

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

HEARING IN HYBRID MODE

REGULATORY CASE NO. 400 OF 2025

PROMOTER NAME

AMI ESTATES LLP

PROJECT NAME

VERTILLAS

MAHARERA PROJECT REGISTRATION NO. P52100012616

ORDER

(In an extension application)

October 14th, 2025

(Date of hearing –19.09.2025-matter reserved for order)

Coram: Manoj Saunik, Chairperson, MahaRERA

Advocate Pawan Pawar, for the applicant promoter, was present through VC. Advocate Paresh Thorat, Advocate Makarand Paradkar, Advocate Limaye and Advocate Kastur appeared on behalf of some of the allottees through VC. Several allottees were also present in person to represent themselves through VC.

1. The applicant is the promoter/developer within the meaning of Section 2(zk) of the Real Estate (Regulation and Development) Act, 2016 ("Act") of Real Estate Regulatory Authority ("RERA") and had registered the project "VERTILLAS" under section 5 of the Act bearing MAHARERA Registration No. P52100012616 (hereinafter referred to as the "Project"). The promoter has filed Extension Application No. EA30062501879 on 01.07.2025 (hereinafter referred to as the 'extension application') under Section 7(3) of the Act, seeking extension of the project period till 30.06.2026.
2. Subsequent to the filing of the said extension application, 79 allottees, vide Inward No. 6551 dated 27.06.2025, filed an application under Section 35 r/w Sections 61, 63, and 69 of the Act against the promoter. The contents thereof are briefly summarised as under:
 - a. The allottees state that under the registered agreements, possession was promised by 30.06.2024. However, work stopped in December 2023, and

despite unlawful demands being raised, construction has not resumed. A notice dated 07.05.2024 also went unanswered.

- b. As per Architect's Certificate dated 09.12.2024, only 64.76% work is completed, while 85%–95% of consideration has been collected. About 87 purchasers have filed complaints.
 - c. The extension granted vide order dated 02.07.2024 was subject to conditions such as timely completion, submission of PERT/CPM/BAR charts, monthly progress reports, and portal updates – all of which remain unfulfilled.
 - d. By order dated 19.03.2025, the Authority kept the project in abeyance and restrained the promoter from further sales or registrations.
 - e. The promoter has misrepresented work status, collected over Rs.135 crores, failed to deposit GST (GST No. 27AAVFA6827C1Z8 cancelled on 01.07.2023), and has not filed audited accounts or statutory certificates since April 2021.
 - f. The promoter has accepted more than 20% consideration without executing agreements and allotted one flat to multiple purchasers. These constitute violations of Sections and other provisions of the RERA Act, 2016, as well as MOFA, 1963.
 - g. The allottees therefore submit that no further extension be granted without hearing them and seek:
 - i. Action under Sections 60, 61, and 63 of the Act;
 - ii. Appointment of a Chartered Accountant for forensic audit;
 - iii. Initiation of criminal proceedings for misappropriation, cheating, and breach of trust; and
 - iv. Appointment of an independent contractor to complete the project, should the promoter fail to deliver possession, to protect the rights of over 130 allottees.
3. Accordingly, the said extension application was heard by this Authority on 29.08.2025 and 19.09.2025 through video conference, during which the following Roznama was recorded in the presence of the allottees.

