

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

REGULATORY CASE NO. 93 OF 2023

[illegible]

PROJECT NAME	KURLA SAHAYOG CHS LTD., BLDG. NO.68
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MAHARERA PROJECT REGISTRATION NO. P51800009819

ORDER

(Extension application)

November 22, 2023

(Date of hearing – 08.11.2023 matter reserved for order)

Coram: Shri Ajoy Mehta, Chairperson, MahaRERA

Advocate Mahi Mhatre for the Promoter

1. PARSN FOUNDATION & ENGG CORPORATION 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 “KURLA SAHAYOG CHS LTD., BLDG. NO.68” under section 5 of the said Act bearing MAHARERA **Registration No. P51800009819** (hereinafter referred to as the “**said Project**”).
2. The Promoter has filed an extension application No. EXT51800017825 on 23.10.2023 (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:
*“Promoter states that construction was completed on 30.06.2018. However, they could not apply for OC as they could not obtain certain declarations from the society as was asked for by the Planning Authority. Promoter informs that the society is now willing to give those declaration and they should be able to obtain the OC soon. Promoter seeks extension upto 30.06.2024. The Promoter confirms that all compliances have been filed.
Matter is reserved for order.”*

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 30.06.2018. The Promoter states that redevelopment project construction was completed before 30.06.2018 but consent/undertaking of allottees could not be obtained to receive occupancy certificate (OC). Hence, the Promoter seeks extension for obtaining 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 01.07.2018 to 30.06.2024.
4. Thus, the issue before this Authority is with regard to grant of extension under Section 7(3) of the said Act. In this regard it is pertinent to note that the Promoter this time has not been able to obtain 2/3rd majority consents of the Allottees of the said 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."

On the plain reading of Section 7(3) of the said Act, it is clear 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 observations are noteworthy before examining the issue of grant of extension under Section 7(3) of the said Act.:
 - a. That the said Project had lapsed since 30.06.2018.
 - b. That the Promoter has not sought of extension since 30.06.2018 as the Promoter could not obtain declarations from the society and hence could not apply for OC.
 - c. That the Construction was completed before 30.06.2018.

d. That the said Project is a re-development Project.

e. Now the Society is willing to give the declarations hence the OC shall be obtained.

6. Moving further, the issue of the extension under Section 7(3) of the said Act as sought by the Promoter without 2/3rd consents of the Allottees needs to be examined in light of the above-mentioned fact. 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*). Thus, by not extending the registration of the said Project the same shall be stalled. The Promoter shall not be able to take action 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 such condition so as to ensure completion. Thus, the Authority grants extension to the registration of the said Project from 01.07.2018 to 30.06.2024. 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 01.07.2018 to 30.06.2024 with the following conditions:

- A. The Promoter shall complete the balance construction work and obtain OC by 30.06.2024. 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 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.
- 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 said Project.
- D. 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