAGE
12	P51700028346	VINAYAK CONSTRUCTION
13	P51700030499	SHIV SAI BALAJI BUILDCON
14	P51700028616	VINAYAK CONSTRUCTION
15	P51700030255	CHIRAG CONSTRUCTION
16	P51700028103	EKVEERA ENTERPRISES
17	P51700031580	SAIKRUPA DEVELOPER
18	P51700029669	MS SAI DEVELOPERS
19	P51700030360	GAONDEVI CONTRUCTION
20	P51700032100	SHREE SWAMI SAMARTH ENTERPRISES
21	**P51700027636**	**SHREE SAMARTH BALAJI BUILDERS AND DEVELOPERS**
22	P51700033058	NARAYAN ARCADE
23	P51700031148	OCEAN DEVELOPERS
24	P51700033483	LAKSHMAN HEIGHTS
25	**P51700032591**	**RAGHUKUL HEIGHTS**
26	P51700031939	VAGHESHWARI DEVELOPERS
27	P51700032570	RUDRA HEIGHTS
28	P51700028064	SAILEELA DEVELOPERS
~~29~~	~~P51700032591~~	~~RAGHUKUL HEIGHTS~~
30	P51700028143	VINAYAK ENTERPRISES
31	P51700029880	GAONDEVI HEIGHTS
32	P51700031734	SUNSHINE DEVELOPERS
33	P51700031269	TULJABHAVANI BUILDERS AND DEVELOPERS
34	P51700032343	SAI JYOT ENTERPRISES
35	P51700030128	SHREE SAI CHAYA ARCADE
36	P51700028573	SANSKAR BUILDCON BUILDERS AND DEVELOPERS
37	P51700033406	SHREE MAHALAXMI HEIGHTS
38	P51700028640	GULMOHAR DEVELOPERS
39	P51700033040	VIVAAN HEIGHTS
40	P51700028349	BALAJI DEVELOPERS
41	P51700031329	SANTULA ARCHADE
42	P51700029181	OM SAI CONSTRUCTION
43	P51700028410	VISHNU SHAHU CONSTRUCTION
44	P51700033103	BAMA PATIL SHOPPING CENTRE
~~45~~	~~P51700027636~~	~~SHREE SAMARTH BALAJI BUILDERS AND DEVELOPERS~~
46	P51700029420	EXPERT HOME CONSTRUCTION LLP
~~47~~	~~P51700028549~~	~~ADITYA INFRA~~
48	P51700031735	GREEN CONSTRUCTION
~~49~~	~~P51700031591~~	~~SHRI SHIV GORAKSHNATH ENTERPRISES~~
50	P51700031878	VASTU DEVELOPERS
51	P51700029550	TRIJAL ENTERPRISES
52	P51700032270	SHREE DEVELOPERS
~~53~~	~~P51700028572~~	~~SHREE BALAJI DEVELOPERS~~
54	P51700030361	VINAYAK VATIKA BUILDERS AND DEVELOPERS

B. Further, all departments such as Secretary (Urban Development) Government of Maharashtra and all local Planning Authorities to ensure that all statutory

certificates are uploaded immediately upon issuing the same on their respective website / webpage and any changes / additions / alterations / modifications must also be immediately uploaded upon issuing of the same from time to time.

C. Further the Secretary, MahaRERA shall ensure that all the designated bank accounts of each of the above listed MahaRERA Projects are informed too and are frozen till further orders.

D. Further, all the above-mentioned Promoters are restrained not to advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner apartment or building, as the case may be, in these above listed Projects or part of it.

(Mahesh Pathak)
Member, MahaRERA

(Ajoy Mehta)
Chairperson, MahaRERA