

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

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

REGULATORY CASE NO. 35 OF 2023

PROMOTER NAME PASHMINA REALTY PRIVATE
LIMITED

PROJECT NAME LAKE RIVIERA WING A AND B

MAHARERA PROJECT REGISTRATION NO. P51800009353

ORDER

(In an extension application)

August 22, 2023

(Date of hearing – 10.08.2023 matter reserved for order)

Coram: Shri Ajoy Mehta, Chairperson, MahaRERA
Advocate Harshad Bhadbhade for the Promoter

1. PASHMINA REALTY PRIVATE LIMITED 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 "LAKE RIVIERA WING A AND B" under section 5 of the said Act bearing MAHARERA **Registration No. P51800009353** (hereinafter referred to as the "**said Project**").
2. The Promoter has filed an extension application No. EXT51800017011 on 03.07.2023 (hereinafter referred to as "**said extension application**") seeking for extension of the said Project under rule 6(a) of Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on website) Rules, 2017 (hereinafter referred to as "**said Rule**") which was heard by this Authority on 10.08.2023 wherein the following roznama was recorded:

QUOTE

The Promoter states that their case actually falls under Rule 6. However, there being no tab in the IT system, they had to resort to seeking extension under section 7(3). The Promoter informs us that stop work notices were issued by SRA while they were not at fault and the same was further withdrawn. This stop work notice issued by the Planning Authority delayed their work by 6 months. The Promoter therefore seeks that the period of 6 months be excluded from the period granted to them for completion in view of the circumstances beyond their control and emanating from the Planning Authority.

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 30.06.2022. 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 29.06.2024. The Promoter has filed the said extension application under the said Rule seeking extension for the period from 30.06.2024 to 29.12.2024.
4. Thus, the issue before this Authority is with regard to grant of extension under the said Rule. In this context the relevant extract of said Rule 6(a) is reproduced hereinbelow for ease of reference:

6. Grant or rejection of registration of the project:

“(a) Grant of Registration of the Project -

Upon the registration of any real estate project as per section 5 read with rule 3, the Authority shall issue to the Promoter a Registration Certificate with a project registration number, in Form “C”. The period for which registration shall be valid shall exclude such period where actual work could not be carried by the promoter as per sanctioned plan due to specific stay or injunction orders relating to the real estate project from any Court of law, or Tribunal, competent authority, statutory authority, high power committee etc., or due to such mitigating circumstances as may be decided by the Authority:

Provided that, while deciding on such mitigating circumstances, the Authority shall give reasonable opportunity of hearing to the allottees and such other person, who in the opinion of the Authority, have interest in the project."

5. On the plain reading of the said Rule, it is clear that the registration shall exclude such period where the actual work could not be carried out due to stay or injunction orders relating to the real estate project from any Court or competent authority. In the present case the Promoter has sought extension under the said Rule on the ground that stop work notices were issued by SRA (*Slum Rehabilitation Authority*) during which period actual work could not be carried out in the said Project.
6. From the submissions of the Promoter herein and from the records it is observed that the Promoter has filed the said extension application under Section 7(3) instead of the said Rule on the ground that the I.T. systems has no provision to file under the said Rule. Thus, in view thereof the said extension application is treated as filed under the said Rule.
7. Further as per the said Rule the Promoter is entitled to an exclusion of such period where actual work has been held up on account of stay orders of court or competent authority i.e. SRA in the present case. In order to calculate the period of stop work the notices issued by SRA in this regard it is important to peruse the stop work notices issued by SRA. Upon perusal of the same it is found that the stop work notices were issued by SRA in the said Project and the total period during which work could not be carried out is around 6 months which is the extension period as sought by the Promoter. Thus, the period for which actual work has been held up is around 6 months. Hence, the Authority grants the extension to the registration of the said Project from 30.06.2024 to 29.12.2024 under the said Rule.
8. 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 30.06.2024 to 29.12.2024 under the said Rule. The Promoter shall complete the balance construction work and obtain OC by 29.12.2024. 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. Further The Promoter is directed to submit quarterly progress reports of achievement of milestones and/ or delay if any, to MahaRERA, the Association of Allottees, if any formed and the Allottees of the said Project. 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