

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

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

**REGULATORY CASE NO. 342 OF 2025**

PROMOTER NAME            SHETH DEVELOPERS PRIVATE LIMITED

PROJECT NAME            SHETH CNERGY PH 1 - UPTO 11TH FLOOR

**MAHARERA PROJECT REGISTRATION NO. P51700023047**

**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 "SHETH CNERGY PH 1 - UPTO 11TH FLOOR" under section 5 of the Act bearing MAHARERA Registration No. **P51700023047** (hereinafter referred to as the "**Project**").
2. The promoter has filed an extension application no. EXT51700026018 on 02.01.2025 (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 31.12.2022. 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 6, whereby the date of completion was extended up to 29.12.2024. The promoter states that there was delay in completion of the project due to reasons beyond the control of 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 30.12.2024 to 28.12.2029.

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 promoter submits that overall project is completed upto 33.9%.
  - b. The promoter has obtained 16.30% consents of the allottees. The promoter submits that the majority consents could not be obtained due to non-cooperation and refusal of the allottees.
  - c. The applicant vide a registered development agreement dated 01.10.2003 executed between Voltas Limited and the promoter acquired rights to develop a land admeasuring 1,15,018 sq. mtrs (aggregating).
  - d. That out of the larger property the land bearing Survey No. 35/4A admeasuring 434 sq. mtrs., land bearing Survey No. 35/8 admeasuring

5236.17 sq. mtrs., and land bearing survey no. 35/9/A admeasuring 746.30 sq. mtrs., was affected by fire brigade station and MTRS reservation as per the sanctioned development plan for the city of Thane as per G.R. No. TPS/1297/1319/CR-148/97/UD-12 dated 04.10.1999.

- e. That Thane Municipal Corporation (TMC) permitted the promoter to develop the entire property on certain terms and conditions stipulated in the resolution bearing No. 1434 passed in the Mahasabha of Thane Municipal Corporation dated 21.11.2017 and on certain terms stipulated in notification No. TPS-1813/3067/Pra.Kra.492/13/MCORP/NVI-13 dated 02.05.2016.
- f. That promoter has secured rights to develop the project vide V.P. No. S04/0152/19, on terms and conditions more particularly described therein and the right to construct composite building for its own use or sale to any third party on the combined plot area arising out of the 60% of the plot area and out of the fire brigade plot and 50% of the plot area out of the MRTS plot.
- g. That the promoter addressed letter dated 04.02.2022 inter alia informing the Assistant Director Town Planning that the promoter is holding Commencement Certificate upto 3<sup>rd</sup> floor and work has been completed upto plinth level and that the construction work for further development is in progress. The applicant further requested Thane Municipal Corporation to issue further commencement certificate and to grant DR/TDR on pro-rata basis at the earliest.
- h. That the Assistant Director Town Planning vide letter dated 20.05.2022 informed applicant that a decision pertaining to the grant of permission for the reserved plot cannot be taken at the municipal level and thus a preliminary report is required to be submitted to the government and the same is in process. Till a decision is obtained vide government order, the proposal of the applicant is kept in abeyance.
- i. That the promoter has filed Writ Petition no. 12362 of 2023 before Hon'ble Bombay High Court, challenging impugned letter dated 20.02.2022. The

Hon'ble Bombay High Court vide order dated 01.11.2023 was pleased to allow Writ Petition filed by the promoter. That despite the order dated 01.11.2023 passed by the Hon'ble Bombay High Court, TMC did not abide by the order. Due to which the promoter was constrained to move a Contempt Petition No. 320 of 2024 before the Hon'ble Bombay High Court.

- j. That the promoter has obtained letter of intent dated 13.09.2024 from the competent Authority upto 17<sup>th</sup> floors.
  - k. That the commencement certificate (CC) is valid till 12.07.2025, as observed from the MahaRERA Website.
  - l. The promoter has sought extension till 28.12.2029.
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. However, taking into consideration that overall construction of the work is 33.9% completed and the need for additional time to complete the remaining floors and obtaining full OC for the project, the Authority acknowledges the requirement for an extension. However, in interest of the allottees the Authority grants an extension only until **28.12.2027**. Thus, the Authority grants the extension to the registration of the project from **30.12.2024 to 28.12.2027**. 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 **30.12.2024 to 28.12.2027** 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**