

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

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

REGULATORY CASE NO. 341 OF 2025

PROMOTER NAME SANJEEVANI VYAPAAR LLP

PROJECT NAME AVANTE

MAHARERA PROJECT REGISTRATION NO. P51800001140

ORDER

(In an extension application)

March 12, 2025

(Date of hearing -03.03.2025 matter reserved for order)

Coram: Manoj Saunik, Chairperson, MahaRERA

Advocate Rahul Arora 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 "**AVANTE**" under section 5 of the Act bearing MAHARERA Registration No. **P51800001140** (hereinafter referred to as the "**Project**").
2. The promoter has filed an extension application no. EXT51800025848 on 27.12.2024 (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 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 project had submitted the date of completion as 31.12.2021. 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 7(3), whereby the date of completion was extended up to 31.12.2024. The promoter states that on 09.12.2016, a letter was received from the Western Naval Command informing promoter that NOC for construction will not be granted. Consequently, Municipal Corporation of Greater Mumbai (MCGM) vide letter dated 06.01.2017 ordered promoter to stop further construction work and consequently, issued a stop work notice dated 04.01.2019 due to the refusal of NOC by the Naval Authorities. Later, the MCGM was obliged to withdraw the stop work notice vide letter dated 13.08.2020 in view of the orders dated 27.02.2019 and 27.09.2019 passed by the Hon'ble Bombay High Court and the issue is now resolved. However, the project was delayed due to the stop work notice by the MCGM and further there was delayed due to covid-19 pandemic. Due to the aforesaid reasons, the promoter was not able to complete the project in the given timeframe. Hence, the promoter has applied for extension vide the extension application herein under section 7(3) of the Act for the period from 01.01.2025 to 30.12.2027.

4. Thus, the 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.

5. The following observations are noteworthy before examining the issue of grant of extension under Section 7(3) of the Act:

- a. That the project consists of three towers namely A, B and C.
- b. That promoter submits that overall project is completed upto 76.66% for all three towers. However, construction is 90% completed for towers A & B and 50% for tower C. Further, the promoter has also applied for occupancy certificate (OC) for towers A and B on 23.12.2024.
- c. The promoter has obtained 15.34% consents of the allottees. The promoter submits that the majority consents could not be obtained due to non-cooperation and refusal of the allottees.
- d. That on 09.12.2016, a letter was received from the Western Naval Command informing the promoter that NOC for construction will not be granted. Consequently, MCGM vide letter dated 06.01.2017 ordered the promoter to stop further construction work and provide an inventory (status) of the construction work already completed.
- e. In November 2018, the Naval Authorities addressed a letter to the Executive Engineer (Building Proposal) of MCGM stating therein that the application for NOC by the promoter was re-examined and the NOC after such re-examination cannot be granted. Consequently, the MCGM issued a stop work notice dated 04.01.2019 due to the refusal of NOC by the Naval Authorities.
- f. That a similar project wherein the Naval Authorities refused the grant of NOC and being aggrieved by the same the Petitioner therein had filed a Writ Petition in the Hon'ble Bombay High Court being Writ Petition No. 3013 OF 2018 wherein vide order dated 27.02.2019, the Hon'ble Bombay High Court was pleased to quash the refusal for grant of NOC by the Naval Authorities and the stop work notices issued by the MCGM and allowed the development project in the locality in question.
- g. That the project "Avante" is also located in the same vicinity. The Naval Authorities in this regard had taken the view that the above-mentioned Order is only applicable to the project for which the above-mentioned Writ petition was filed.

- h. The Naval Authorities then filed Notice of Motion in the above-mentioned Writ Petition praying for an Order clarifying that the Order quashing the refusal for grant of NOC by the Naval Authorities and the stop work notices issued by the MCGM in Writ Petition No. 3013 OF 2018 should be treated as binding for all projects in the vicinity.
 - i. The Hon'ble High Court Vide Order dated 27.09.2019 has observed that the Naval Authorities and the MCGM are bound by the Order dated 27.02.2019 for all similarly projects placed in the vicinity.
 - j. Thus, MCGM was obliged to withdraw the stop work notice vide letter dated 13.08.2020 in view of the Orders dated 27.02.2019 and 27.09.2019 and the issue is now resolved. However, the project was delayed due to the stop work notice by the MCGM and further there was delayed due to covid-19.
 - k. The promoter has sought extension till 30.12.2027.
6. 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.”*
7. 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 **01.01.2025 to 30.12.2027**. 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 **01.01.2025 to 30.12.2027** 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 15 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