

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

Hearing held through hybrid mode.

REGULATORY CASE NO. 397 OF 2025

ANIL THARWANI

... APPLICANT (PROMOTER)

THARWANI ARIANA PHASE IV

...PROJECT NAME

MAHARERA PROJECT REGISTRATION NO. P51700007834

Order

March 10th, 2026

(Date of hearing –27.10.2025 - matter reserved for order)

Coram: Manoj Saunik, Chairperson, MahaRERA
Promoter and Mr. Dhiren is present in person.

1. The applicant herein had registered the project namely “THARWANI ARIANA PHASE IV” under section 5 of the Real Estate (Regulation and Development) Act, 2016 (“Act”) of Real Estate Regulatory Authority (“RERA”) bearing MAHARERA **Registration No. P51700007834** (hereinafter referred to as the “Project”).
2. On 30.09.2024, an application was made by the applicant for seeking deregistration of the project. In this regard the case was heard by this Authority on 27.10.2025 wherein the following roznama was recorded:
 1. *“Heard the applicant. The promoter seeks deregistration of this project and has submitted in his application that he has already obtained a fresh registration. The Promoter undertakes to submit the email ids, contact details and address of the allottees of the captioned project.*
 2. *Matter is reserved for order provided the relevant information pertaining to the status of the booking of the allottees, the details of any interest created in the project via sale or any other transaction, their relevant details, proof of settlement of the claim the allottee(s) (if any), and other prescribed materials are submitted on record on an affidavit.”*

3. Before examining that whether the present application be allowed or not, the Authority deems it appropriate to note the following observations:
- A. The captioned project is registered on 18.08.2017.
- B. Upon scrutiny of the present application filed by the promoter, the Compliance wing, MahaRERA issued office objections for the following discrepancies found in the present application:

Sr. No.	Office objections sent by the office of this Authority	Response by the promoter in brief.
1	Why was a new project registration (P51700047534) obtained when the project already had registration P51700007834 ?	The original registration was obtained in July 2017 . The employee handling legal/taxation matters left during the COVID period without proper handover . Due to this, a new employee inadvertently applied for fresh registration in August 2022 , resulting in registration P51700047534 . Both registrations contain the same project details , which can be verified on the MahaRERA portal.
2	A document showing 47 allottees was submitted, but it does not clearly state that it is consent for de-registration .	The promoter has enclosed the consent of 47 allottees for de-registration along with the submission. The promoter has filed the same copy of consent of allottees stated to be taken for deregistration, however the reason for the consent is not mentioned on the consent sheet.
3.	Annexure A shows 60 bookings . Documents were sought showing settlement of rights or refund of advances to these allottees.	There are 60 bookings as per Form 3 (period ending 30 September 2024) . Consent of 47 allottees has been obtained, which is more than the required 2/3 consent (40 allottees) . Therefore, settlement of rights or refund of advances is not applicable .
4.	Submit Quarterly Progress Reports (QPRs) for Oct-Dec 2024 and Form 5 for FY 2023-24 on the MahaRERA portal.	QPRs up to 30 September 2024 and Form 5 for FY 2023-24 have already been uploaded under the new registration (P51700047534) . Form 3 for the quarter

		ending 31 December 2024 will be uploaded shortly.
5.	Explain why QPRs were not updated.	All QPRs (Forms 1, 2, 3 and Form 5) are uploaded under the new registration P51700047534. Therefore, QPR updates under the old registration P51700007834 are not applicable.

