

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

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

REGULATORY CASE NO. 326 OF 2025

PROMOTER NAME BALAJI CONSTRUCTION CO.

PROJECT NAME GAJANAN PLAZA

MAHARERA PROJECT REGISTRATION NO. P51800009622

ORDER

(In an extension application)

April 03, 2025

(Date of hearing –12.02.2025 matter reserved for order)

Coram: Manoj Saunik, Chairperson, MahaRERA

Advocate Mayuresh Pote a/w Mr. Vora (*partner of the partnership firm*) present for promoter.

1. The applicant is the promoter/developer within the meaning of Section 2(zk) of the Real Estate (Regulation and Development) Act, 2016 (“**Act**”) of Real Estate Regulatory Authority (“**RERA**”) and had registered the project “GAJANAN PLAZA” under section 5 of the Act bearing MAHARERA Registration No. **P51800009622** (hereinafter referred to as the “**Project**”).
2. The promoter has filed an extension application no. EXT51800010296 on 02.07.2021 (hereinafter referred to as “**extension application**”) seeking for extension of the project under section 7(3) of the Act which was heard by this Authority on 12.02.2025 wherein the following roznama was recorded:

“Heard the advocate for promoter at length. The promoter informs that they're going to undertake phase 2 of the project. That phase 1 of the project is almost complete, and promoter is in the process of obtaining the occupancy certificate and will be handing over possession after receiving payment from the allottees of phase one.

Since the phase one is financially dependent on phase two, the promoter submits that he will require time till December 2027 to complete phase 2.

In view of the fact that there are allottees in the phase one which are yet to receive their respective apartment and that their future is just closely linked with phase 2, the promoter is directed to file all details of both the phases and make a detailed application justifying the need for extension till December 2027.

The promoter is directed to file these details with all the necessary documents on or before 19.02.2025, subsequent to which the matter shall be reserved for orders from 20.02.2025."

3. The applicant promoter as directed in the roznama dated 12.02.2025 has filed written submission on 18.02.2025 and the same is taken on record. The brief relevant submission made by the applicant promoter is reproduced as under:
 - a. Initially, the on-going project was issued RERA registration certificate on 22.08.2017 for construction of partly commercial and partly residential building. That at the time of registration, Phase 1 of the project was approximately 95% complete, with few premises already booked. The upper basement, ground floor and first floor of Phase 1 were designated for commercial use, while 18 premises on the second and third floor were allocated for residential use.
 - b. However, upon the request and agreement of prospective purchasers, it was decided to convert the entire project into a fully commercial building. Consequently, the residential units were re-classified as commercial offices, and the Promoter proceeded further with the development of Phase 2 independently, without interference from the Phase 1 buyers.
 - c. That with respect to substantial costs involved in the change of user process and additional work due to revised requirements, it was agreed that prospective purchasers would bear the costs related to their respective premises, including additional premiums and charges. And Promoter would cover incidental expenses, costs associated with unsold premises, and additional infrastructural requirements such as increased parking spaces, CFO compliance, and necessary civil modifications. Memorandums of Understanding (MOUs) were executed with the buyers to formalize these agreements.

