

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

REGULATORY CASE NO. 78 OF 2023

PROMOTER NAME KOHINOOR DEVELOPERS

PROJECT NAME KOHINOOR CITY RESIDENTIAL PHASE 2
BLOCK 2

MAHARERA PROJECT REGISTRATION NO. P51800003258

ORDER

(In an extension application)

November 1, 2023

(Date of hearing – 13.10.2023 matter reserved for order)

Coram: Shri Ajoy Mehta, Chairperson, MahaRERA

Advocate Shraddha Sarmalkar for the Promoter

1. KOHINOOR DEVELOPERS 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 “KOHINOOR CITY RESIDENTIAL PHASE 2 BLOCK 2” under section 5 of the said Act bearing MAHARERA **Registration No. P51800003258** (hereinafter referred to as the “**said Project**”).
2. The Promoter has filed an extension application No. EXT51800017207 on 26.07.2023 (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 13.10.2023 wherein the following roznama was recorded:

QUOTE

Promoter states that the construction was delayed due to Covid and other issues. At present they have complete 2 out of 6 buildings wherein they have also received Occupation Certificate. The Promoter has obtained consent from 88 out of 137 allottees. Promoter seeks extension till 30.06.2024. Matter is reserved for order.

UNQUOTE

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 31.12.2019. 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 and Section 7(3) of the said Act whereby the date of completion was extended up to 31.03.2023. The Promoter states that extension is required for completion of the Project as there is crunch in cashflow due to geopolitical reasons, further due to restrictions imposed during Covid period (*including second wave*) and subsequent shortage of labour and other resources. Which increased cost of construction due to disruption of supply chain due to Covid pandemic and lockdown. 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 01.04.2023 to 30.07.2024.
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 said Project is both residential as well as commercial.
 - b. That the Promoter seeks extensions as there is crunch in cashflow due to geopolitical reasons.
 - c. Further, due to restrictions imposed during covid period (*including second wave*) and subsequent shortage of labour and other resources which increased cost of construction due to disruption of supply chain due to Covid pandemic and lockdown.
 - d. That the Promoter has obtained part occupancy certificate dated 29.12.2018 is obtained.
 - e. That the RCC work is completed.
 - f. That consent terms dated 27.06.2023 were signed between the Promoter and allottees wherein 76.56% of the allottees consented to obtain extension for the said Project registration.

g. Further it is observed that the Authority had passed order dated 23.08.2023 in complaint bearing no. CC006000000303342 filed in the said Project, wherein the following directions were issued to the Promoter. The same is reproduced hereinbelow:

“Further, since the registration of the said Project has lapsed on 31.03.2023 and that majority of Respondent Allottees have consented to grant of extension of the said Project till 30.07.2024, the Complainant Promoter is directed to file proper extension application as per the procedure laid down by MahaRERA within a period of 15 days from the date of this order. The Secretary, MahaRERA is hereby directed to examine the extension application expeditiously and decide the same accordingly.”

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 76.56% 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 01.04.2023 to 30.07.2024. 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 01.04.2023 to 30.07.2024 with the following conditions:

- A. The Promoter shall complete the balance construction work and obtain OC by 30.07.2024. 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