- C. At the outset, the Authority observes that the consent sheet filed by the promoter does not record any reason / object of taking consent. Secondly consent of all the allottees is mandatorily one of the requirements to adjudicate upon an application of deregistration of a real estate project. As consent of all the allottees have not been provided by the promoter, the same is incomplete.
- D. Further, with regard to the reply of the promoter hereinabove in the table to the objection no. 3, the Authority is of the view that the application cannot be allowed in absence of the particulars of bookings taken by the promoter, monies received from the same and details of the present status of all those bookings. If these essential details are not disclosed by the promoter, the Authority would not be in a position to ascertain whether the rights and interests of allottees have been adequately safeguarded and whether the requirement of consent under the provisions of the Act has been duly complied with.
- E. It is also observed that, at the first instance, the promoter was under a statutory obligation to comply with the requirements prescribed under the Act and the Rules, including the timely submission and updation of Quarterly Progress Reports (QPRs), disclosure of sold and unsold inventory and other mandatory project related information on the MahaRERA portal. The failure to place the above details on record and the non-disclosure of complete information regarding the bookings and

monies received therefrom further constrains the Authority from examining the present application in its proper perspective.

- F. Accordingly, the promoter is required to place on record the complete details of all bookings, the amounts received from each allottee and the present status of such booking in the normal course of business.
- G. It is observed that the promoter has obtained a fresh registration for the project on the same land parcel without first seeking deregistration of the earlier registered project (captioned project). The present application seeking deregistration of the captioned project has been made on 30.09.2024, whereas the application for the subsequent registration was made earlier on 09.08.2022. In this context, the explanation furnished by the promoter in reply to objection no. 1 is required to be examined in light of the declaration dated 30.11.2020 submitted by the promoter to this Authority, wherein the promoter had categorically stated that till that date no bookings had been accepted and no construction had commenced in the captioned project, and that a fresh registration would be sought only upon restarting the construction and marketing of the project.
- H. However, it is further noted that the commencement certificates submitted for the two registrations appear to be different, though both registrations pertain to the same land parcel. The promoter has not furnished any explanation regarding the different commencement certificates obtained by him. This aspect assumes significance particularly in view of the promoter's contention that the subsequent registration was inadvertently obtained by an employee for the very same project. In absence of any clarification on this issue, the explanation offered by the promoter remains unsubstantiated.

- I. Further, it is pertinent to note that along with the present application the promoter has submitted the consent of 47 out of 60 allottees of the captioned project, which indicates that bookings were in fact accepted in the project. This position stands in contradiction to the statement made by the promoter in the declaration dated 30.11.2020 that no bookings had been accepted till that date. It is also not the case that the promoter subsequently updated this Authority regarding the bookings accepted after the said declaration. Further, the statutory disclosures and updates required to be filed by the promoter, including the disclosure of inventory and other periodic updates, have not been duly made so as to reflect the actual position of bookings in the project.
- J. In absence of complete and reliable disclosures regarding the bookings, monies received from the allottees and the present status thereof, the Authority is unable to ascertain the extent of rights created in favour of the allottees and whether their interests have been duly safeguarded. The inconsistencies in the disclosures made by the promoter, coupled with the failure to place complete statutory information on record, therefore do not justify favourable consideration of the present application for deregistration at this stage.
4. It is pertinent to note in the hearing of the captioned application, the promoter was directed to provide all the information pertaining to the aforementioned missing information pertaining to the discrepancy in no of allottees and the actual status of their claims, settled or subsisting. The promoter has not file the same on record.
5. In view of the above observations and findings based on the materials placed on record by the promoter, the Authority deems it appropriate to reject the present application for lack of clarity over the essential details of the project. The promoter is directed to update all the details and materials on record which

provides sufficient clarity with all the supporting documents required to substantiate the same.

6. In the interest of ease of business, the promoter is at liberty to approach the Authority vide a restoration application for deregistration along with all the relevant materials prescribed by the Authority from time to time.
7. The promoter is directed to deposit a cost of Rs 20,000/- for noncompliance of directions issued in hearing dated 27.10.2025 which was necessary on the part of the promoter for fair adjudication in the captioned application. The cost to be deposited with the Authority within 30 days from the date of this order. The restoration application shall only be considered once the cost is deposited and evidence of the same is filed along with the restoration application.
8. The captioned application stands disposed with above directions.

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Manoj Saunik
Chairperson, MahaRERA