- d. That initially, Architect Mr. Abhijit Mehta was engaged for the conversion work. However, soon thereafter, he resigned from the project. Subsequently, Architect Mr. Atit Mistry was appointed to facilitate the conversion approval, ensuring the transition from a mixed-use building to a fully commercial building.
- e. The following is a timeline of key events during the conversion process:
- i. 28/08/2017-Resignation of the previous architect.
 - ii. 06/09/2017- Appointment of a new architect
 - iii. 15/09/2017-Application submitted to BMC for Change of Architect.
 - iv. 17/10/2017-Approval of new architect by BMC.
 - v. 22/02/2018-After multiple discussions with the CFO's office, an application for CFO permission for the modified structure (2 Basements + Ground + 5 Upper Floors) was submitted.
 - vi. 08/05/2018-Introduction of new development control regulations (DCPR 2034), impacting project requirements.
 - vii. 06/09/2018-CFO permission obtained under file No. CHE/A-3885/BP(WS)AR-CHO.
 - viii. 24/09/2018-Application submitted for EET&C permission for the modified structure.
 - ix. 30/10/2018-EET&C permission granted under file No. CHE/A-3885/BP (WS)AR.
 - x. 28/11/2018-Submission of new amended plans incorporating CFO and EET&C requirements.
 - xi. 24/12/2018-MahaRERA registration extension granted until 31/12/2019.
 - xii. 15/03/2019-Submitted plans returned due to policy ambiguities.
 - xiii. 09/07/2019-Policy clarification issued, allowing for re-submission of plans, hence amended plans re-submitted.
 - xiv. 04/10/2019-Approval of amended plans by MCGM Commissioner.
 - xv. 30/11/2019-Final approval letter issued for the amended plans.
- f. That despite continuous follow-ups, the approval process for converting the project into a fully commercial building took approximately 27 months (from 28/08/2017 to 30/11/2019), causing significant delay in the project which was caused due to factors beyond the control of promoter. Moreover, the changes were implemented with the consent of prospective purchasers and were not solely for the Promoters' benefit.
- g. That Promoter sought further extension from the Authority, as the previous certificate was set to expire on 31/12/2019. Simultaneously, prospective

purchasers were informed about their contribution towards payments for premiums and additional costs due to the new approvals.

- h. That on 10/12/2019 application submitted to MahaRERA for a two-year extension (until 31/12/2021) under Section 7(3), citing force majeure. However, the Authority did not accept the submission, insisting that consent from all purchasers was required under Section 7(3).
- i. That 26/11/2020 a detailed submission was made, submitting that the original agreements already contained the necessary consent, and that Section 5 of the MahaRERA Act and Rule 6 of the MahaRERA Rules justified an extension due to force majeure.
- j. That the Chairperson's office granted only a four-month extension until 30/04/2020, later extended to 30/06/2021 due to the COVID-19 pandemic.
- k. That from January 2020 till Early 2022, prospective purchasers failed to contribute to the required costs, leading to further delays.
- l. That discussions were re-initiated to resume the project, but some prospective purchasers refused to contribute, leading to disputes and litigation.
- m. As a result, over and above the initial delay of 27 months for obtaining approvals as detailed above, the project faced three major challenges:
 - i. Non-payment of agreed contributions by prospective purchasers, which hindered payments to BMC for the issuance of final sanctioned plans.
 - ii. MahaRERA's delay in extending registration, preventing the sale of remaining units.
 - iii. Pending objections and/or disputes raised by prospective purchasers resulting in non-recovery of dues from certain prospective purchasers, effectively stalling the project for over seven years.
- n. Currently, the project has:
 - i. Unsold but nearly completed premises in Phase 1, valued at minimum approximately 8.35 crores (as per CA Certificate Form 3).
 - ii. Unsold yet-to-be-constructed premises in Phase 2, valued at minimum approximately 7.23 crores (as per CA Certificate Form 3).
 - iii. Disputed premises under litigation, with significant pending recoverable amounts.