SR. NO.	DATE	ROZNAMA RECORDED
1.	29.08.2025	<i>"The learned Advocate for the applicant promoter as well as the learned Advocate for the allottees are present.</i> <i>It is noted that the allottees have not been served with a copy of the extension application. Accordingly, the applicant promoter is directed to serve a copy of the extension application along with all accompanying documents to the Advocate of the allottees as well as to the individual allottees by e-mail within three (3) days from today.</i> <i>The allottees shall be at liberty to file their reply, say, and any supporting documents they wish to rely upon on or before 15.09.2025.</i> <i>In the interim, the applicant promoter is directed to file an affidavit setting out the following particulars:</i> <i>1. The total amount collected from the allottees till date;</i> <i>2. The total amount spent towards the project till date;</i> <i>3. The current percentage of physical work completed; and</i> <i>4. The mismatch, if any, between the money spent and the actual physical progress of work.</i> <i>The Allottee Association shall be at liberty to appoint its own Architect and/or Chartered Accountant to conduct an independent assessment. Should the Allottee Association so desire, a joint inspection of the project site as well as the books of accounts may be carried out in order to ascertain the true status of the project. The applicant promoter is directed to cooperate and comply with such request.</i> <i>The affidavit to be filed by the promoter shall also clearly set out specific milestones for future completion of the project.</i> <i>The matter adjourned to 19.09.2025. "</i>
2.	19.09.2025	<i>"Heard the learned Advocates for the allottees and for the promoter, as well as the allottees present in person.</i> <i>A presentation was given by the allottees regarding the status of the project. The learned Advocate for the promoter, in his oral submissions before the Authority, stated that possession would be offered to the allottees in the second week of October 2025.</i> <i>As requested by the allottees, the promoter is directed to provide access to the allottees to visit the project site.</i> <i>Heard all parties on the extension application. Matter reserved for order."</i>

4. The Allottees, represented both in person and through their Advocates, have filed their say on the extension application pursuant to the directions contained in the Roznama dated 29.08.2025. Submissions made by Advocate Paresh Thorate on behalf of 47 Allottees, along with those filed individually by Shri Somnath Bagul, Smt. Mayuri Bagul, Shri Akshay Wagle, Smt. Nidhi Thaker, Smt. Kalyani Bhaskare, and Shri Mohit Malhotra, have also been duly taken on record by the Authority. The brief highlights of these submissions are summarized as follows:
- a. The allottees assert that the promoter's submission uploaded on 12.09.2025 is baseless and contrary to facts.

- b. The promoter violated the order dated 29.08.2025, which required service of the extension application and supporting documents to each allottee within three days. Despite repeated requests via emails dated 30.08.2025, 01.09.2025, 03.09.2025, and 08.09.2025, the documents were not served. This denial of access amounts to a violation of natural justice, compromising the allottees' right to defend their case. They therefore seek imposition of penalty under Section 63 of the Act.
- c. The promoter's claim of spending Rs. 1,86,36,65,222 and achieving 95% completion is misleading. The alleged excess expenditure of Rs. 39.92 crore over collections (Rs. 1,46,43,75,006) is unaudited and inflated by re-adding borrowings from India Bulls (Rs. 39,05,71,156) as project cost.
- d. The claim of 95% completion is contradicted by Engineer's Certificate (Form-2) dated 06.06.2024, which recorded only 60.82% work completion and Rs. 54.738 crore incurred. The promoter's figures imply Rs. 131.27 crore spent in 15 months, which is implausible and suspicious.
- e. The promoter has defaulted on prior extension conditions, failed to maintain audited accounts since April 2021, mismanaged GST, availed Rs. 450 crores in loans, and mortgaged project land without allottees' consent.
- f. The allottees submit that any extension, if granted, must be strictly conditional:
- i. Escrow deposit of Rs. 45–50 crore,
 - ii. Penalties for non-compliance,
 - iii. Appointment of independent CA/Engineer/Architect,
 - iv. Forensic audit and technical monitoring,
 - v. Fortnightly progress reports,
 - vi. Removal of unauthorized charges,
 - vii. Limited three-month extension with compensation for delay.
- b. In view of repeated defaults and misleading submissions, the allottees insist on strict supervision, transparency, and protective measures to safeguard their rights.

