

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

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

REGULATORY CASE NO. 343 OF 2025

PROMOTER NAME LOHITKA PROPERTIES LLP

PROJECT NAME MONTANA PHASE - 3

MAHARERA PROJECT REGISTRATION NO. P51800017754

ORDER

(In an extension application)

March 12, 2025

(Date of hearing -03.03.2025 matter reserved for order)

Coram: Manoj Saunik, Chairperson, MahaRERA

Advocate Pranav Parikh 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 “MONTANA PHASE - 3” under section 5 of the Act bearing MAHARERA Registration No. **P51800017754** (hereinafter referred to as the “**Project**”).
2. The promoter has filed an extension application no. EXT51800025742 on 24.12.2024 (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 31.12.2023. 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, whereby the date of completion was extended up to 30.12.2024. The promoter states that the project is completed (*super structure*) in respect of both wings being wing A and B of the project till terrace floors and overhead tanks. Further, the promoter submits that the building is roughly completed upto 40% and the promoter will be able to obtain occupancy certificate (OC) for the project within one year of the extension being sought. Hence, the promoter has applied for extension vide the online extension application herein under section 7(3) of the Act for the period from 31.12.2024 to 29.12.2025.

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 project is completed upto 40%.
 - b. That project is completed (*super structure*) in respect of both wings being wing A and B of the project till terrace floors and overhead tanks.
 - c. The promoter submits that he will be able to obtain OC for the project within one year of the extension being sought.
 - d. It is observed that the promoter has sought extension in the online application till 29.12.2025. However, in the *“Form E- Application for*

extension" the promoter has sought extension for two years i.e till 29.12.2026. the same submissions were also made by the advocate of the promoter during the hearing dated 03.03.2025.

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, it is observed, that the promoter in the online extension application has sought extension till 29.12.2025. However, in the Form E and during the hearing dated 03.03.2025, the promoter has requested extension till 29.12.2026. Accordingly, the Authority grants the extension to the registration of the project from **31.12.2024 to 29.12.2026**. 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 **31.12.2024 to 29.12.2026** 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