

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

HEARING IN HYBRID MODE

REGULATORY CASE NO. 412 OF 2025

PROMOTER NAME

VISHAL ASHOK CHUGERA

PROJECT NAME

NIVAAN GRANDEUR

MAHARERA PROJECT REGISTRATION NO. P52100032610

ORDER

(In an extension application)

October 14th, 2025

(Date of hearing –06.10.2025-matter reserved for order)

Coram: Manoj Saunik, Chairperson, MahaRERA

Advocate Karan Varma is present for the promoter.

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 "NIVAAN GRANDEUR" under section 5 of the Act bearing MAHARERA Registration No. P52100032610 (hereinafter referred to as the "Project").
2. The promoter has filed an extension application no. EA23092502667 on 23.09.2025 (hereinafter referred to as "extension application") seeking for extension of the project under section 7(3) of the Act, which was heard by this Authority on 06.10.2025, wherein the following roznama was recorded:
"Heard the learned advocate for the applicant-promoter and his submissions on the extension application. Matter reserved for orders."
3. Before moving ahead, the Authority notes the registration details already on record. The promoter, while seeking registration of the project had submitted the date of completion as 30.05.2025. The applicant promoter submits that the project has been delayed due to non-cooperation and obstruction by individual allottees in the development of common amenities, repeated demands for rework or enhancement of amenities, and damage to common areas during

construction of individual bungalows/row houses, necessitating multiple repairs. These unforeseen circumstances, beyond the promoter's control, have impacted timely completion of the project. Hence, the promoter has applied for extension vide the extension application herein under section 7(3) of the Act for the period from 31.05.2025 to 30.06.2027.

4. 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 this time 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.

5. The following submissions of the promoter are noteworthy before examining the issue of grant of extension under Section 7(3) of the Act:
 - a. The applicant promoter submits that the project Nivaan Grandeur is a Plotted Development, originally scheduled for completion by 30.05.2025. However, due to factors beyond the promoter's control, the project could not be completed within the stipulated timeline.
 - b. The delay has primarily occurred on account of non-cooperation and obstruction by individual allottees in the development of common amenities, repeated demands for rework or enhancement of amenities, and damage caused to common areas during the construction of individual bungalows/row houses, necessitating multiple repairs.
 - c. The applicant promoter has made efforts to obtain the requisite consents from the allottees for the formation of the maintenance society and completion of common amenities. However, such consents could not be obtained, as a significant number of allottees have refused to pay the Society

Formation & Legal Charges, have neglected the common amenities, failed to pay maintenance fees, and resisted penalties for damages caused. Pursuing the consents at this stage is likely to result in further delays and complications.

- d. The applicant promoter assures that the remaining project work, including repair and renovation of common amenities, will be completed as per the original agreement with the allottees. A maintenance society will be formed once consent of more than 50% of the allottees is obtained, and all common amenities will be duly handed over/conveyed to the society thereafter.
 - e. The applicant promoter further submits that no complaints have been filed against the project before the Authority, any Court of Law, Tribunal, Forum, or NCLT as on date, and that the promoter remains committed to transparency, regulatory compliance, and safeguarding the interests of all allottees.
 - f. In view of the above, the applicant promoter seeks an extension of the project completion date up to 30.06.2027.
6. 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.”*
7. 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. Therefore, in the interest of the allottees, the Authority grants extension of the project completion date **from 31.05.2025 to 30.06.2027**. This extension will be without prejudice to the rights of the allottees under the Act. In view thereof, this Authority allows the extension application keeping the rights of the allottees intact with certain directions hereinbelow.

FINAL ORDER

8. The extension application is **allowed**, and the extension for the project is granted from **31.05.2025 to 30.06.2027** with the following conditions:
 - A. The promoter shall complete the construction work and obtain occupancy certificate (OC) for the project. The allottees of the project shall co-operate with the promoter. That the rights of the allottees under the Act shall, however, remain intact.
 - B. The promoter is directed to submit within 15 days of this order date the PERT CPM / BAR charts about the milestones to be achieved with respect to the completion of the project. The same shall also be shared with the Allottees of the project.
 - C. The promoter herein is also directed to submit monthly progress reports of achievements of such milestones and/ or delay, if any, to MahaRERA, the association of allottees, if any, formed, and the allottees of the project.
 - D. That upon receipt of the part / full OC, the promoter shall inform this Authority about the same and update all progress on the project registration webpage from time to time.

Manoj Saunik
Chairperson, MahaRERA