5. The brief submissions of the promoter are as follows:
- a. The promoter has sought extension of the project on the ground that though the project has reached almost 90% completion, the balance work has been delayed primarily due to non-payment of dues by several allottees despite repeated follow-ups through emails, WhatsApp messages and phone calls by the CRM team.
 - b. It is submitted that the customers have not honoured the demand letters issued to them and, instead, have resorted to disruptions at site by filing police complaints, staging protests and even manhandling the site staff, thereby further hampering the smooth progress of construction.
 - c. The promoter submits that in view of these circumstances, it has not been possible to obtain the required percentage of consents from the allottees for extension of the project under section 7(3) of the Act.
 - d. The Promoter submits that the balance work is expected to be completed within 4 to 6 months and, therefore, has sought grant of extension for the project from 01.07.2025 to 30.06.2026 under Section 7(3) of the Act, to enable completion of the remaining works and peaceful handover of the units to the Allottees.
6. Before moving ahead, the following observations are noteworthy:
- a. The promoter, at the time of registration of the project, had declared the date of completion as 31.12.2021. MahaRERA thereafter granted three (3) extensions on account of the Covid-19 pandemic, in terms of Notifications/Orders Nos. 13, 14 and 21 dated 02.04.2020, 18.05.2020 and 06.08.2021 respectively, which were made applicable to all registered projects qualifying thereunder. In addition, extensions under Section 7(3) of the Act were granted twice—one pursuant to obtaining 57.14% consent of the allottees, and another without consent, vide Authority's order dated 02.07.2024—whereby the project completion date presently stands extended up to 30.06.2025.

- b. Further, it is observed that as on the date of this order, there are 86 complaints pending before this Authority. Out of these, 3 complaints are pending for first hearing, having been filed in the months of August and September 2025, while the remaining 83 complaints have been adjourned to 13.10.2025 for further hearing.
 - c. Further, it is observed that a Deed of Mortgage was executed on 14.08.2025 between AMI Estates LLP (as Mortgagor) and Authum Investment & Infrastructure Limited (as Mortgagee), whereby the project land of the present project bearing Registration No. P52100012616 has been mortgaged as security for a loan of Rs. 450 crores, repayable within 30 months.
 - d. It is observed that, pursuant to the liberty granted under Roznama dated 29.08.2025, the Allottee Association appointed independent engineers who carried out a site visit on 10.09.2025 and submitted their report dated 14.09.2025. The report records that the project is 60-65% complete, with an estimated cost of Rs. 46,87,50,000/- for the balance work.
 - e. It is observed that, as directed in the Roznama dated 29.08.2025, the applicant-promoter has filed an additional affidavit dated 11.09.2025 which is uploaded on 12.09.2025 in the 80 complaints, stating that 95% of the work has been completed. Along with the affidavit, a work schedule prepared by Aryan Construction has been submitted, indicating that the remaining work is proposed to be completed by 09.10.2025, with stage-wise descriptions of completion. The same is taken on record.
7. Thus, the issue before this Authority is regarding grant of extension under Section 7(3) of the Act. In this regard, it is pertinent to note that the promoter has not been able to obtain 51% majority consent of the allottees of the project. In this context, the relevant extract of Section 7(3) is reproduced hereinbelow for ease of reference:

“7 (3) The Authority may, instead of revoking the registration under sub-section (1), permit it to remain in force subject to such further terms and conditions as it thinks fit

to impose in the interest of the allottees, and any such terms and conditions so imposed shall be binding upon the promoter."

Section 7(3) provides that instead of revoking the registration, this Authority can impose certain terms and conditions as it thinks fit to let the registration remain in force.

8. In view of the above submission of the promoter, the issue of the extension under Section 7(3) of the Act, as sought by the promoter without 51% consent of the allottees, needs to be examined considering the above-mentioned fact. The Authority would like to bring on record the statements of objects and reasons of the Act, which are reproduced hereinbelow for ease of reference:

"An Act to establish the Real Estate Regulatory Authority for regulation and promotion of the real estate sector and to ensure sale of plot, apartment or building, as the case may be, or sale of real estate project, in an efficient and transparent manner and to protect the interest of consumers in the real estate sector and to establish an adjudicating mechanism for speedy dispute redressal and also to establish the Appellate Tribunal to hear appeals from the decisions, directions or orders of the Real Estate Regulatory Authority and the adjudicating officer and for matters connected therewith or incidental thereto."