- o. The remaining work will be completed in three stages:
- i. Stage 1: Complete minor pending work and obtain a Part Occupation Certificate (Part OC 1) for four commercial units (Upper Basement, Ground, and First Floor). This will facilitate the sale of two un-booked commercial units and generate funds to pay BMC for final approvals.
 - ii. Stage 2: Use proceeds from the sale of above two un-booked commercial units to pay BMC, obtain full sanctioned plans, and complete remaining work of Phase 1 along with part work of Phase 2, and applies for Part Occupation Certificate (Part OC 2) of remaining units of Phase 1, and commences the booking of un-booked units of Phase 2.
 - iii. Stage 3: Utilize balance funds from Phase 1 sales and advance payments from Phase 2 bookings to complete the entire project, obtain a Full Occupation Certificate (Part OC 3/Full OC), and hand over possession.
- p. That due to the prolonged pendency of our extension request, the Director of Compliance, MahaRERA, Shri Ramesh Pawar, has issued an order placing the project under abeyance and freezing the associated bank account. That the promoter respectfully urge the Hon'ble Authority to set aside this order, as we have been diligently pursuing the extension application since long and have faced unavoidable delays beyond our control. Having no other way, we had filed Writ Petition in the Bombay High Court for expeditious hearing of extension application, wherein the Hon'ble Bombay High Court had directed that our application to be heard within a stipulated time, which was informed to MahaRERA, however the matter did not come up for hearing, and hence the court was pleased to pass an order dated 12/12/2023 restraining the Authority from treating the registration of the project as lapsed.
- q. Furthermore, all MahaRERA compliances ie. uploading of necessary documents have also been complied with from time to time.
- r. That promoter submits that sincere efforts of the promoter to comply with regulatory requirements and complete the project in a structured manner should be duly considered while reviewing this matter.

- s. The Promoter shall endeavour to make ready the possession of premises as soon as possible, even including stage-wise as per the above stages, subject to relevant permissions, safety procedures, and necessary compliances.
 - t. That the promoter prays that given the circumstances, the Promoter seeks an extension of the project registration till 31/12/2027, which will provide sufficient time to complete pending work and deliver possession to non-disputing purchasers, attempt to resolve disputes affecting disputed premises, ensure financial stability for project completion.
 - u. That the requested extension is reasonable, justified under force majeure principles, and crucial for protecting the rights of all stakeholders, including purchasers and financial creditors. In view of the above, it is respectfully submitted that MahaRERA be pleased to grant an extension of the project registration up to 31/12/2027, Set aside the order dated 07/02/2025 passed by the Director of Compliance MahaRERA, Acknowledge the force majeure nature of the delays and direct necessary reliefs to facilitate project completion without further procedural hindrances.
4. Before moving ahead, the Authority notes the registration details already on record. The promoter while seeking registration of the project had submitted the date of completion as 31.12.2018. 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 & section 7(3), whereby the date of completion was extended up to 30.12.2021. The promoter states that the completion of the project has been delayed due to circumstances beyond their control as stated in the submissions by the promoter. Hence, the promoter has applied for extension vide the extension application herein under section 7(3) of the Act for the period from 31.12.2021 to 31.12.2027.

5. Before moving further, the following date and events are noteworthy:

SR. NOS.	DATE	EVENTS
1.	30.07.2017	The date on which the application for registration of the project was filed by the promoter with the Authority.
2.	22.08.2017	Registration Certificate was issued till 31.12.2018 by the Authority for the on-going project.
3.	25.12.2018	Extension application under section 6 was filed by the promoter seeking extension till 30.04.2020.
4.	02.06.2019	Extension was granted till 31.12.2019.
5.	10.12.2019	Extension application under section 7(3) was filed by the promoter seeking extension till 30.04.2020.
6.	14.01.2020	Extension granted till 30.04.2020.
7.	01.03.2020	<p>The promoter filed a complaint bearing no. CC006000000192778 before the Authority seeking the following reliefs for review of the extension application dated 10.12.2019:</p> <p><i>"(a) Order/direction dated 14-01-2020 passed by the Respondent under the application of the Complainant bearing No. REA51800013280, granting extension for a period of 4 months, be modified and the said extension be granted for a period of two years from the date of 31-12-2019 or from such other date as of this Hon'ble Forum may deem fit and proper including the date of order of this Forum.</i></p> <p><i>(b) Pending the hearing and final disposal of the appeal the effect and operation of the project registration dated 14-1-2020 be continued and the Appellant be allowed to continue to develop and sell the units in the Project No. P51800009622.</i></p> <p><i>(c) Pending the hearing and final disposal of the appeal no adverse action be taken against project registered under No.P51800009622 including any proceedings under section 7 and 8 of RERA Act 2016.</i></p> <p><i>(d) Interim and ad interim relief in terms of prayer clause (b) and (c) above.</i></p> <p><i>(e) Such other and further reliefs be granted as the nature and circumstances of the case may require."</i></p>
8.	17.04.2020	Extension granted till 30.07.2020 on ground of Covid-19 pandemic for 3 months.
9.	17.06.2020	Extension granted till 30.10.2020 on ground of Covid-19 pandemic for 3 months.
10.	23.10.2020	The promoter filed writ petition bearing (L) no. 5046 of 2020 for urgent hearing of complaint bearing no. CC006000000192778.
11.	29.10.2020	<p>The writ petition bearing (L) no. 5046 of 2020 was disposed of with following orders:</p> <p><i>"1. Heard the learned counsel for the parties.</i></p> <p><i>2. It is not necessary to narrate the facts in detail in view of the stand taken by the learned counsel for the Respondents on instructions. Learned counsel for the Respondents states that the complaint filed by the Petitioners will be decided on or before 10 December 2020 and no coercive steps will be taken against the Petitioners in the meanwhile. The learned counsel for the Petitioners states that he is satisfied with this statement. No further orders are required to be passed. Writ Petition is disposed of.</i></p> <p><i>3. This order will be digitally signed by the Private Secretary of this Court. All concerned to act on production by fax or email of a digitally signed copy of this order."</i></p>
12.	02.11.2020	Extension application under section 7(3) was filed by the promoter seeking extension till 30.06.2021.
13.	28.11.2020	Extension granted till 30.06.2021 under section 7(3).

