

**BEFORE THE MAHARASHTRA
REAL ESTATE REGULATORY AUTHORITY, MUMBAI**
Virtual Hearing held through video conference as per
MahaRERA Circular No.: 27/2020

REGULATORY CASE NO. 92 OF 2023

PROMOTER NAME GREENFIELD DEVELOPERS & REALTORS LLP

PROJECT NAME OM SATYAM NIWAS CHS LTD

MAHARERA PROJECT REGISTRATION NO. P51800002293

ORDER

(Extension application)

November 22, 2023

(Date of hearing – 08.11.2023 matter reserved for order)

Coram: Shri Ajoy Mehta, Chairperson, MahaRERA

Representative present for the Promoter

1. GREENFIELD DEVELOPERS & REALTORS LLP is the Promoter/Developer within the meaning of Section 2(zk) of the Real Estate (Regulation and Development) Act, 2016 ("**said Act**") of Real Estate Regulatory Authority ("**RERA**") and had registered the project "OM SATYAM NIWAS CHS LTD" under section 5 of the said Act bearing MAHARERA **Registration No. P51800002293** (hereinafter referred to as the "**said Project**").
2. The Promoter has filed an extension application No. EXT51800017523 on 06.09.2023 (hereinafter referred to as "**said extension application**") seeking for extension of the said Project under section 7(3) of the said Act which was heard by this Authority on 08.11.2023 wherein the following roznama was recorded:
"Project registration has lapsed on 31.07.2022. The building is almost complete and Promoter is in the process of applying for OC. The Promoter confirms that they should receive the OC soon. In the application, the extension has been sought till 31.12.2023. However, during hearing, the Promoter seeks extension upto 28.02.2024. The Promoter confirms that they have filed all the compliances except form 5 which they expect from the statutory auditor within the next 10 days. Matter is reserved for orders."

3. Before moving ahead, the Authority notes the registration details already on record. The Promoter while seeking registration of the said Project had submitted the date of completion as 31.07.2020. MahaRERA granted three (3) extensions on the ground of Covid-19 pandemic which were granted to all the projects registered with MahaRERA and qualifying under Notifications / Orders Nos. 13, 14 & 21 dated 02.04.2020, 18.05.2020 & 06.08.2021 respectively along with extension granted under Section 6 of the said Act whereby the date of completion was extended up to 31.07.2022. The Promoter states that extension is required for completion of the Project as there was a delay due to Covid-19 pandemic and further delay in receiving permissions for the Authorities. Further the Promoter states that he is in the process of applying for Occupancy certificate (OC). Hence the Promoter has applied for extension vide the said extension application herein under section 7(3) of the said Act for the period from 01.08.2022 to 31.12.2023. However, during hearing on 08.11.2023, the Promoter sought extension upto 28.02.2024.
4. The following observations are noteworthy before examining the issue of grant of extension under Section 7(3) of the said Act.:
 - a. That the building is almost complete, and Promoter is in the process of applying for OC.
 - b. The Promoter confirms that they should receive the OC soon. In the application, the extension has been sought till 31.12.2023. However, during hearing on 08.11.2023, the Promoter sought extension upto 28.02.2024.
 - c. The Promoter though confirms that they have filed all the compliances except form 5 still the Authority observes that many compliances are still pending such as Form 2A for the year 2020-2021, 2021-2022, 2022-2023 and Form 5 for the year 2020-2021, 2021-2022, 2022-2023.
 - d. That soft possession is handed over to 33 allottees. Part OC is obtained by the Promoter and possession is given to 18 shops but additional Civil Aviation NOC is still pending.

- e. That the Promoter has obtained 77% consents of the allottees to obtain extension for the said Project registration.
5. Moving ahead, the Authority would like to bring on record the statements of objects and reasons of the said 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.”

On perusal of the above it is clear that the whole aim of the said Act has been to promote the real estate sector in an efficient and transparent manner and protect the interest of the consumers (*including home buyers / Allottees*).

6. Thus, the Authority notes that the Promoter herein has obtained 77% consent from all of the allottees of the said Project. In view thereof, the Authority grants extension to the registration of the said Project from 01.08.2022 to 28.02.2024. Needless to say, this extension will be without prejudice to the rights of the Allottees under the said Act. In view thereof, this Authority allows the said extension application keeping the rights of the Allottees intact with certain directions hereinbelow.

FINAL ORDER

The said extension application is **allowed** and the extension for the said Project is granted from 01.08.2022 to 28.02.2024 with the following conditions:

- A. The Promoter shall complete the balance construction work and obtain OC by 28.02.2024. Needless to say, the Allottees of the said Project shall co-operate with the Promoter. That the rights of the Allottees under the said Act shall however remain intact.

- B. The Promoter is directed to comply with the pending compliances as mentioned herein on or before 30.11.2023.
- C. The Promoter is directed to submit within 15 days of this order the PERT CPM / BAR charts about the milestones to be achieved with respect to the completion of the said Project. The same shall also be shared with the Allottees of the said Project.
- D. 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 said Project.
- E. That upon receipt of the OC the Promoter shall inform this Authority about the same and update all progress on the said Project registration webpage from time to time.

(Ajoy Mehta)
Chairperson, MahaRERA