

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

Virtual Hearing held through video conference as per
MahaRERA Circular No.: 27/2020

REGULATORY CASE NO. 167 OF 2024

PROMOTER NAME

PRIME PROPERTIES

PROJECT NAME

SUKHWANI GRACIA PHASE-3 C, WING

MAHARERA PROJECT REGISTRATION NO. P52100007982

ORDER

(In an extension application)

March 13, 2024

(Date of hearing –28.02.2024 matter reserved for order)

Coram: Shri Ajoy Mehta, Chairperson, MahaRERA

Advocate Nitinkumar Pansare for the Promoter.

1. PRIME PROPERTIES 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 "SUKHWANI GRACIA PHASE-3 C, WING" under section 5 of the said Act bearing MAHARERA **Registration No. P52100007982** (hereinafter referred to as the "**said Project**").
2. The Promoter has filed an extension application No. EXT52100018927 on 27.01.2024 (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 28.02.2024 wherein the following roznama was recorded:
*"Promoter states that OC upto 9 floors was already obtained on 29.01.2022 and the possession has also been handed over to 86 unit holder. Promoter now intends to construct additional 3 floors which are permitted as per the new UDCPR. The Promoter informs the Authority that they had taken consent for extension of the building during the execution of the AFS for the earlier flats.
Promoter informs that they are no compliance pending. The Promoter seeks extension till 31.12.2026.
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 10.04.2021. 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 along with extension under section 6 whereby the date of completion was extended up to 10.04.2023. The Promoter states that occupancy certificate (OC) received for 9 floors (86 units) on 28.01.2022 and possession handed over to all 86 units holders and now seeks extension for the said Project for construction of additional three floors which are proposed to be constructed upon the revised sanctioned plans approval from the Planning Authority. This revision in the additional construction of floors is on account of the change in UDCPR (*Unified Development Control & Promotion Regulations*). 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 11.04.2023 to 31.12.2026.

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 of registration of the said Project:
- a. The said Project comprises of one building.
 - b. That OC upto 9 floors were already obtained on 29.01.2022 and the possession has also been handed over to 86 unit holders.
 - c. Promoter now intends to construct additional 3 floors which are permitted as per the new UDCPR.
 - d. Further, the Promoter informs the Authority that they had taken consent for extension of the building during the execution of the agreement for sale for the earlier flats.
 - e. The Promoter has not sought any correction in the registration nor has uploaded any revised sanctioned plans for construction of additional three floors which are proposed to be constructed in the said Project.
6. In view of the above, 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 will come to a halt. However, in the present case the Promoter is not seeking extension for completion of the said Project as approved and sanctioned but is seeking

extension for construction of additional three floors which are permitted as per the new UDCPR. Further no documents have been placed on record for perusal of the Authority in this regard nor has the Promoter sought any correction in the said Project registration.

7. Thus, the Authority rejects the extension to the registration of the said Project and directs the Promoter to file necessary correction application along with the relevant documents. The completion timeline for additional three floors that needs to be completed shall be mentioned at the time of seeking correction in the said Project registration.

(Ajoy Mehta)
Chairperson, MahaRERA