14.	30.11.2020	<p>Final order was passed by the Authority in the complaint bearing no. CC006000000192778 wherein extension was granted till 30.06.2021. The operative part of the order is reproduced as under:</p> <p><i>"Therefore, the period of extension, as sought by the Complainant ought to be commensurate with the extent of development already completed, which in this present case is 97%.</i></p> <p><i>11. In view of the above facts, applying Rule 4(2) of the Maharashtra Real Estate (Regulation and Development) (Registration of real estate projects, Registration of real estate agents, rates of interests and disclosures on website) (Amendment) Rules, 2019 and based on the submission that the allottees had executed an MOU with the promoter, to change the nature of the project from partly residential to fully commercial, the said project is granted extension for a period up to June 30, 2021. The said extension shall be subject to Orders, if any, passed by MahaRERA in on-line complaints filed in the said project, considering that the Complainant has failed to abide by the provisions of MahaRERA Order No. 07/2019 dated February 08, 2019 issued under Section 7(3) of the said Act, while applying for extension of the registration period of the said project.</i></p> <p><i>12. Consequently, the matter is hereby disposed of."</i></p>
15.	08.01.2021	<p>The promoter filed an appeal bearing no. AT006000000052907 before Appellate Tribunal challenging the final order dated 30.11.2020 passed by the Authority seeking the following reliefs:</p> <p><i>"(a) The Order dated 30/11/2020 passed by the Respondent under the Complaint bearing no.CC006000000192788, be modified and the said extension be granted for a period of two years from the date of 31-12-2019 or from such other date as of this Hon'ble Tribunal may deem fit and proper including the date of order of this Tribunal;</i></p> <p><i>(b) Pending the hearing and final disposal of the appeal, the effect and operation of the project registration dated 14-1-2020 be continued and the Appellant be allowed to continue to develop and sell the units in the Project No. P51800009622;</i></p> <p><i>(c) Pending the hearing and final disposal of the appeal the project registration under no.P51800009622 shall be deemed to be valid and no adverse action be taken against project registered under no.P51800009622 including any proceedings under section 7 and 8 of RERA Act 2016.</i></p> <p><i>(d) Interim and ad interim relief in terms of prayer clause (b) and (c) above be granted;</i></p> <p><i>(e) Such other and further reliefs be granted as the nature and circumstances of the case may require be granted"</i></p>
16.	02.07.2021	Extension application under section 7(3) was filed by the promoter seeking extension till 31.07.2024.
17.	19.07.2021	First query raised by the technical officer, MahaRERA to provide details/documents within 17 days of the extension application.
18.	09.09.2021	Extension granted till 30.12.2021 on ground of Covid-19 pandemic for 6 months.
19.	22.10.2021	11 complainants filed a complaint bearing no. CC006000000198555 under section 7 & 8 of the Act.
20.	25.10.2021	The Authority filed an affidavit before the Appellate Tribunal in the appeal no. AT006000000052907.
21.	10.12.2021	<p>The Appellate Tribunal passed order in the appeal no. AT006000000052907 wherein the appeal filed by the promoter along with MISC Application no. 43 of 2021 for stay was also disposed of. The operative part of the order is reproduced as under:</p> <p><i>"2. Heard Adv. Mr. Swapnil Bangur for Appellant. He submits that Appeal can be disposed of in the light of reply filed by Respondent as Application of Appellant is pending before the Authority for consideration seeking</i></p>

