

**REGULATORY CASE NO. 95 OF 2023**

PROJECT NAME \_\_\_\_\_ UNIQUE SIGNATURE \_\_\_\_\_

## ORDER

November 22, 2023

**Coram: Shri Ajoy Mehta, Chairperson, MahaRERA**  
Representative Shubhangi Kamble for the Promoter

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 31.03.2018. The Promoter applied for extension under section 6 of the said Act whereby the date of completion was extended up to 31.03.2019. Since then the said Project has lapsed. The Promoter states that construction was completed in 2017. However, one of the landowner had filed a suit in the Thane District Court which was disposed of as settled on 25.09.2021 which caused the delay. Due to the said litigation the Promoter could not apply for occupancy certificate. 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 01.04.2019 to 31.12.2023.
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 2/3<sup>rd</sup> 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 has lapsed since 31.03.2019.
  - b. one of the landowner had filed a suit in the Thane District Court which was disposed of as settled on 25.09.2021 which caused the delay.

- c. Due to the said litigation the Promoter could not apply for occupancy certificate.
6. Moving further, the issue of the extension under Section 7(3) of the said Act as sought by the Promoter without 2/3<sup>rd</sup> 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 01.04.2019 to 31.12.2023. 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 01.04.2019 to 31.12.2023 with the following conditions:

- A. The Promoter shall complete the balance construction work and obtain OC by 31.12.2023. 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**