9. The whole aim of the Act is to promote the real estate sector in an efficient and transparent manner and protect the interest of the consumers (*including home buyers / allottees*). Thus, by not extending the registration of the project the same will come to a halt. The promoter shall not be able to take actions for efficient completion as may be required in view of the lack of registration. Such an action will only be detrimental to the interest of the consumers (*including home buyers / allottees*). Thus, the balance of convenience lies in allowing the extension with conditions to ensure completion. Further, the Authority also notes that this extension under Section 7(3) needs to be granted so that the completion of the project is not interrupted. While the promoter has sought extension till 30.06.2026, the Authority considers it appropriate to grant a shorter extension so as to enable periodic review of the project's progress and to safeguard the interests of all stakeholders, particularly the allottees. Therefore, in the interest

of the allottees, the Authority grants extension from **01.07.2025 to 31.03.2026** subject to following conditions:

- i. This extension will be without prejudice to the rights of the allottees under the Act.
- ii. The entire amount of receivables deposited or received in the Project's designated Collection Account shall henceforth (**from the date of this order**) be mandatorily transferred and deposited 100% into the designated Project's Separate Account and these funds shall be utilized exclusively for meeting the cost of remaining construction till the issue of occupancy certificate of this Project, with the sole objective of ensuring the complete and timely execution of the project and the handover of possession to all allottees with the requisite Occupancy Certificate. No diversion, transfer, or deposit of any funds from the said Collection Account into the Project's Transaction Account or any other account of the Promoter shall be permitted or effected, until the project is completed in its entirety and the Occupancy Certificate has been duly obtained.
- iii. Furthermore, the complete statement detailing all outflows from the Separate Account shall be mandatorily reported to the Director of Compliance, MahaRERA on a fortnightly basis. Whereby, the Allottee Committee, through the Director of Compliance, shall be periodically and suitably informed of these submissions to maintain absolute transparency.
- iv. The promoter is directed to upload on the project registration webpage a fresh affidavit within 7 days from the date of this order, clearly setting out the revised timelines and road map for completion of the project within the extended period granted, i.e., up to 31.12.2025. A hard copy of the said affidavit shall also be submitted to the Authority and duly served upon all the allottees.
- v. The Authority further states that the revised extension certificate shall be issued only subsequent to the filing of the aforesaid affidavit by the promoter.

10. On perusal of the actual site photographs on record and the Engineer's Report dated 14.09.2025, it is observed that, although the promoter has proposed timeline for completion by mid-October 2025 as per the affidavit dated 11.09.2025, a critical concern remains for the Authority. The Authority notes that, despite the extended timeline, significant concerns persist regarding the manner in which the promoter proposes to complete the project. The Authority is of the view that, given the present status of construction, strict monitoring and coordination between the promoter, allottees, and the Authority is necessary to ensure timely completion, and not merely rely on statements made by the promoter. Further, in view of the need to protect the interest of the allottees, especially in the light of the mismatch between the promoter's claim regarding the percentage of the work completed and the actual state of the project on the ground, the Authority finds it necessary to override the standard 70:30 withdrawal ratio prescribed under Section 4(2)(l)(D) of the Act and the relevant MahaRERA circulars. This direction is issued in exercise of powers conferred under Section 37 of the Act. Accordingly, the Authority issues the following directions to the allottees, promoter and the Director of Compliance, MahaRERA:

- i. The allottees shall, within 30 days from the date of this order, form an Association of Allottees (AOA) or constitute a Committee of Allottees, which shall appoint 3 to 5 representatives/members to act on behalf of all the allottees in the project. Such representatives/members shall coordinate with the Authority and the promoter to facilitate and monitor the completion of the project.
- ii. The promoter shall, at all times and without any hindrance, permit the allottees and/or the Association of Allottees to visit the project site and provide, as and when requested, all necessary documents regarding the progress of the project. The AOA/Committee of Allottees shall ensure that their representatives do not obstruct or hinder the construction activities of the project in any manner.