		<p>extension of time for completion of project upto 31st July 2024. He further submits that the learned Authority may be directed to expedite the application without getting influenced by earlier order.</p> <p>3. We have gone through the reply filed by the Authority. It is seen from the reply that Appellant has filed another Application No. EXT51800010296 dated 2nd July 2021 seeking extension of time for completion of project No. P5180009622 upto 31st July 2024, which is under consideration of the Authority. Therefore, we are of the considered view that nothing survives in the Appeal as Appellant has filed another Application for extension of time for completion of the project, which is under consideration of the Authority. The learned Authority can take appropriate decision in the matter in accordance with law.</p> <p>4. In view of above observations, the Appeal stands disposed of without costs.</p> <p>5. Since the Appeal is disposed of Misc Application No. 43 of 2021 for stay is also disposed of."</p>
22.	30.12.2021	Promoter resubmitted the extension application after 164 days of first query been raised. Further, on the same day itself again query was raised by the technical officer, MahaRERA to provide details/ documents which the promoter failed to submit.
23.	15.07.2022	The promoter then again filed a writ petition bearing (L) no. 22751 of 2022 seeking directions for hearing of extension application dated 02.07.2021.
24.	03.08.2022	<p>Order by the Hon'ble Bombay High Court was passed in Writ petition bearing (L) no. 22751 of 2022 directing the Authority to take up the extension application expeditiously preferably within 4 months. The operative part is reproduced as under:</p> <p>"The learned counsel submits that the appeal filed by the Petitioner was disposed of by the appellate authority on the ground that the present Petitioner has filed an Application for extension of time to complete the project and the same is under consideration before the Respondent no.1 herein. The learned counsel submits that Respondent no.1 is not taking up the matter.</p> <p>2 The Petitioner shall make an Application with Respondent no.1 to take up the matter and pass orders after hearing the parties.</p> <p>3 Respondent no.1 shall consider the Application of the Petitioner for extension of time to complete the project as is observed by the appellate authority in the order dated 10.12.2021.</p> <p>4 Respondent no.1 shall endeavour to decide the Application of the Petitioner expeditiously, if possible preferably within four months.</p> <p>5 Writ Petition is disposed of. No costs."</p>
25.	26.08.2022	Promoter's letter intimating to the Authority directing to comply the order passed by the Hon'ble Bombay High Court to expeditiously disposed the extension application dated 02.07.2021 preferably within 4 months.
26.	19.09.2022	Promoter resubmitted the extension application after 263 days of second query been raised.
27.	27.09.2022	Within 8 days of resubmit, third time the same query was raised by the technical officer, MahaRERA to provide details/ documents which the promoter had failed to submit.
28.	10.10.2022	Promoter through his advocate sent a letter to the Authority with respect to query been raised.
29.	27.10.2022	The complaint filed by the 11 complainants bearing no. CC006000000198555 was dismissed for want of merits by Hon'ble Member 1, MahaRERA. The operative part of the final order is reproduced as under:

		<p><i>"15. Likewise, in the present case, admittedly the present complaint is not filed by the association of the allottees or society or federation of the societies and even the promoter in this case has not shown its inability to that the project is admittedly 90% complete. Hence, the MahaRERA in complete this project. On the contrary, it is the case of the complainants not inclined to accept the reliefs sought by the complainants for taking over of this project under section 7(3) of the RERA.</i></p> <p><i>16. As far as the relief sought by the complainants under said section is concerned, admittedly for seeking extension in the project validity period the respondent has approached the Hon'ble High Court at Bombay by filing Writ Petition (L) No. 22751 of 2022 and in the said petition the Hon'ble High Court was pleased to pass an order on 03-08-2022 and directed MahaRERA to decide the application filed by the respondent for extension within stipulated time period. Hence, since the issue of extension is pending before the MahaRERA and the project is not yet finally lapsed, the provision of section 8 of the RERA cannot be invoked at this stage. Hence, the MahaRERA cannot consider the reliefs sought by the complainants under the said provision of the RERA.</i></p> <p><i>17. In view of these facts and observations mentioned herein above, the MahaRERA does not find any merits in this complaint.</i></p> <p><i>18. Consequently, the present complaint stands dismissed for want of merits."</i></p>
30.	29.05.2023	First Show cause notice was issued by Sanjay Deshmukh, Chief Consultant, MahaRERA to submit necessary documents as mandated under the rules and regulations of the Act.
31.	20.06.2023	Notice of hearing was sent to appear on 23.06.2023 before Sanjay Deshmukh, Chief Consultant, MahaRERA.
32.	22.06.2023	Reply filed by the promoter to the show cause notice dated 29.05.2023.
33.	14.09.2023	Second Show cause notice was issued by Sanjay Deshmukh, Chief Consultant, MahaRERA to submit necessary documents as mandated under the rules and regulations of the Act.
34.	01.12.2023	The promoter filed writ petition bearing (L) No. 33473 of 2023 for non-compliance of directions by the Authority in the order dated 03.08.2022 passed by Hon'ble High Court.
35.	12.12.2023	<p>Order by the Hon'ble Bombay High Court was passed in Writ petition bearing (L) no. 33473 of 2023 granting ad-interim relief to the promoter in terms of prayer clause (C). The operative part is reproduced as under:</p> <p><i>"1. It is the grievance of the petitioners that despite a direction being issued on 3rd August 2022 in Writ Petition (Lodging) No.22751 of 2022 (Balaji Construction Co. Vs. Maharashtra Real Estate Regulatory Authority and Anr.), the said direction has not been complied with. The petitioners' application for extension of registration dated 2nd July 2021 remains undecided.</i></p> <p><i>2. Issue notice to the respondents, returnable on 9th January 2024.</i></p> <p><i>3. In the meanwhile, respondent no.1 to take steps to comply with the order dated 3rd August 2022 passed in Writ Petition (Lodging) No.22751 of 2022 and file affidavit in that regard.</i></p> <p><i>4. Considering the directions issued in the earlier Writ Petition, which have not yet been complied with, there shall be ad-interim relief in terms of prayer clause (c)."</i></p>
36.	04.11.2024	Third Show cause notice was issued by Ramesh Pawar, Director Compliances, MahaRERA to submit necessary documents as mandated under the rules and regulations of the Act.

