

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

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

REGULATORY CASE NO. 340 OF 2025

PROMOTER NAME SAHYOG HOMES LIMITED

PROJECT NAME VERONA

MAHARERA PROJECT REGISTRATION NO. P51800003040

ORDER

(In an extension application)

March 07, 2025

(Date of hearing -03.03.2025 matter reserved for order)

Coram: Manoj Saunik, Chairperson, MahaRERA

Advocate Parth Chande 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 "**VERONA**" under section 5 of the said Act bearing MAHARERA Registration No. **P51800003040** (hereinafter referred to as the "**Project**").
2. The promoter has filed an extension application no. EXT51800025954 on 31.12.2024 (hereinafter referred to as "**extension application**") seeking for extension of the said project under section 7(3) of the said Act which was heard by this Authority on 03.03.2025 wherein the following roznama was recorded:
"The matter is reserved for orders."
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 31.07.2022. 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 along with extension under section 7(3), whereby the date of completion was extended up to 31.12.2024. The promoter states that the delay is caused due to Sankalp Siddhi Developers Pvt Ltd who are the co-promoters of the project, and the promoter is in the process of adopting legal remedies to recover claim amount by filing appropriate proceeding before NCLT. Further, there was delay in obtaining timely approvals from the Competent Authority due to the DCPR, 2024. Moreover, the project is a Slum Rehabilitation Authority (SRA) project, and the covid- 19 pandemic created liquidity crunch for the project as the TATA Capital Housing Finance stop disbursement during pandemic which paralyzed the progress of the project. 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 01.01.2025 to 31.12.2027.

4. Thus, the issue before this Authority is regarding 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 51% 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.”

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.

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. That the project consists of two towers namely S3 and S4 of 39 floors each.
 - b. That the promoter was the landowner and had started the project in 2012 by assigning developmental rights to the Sankalp Siddhi Developers Pvt

Ltd (co-promoter) in 2012. However, the project was supposed to be completed by co-promoter in December 2017 but due to default on the part of the co-promoter there was delay for which they had also sought extension earlier.

- c. Further, on 11.10.2022 default notice was sent to the co-promoter and subsequently on 05.08.2023, the development agreement between the promoter and co-promoter was terminated and the promoter took over the project.
 - d. That the promoter is in the process of adopting legal remedies to recover claim amount by filing appropriate proceeding before NCLT.
 - e. That there was delay in obtaining timely approvals from the Competent Authority due to the DCPR, 2024. Moreover, the project is a Slum Rehabilitation Authority (SRA) project, and the covid- 19 pandemic created liquidity crunch for the project as the TATA Capital Housing Finance stop disbursement during pandemic which paralyzed the progress of the project.
 - f. That promoter submits that RCC work has been completed.
 - g. The promoter has obtained 9.55% consents of the allottees. The promoter submits that the consents could not be obtained due to resistance from certain allottees, non-registered agreements by some allottees (i.e out of 199 flats booked only 149 flats owners have registered agreements with the promoter) and that the project had gone through turmoil.
 - h. That from the work status provided by the promoter it is observed that the block work till 37th floor has been completed for both the towers.
 - i. The promoter has sought extension till 31.12.2027.
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 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 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.”

7. The whole aim of the said 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 said project is not interrupted. Thus, the Authority grants the extension to the registration of the said project from **01.01.2025 to 31.12.2027**. 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 **01.01.2025 to 31.12.2027** with the following conditions:

- A. The promoter shall complete the construction work and obtain occupancy certificate (OC) for the said project. 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 date 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 part / full OC the promoter shall inform this Authority about the same and update all progress on the said project registration webpage from time to time.

Manoj Saunik
Chairperson, MahaRERA