- iii. The promoter shall extend full cooperation to the AOA/Committee and shall, on a monthly basis, provide all project-related information, including timelines, work schedules, and fund utilization.
- iv. The promoter shall, on a monthly basis, upload on the project registration webpage progress reports certified by the project engineer/ architect, along with updated site photographs. A copy of such reports shall also be served to the AOA/Committee of Allottees.
- v. In the event of any technical difficulty in uploading any the documents as directed above, the IT Department of MahaRERA shall facilitate and provide necessary assistance to the promoter for uploading and updating the same.
- vi. The Director of Compliance, MahaRERA, shall convene monthly review meetings with the promoter and the representatives of the AOA/Committee of Allottees to monitor the progress of construction and compliance with the roadmap, and to keep track of the funds to ensure that they are being utilized exclusively for project completion without any misappropriation. Such meetings may also be convened earlier on the request of the allottees or the promoter, or at the discretion of the Director if deemed necessary.
- vii. After such monthly review reports, the Director of Compliance, MahaRERA, may take further necessary actions as deemed appropriate, including ordering a forensic audit of the project accounts and related documents in case of any misappropriation of funds.
- viii. The entire amount of receivables deposited or received in the Project's designated Collection Account shall be mandatorily transferred and deposited 100% into the designated Project's Separate Account and these funds shall be utilized exclusively for construction of the Project. No diversion, transfer, or deposit of any funds from the said Collection Account into the Project's Transaction Account or any other account of the Promoter shall be permitted.

- ix. Henceforth, the complete statement detailing all outflows from the Separate Account shall be mandatorily reported to the Director of Compliance, MahaRERA on a fortnightly basis. Whereby, the Allottee Committee, through the Director of Compliance, shall be periodically and suitably informed of these submissions to maintain absolute transparency.
 - x. The promoter shall complete the construction work and obtain the Occupancy Certificate for the project in all respects. This includes progress in all essential and statutory works, such as lifts, Sewage Treatment Plant (STP), water supply, fire safety systems, electricity, solar panels, rainwater harvesting, and other necessary installations.
 - xi. The promoter is directed to take all necessary steps, upon completion of construction, to free the project land from any mortgage or other encumbrances, so that conveyance can be completed without hindrance. The project land shall be conveyed in accordance with Section 17 of the Act.
 - xii. In the event of any deviation from the roadmap, delay in construction, non-adherence to the above directions, misappropriation of funds, or non-cooperation by the promoter, the Director of Compliance, MahaRERA, shall place a report before the Authority for taking further appropriate actions.
11. The Authority emphasizes that the directions issued above are in the interest of ensuring timely completion of the project and safeguarding the rights of the allottees. The promoter is expected to fully comply with these directions, and the allottees are encouraged to cooperate through their duly constituted AOA/Committee to facilitate smooth monitoring and progress. The Authority will continue to closely oversee the implementation of these directions and will take strict action in the event of any non-compliance, including imposition of penalties under section 63 the Act for every day during which such default continues, which may cumulatively extend up to five percent of the estimated cost of the real estate project. All stakeholders are directed to act in a transparent and cooperative manner to ensure the successful completion and delivery of the project within the extended timeline.

FINAL ORDER

12. In view of the foregoing and more specifically upon strict compliance of the directions mentioned in para no 9 and 10, the application for extension of the project is **allowed** from **01.07.2025 to 31.03.2026**.

Manoj Saunik
Chairperson, MahaRERA