37.	13.01.2025	Promoter resubmitted the extension application after 839 days of third query been raised.
38.	07.02.2025	<p>On failure of promoter to comply as per third show cause notice dated 04.11.2024. The Director Compliances, MahaRERA passed an order dated 07.02.2025 wherein the project was kept in abeyance and penalty was imposed. The operative part of the order is reproduced as under:</p> <p><i>"a) The project registration granted to the real estate project Gajanan Plaza under project registration No. P51800009622 shall be kept in abeyance.</i></p> <p><i>b) Promoter, Balaji Construction Co., shall not advertise, market, book, sell or offer for sale any units in the real estate project Gajanan Plaza.</i></p> <p><i>c) The bank holding the project bank account is directed to freeze the said bank account until further notice from MahaRERA.</i></p> <p><i>d) The concerned Joint Registrar of Assurances having jurisdiction to register Agreement for Sale / Sale Deed is directed not to register any Agreement for Sale / Sale Deed in respect of the units in the real estate project Gajanan Plaza until further notice from MahaRERA.</i></p> <p><i>e) Penalty of Rs.50,000/- is imposed upon Promoter Balaji Construction Co. under Section 60 of the Act for contravention of provisions of Section 4(2) (1) (C) of the Act.</i></p> <p><i>This order is issued with the approval of the Authority"</i></p>
39.	12.02.2025	Promoter heard and matter was reserved for orders.
40.	18.02.2025	<p>The abeyance order dated 07.02.2025 was withdrawn in view of the Hon'ble High Court order dated 03.08.2022 and 12.12.2023. The operative part of which is reproduced as under:</p> <p><i>"There was a restraining order of the Hon'ble High Court as on the date of issuance of abeyance order by this office. However, due to absence of any annexures in your Reply to the Show Cause Notice, inadvertently through oversight the said direction of the Order of Hon'ble High Court was missed and an abeyance order was issued. It is categorically mentioned here that no any coercive action has been taken till date except mere issuance of the abeyance order.</i></p> <p><i>In view of above the said abeyance Order dated 07.02.2025 issued by this office is hereby withdrawn."</i></p>
41.	18.02.2025	Promoter has filed written submission as directed in roznama dated 12.02.2025.

6. From the above, the following observations are noteworthy before examining the issue of grant of extension under Section 7(3) of the Act of registration of the project:

- a. The promoter is seeking an extension till 31.12.2027. However, in the extension application dated 02.07.2021, the promoter has earlier sought extension till 31.07.2024 which date is already passed, and the promoter has failed to update the revised date of extension sought.
- b. Further, the promoter is seeking extension on the grounds of mitigating circumstances which were beyond the control of the promoter as stated above.

- c. That the promoter is willing to complete the project as the same can be observed from the timelines submitted by the promoter in the written submission dated 18.02.2025.
 - d. Further it is observed that promoter seeks to set aside the order dated 07.02.2025 passed by the Director of compliance, MahaRERA. It is pertinent to note here that on 18.02.2025 the order dated 07.02.2025 is withdrawn by the Director of compliance, MahaRERA. Accordingly, the issue has been duly addressed, and no further action is warranted.
7. Thus, the only issue before this Authority is regarding grant of extension under Section 7(3) of the Act. In this regard it is pertinent to note that the promoter this time has not been able to obtain 51% majority consents of the allottees of the 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.”

Section 7(3) provides 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.

8. In view of the above, the issue of the extension under Section 7(3) of the Act as sought by the promoter without 51% consents of the allottees needs to be examined considering the above-mentioned fact. The Authority would like to bring on record the statements of objects and reasons of the 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.”

9. The whole aim of the Act is 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 project the same will come to a halt. The promoter shall not be able to take actions 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 conditions to ensure completion. Further, the Authority also notes that this extension under Section 7(3) needs to be granted so that the completion of the project is not interrupted. Thus, the Authority grants the extension to the registration of the project from **31.12.2021 to 31.12.2027**. This extension will be without prejudice to the rights of the allottees under the Act. In view thereof, this Authority allows the extension application keeping the rights of the allottees intact with certain directions hereinbelow.

FINAL ORDER

The extension application is **allowed** and the extension for the project is granted from **31.12.2021 to 31.12.2027** with the following conditions:

- A. The promoter shall complete the construction work and obtain occupancy certificate (OC) for the project. The allottees of the project shall co-operate with the promoter. That the rights of the allottees under the Act shall however remain intact.
- B. The promoter is directed to submit within 30 days of this order date the PERT CPM / BAR charts about the milestones to be achieved with respect to the completion of the project. The same shall also be shared with the Allottees of the 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 project.

- D. That upon receipt of the part / full OC the promoter shall inform this Authority about the same and update all progress on the project registration webpage from time to time.

Manoj Saunik
Chairperson, MahaRERA