

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

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

REGULATORY CASE NO. 377 OF 2025

PROMOTER NAME KUKREJA INFRASTRUCTURES

PROJECT NAME KUKREJA BUSINESS PARK

MAHARERA PROJECT REGISTRATION NO. P50500029443

ORDER

(In an extension application)

June 18th, 2025

(Date of hearing –13.06.2025-matter reserved for order)

Coram: Manoj Saunik, Chairperson, MahaRERA

CA Ankit Talreja is present for the 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 “KUKREJA BUSINESS PARK” under section 5 of the Act bearing MAHARERA Registration No. **P50500029443** (hereinafter referred to as the “**Project**”).
2. The promoter has filed an extension application no. EXT50500028224 on 17.04.2025 (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 13.06.2025, wherein the following roznama was recorded:

“CA Ankit Talreja is present for the promoter.

Heard the Chartered Accountant representing the promoter. He submits that the project is being developed in two phases. The construction initially commenced utilizing the potential FSI available for Phase I. The FSI for Ground +3 floors has already been fully utilized, the construction is complete, and the occupation certificate has been obtained for the same. Now, the promoter intends to construct four additional floors above the existing third floor as part of Phase II. In this regard, they are currently exploring the possibility of identifying leaseholders who would be willing to take the premises on a long-term lease. He submits that once a prospective lessee is identified, the commercial use of the space will be determined, and the construction of the additional floors will be

designed accordingly. In view of these factors, the promoter seeks an extension of time to complete the project until 30.06.2029. Matter 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 31.03.2025. The promoter states that the project is being developed in two phases. Phase I utilized the available FSI for Ground +3 floors, for which construction is complete, and the occupation certificate has been obtained. For Phase II, the promoter proposes to construct four additional floors above the existing structure. They are currently in the process of identifying prospective long-term leaseholders, based on whose intended commercial use the design and construction of the additional floors will be finalized. Hence, the promoter has applied for extension vide the extension application herein under section 7(3) of the Act for the period from 01.04.2025 to 31.03.2029.

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 consent 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 submissions of the promoter are noteworthy before examining the issue of grant of extension under Section 7(3) of the Act:
 - a. The promoter submits that the project is being developed in two phases. Phase I, comprising Ground +3 floors, is complete and has received the Occupation Certificate.

- b. The promoter now proposes to construct four additional floors as part of Phase II and is in the process of identifying long-term leaseholders to finalize the design based on intended commercial use.
 - c. The project is currently 80% complete, with pending works including fire protection, finishing, lift installation, and obtaining the Completion Certificate.
 - d. The delay is attributable to factors such as the second wave of COVID-19, labour and material shortages, and utility coordination issues.
 - e. That no complaints have been received from allottees till date.
 - f. The promoter seeks a four-year extension under Section 7(3) of the Act, as this process is time-consuming and essential for planning the next phase, the promoter seeks a longer extension.
 - g. In view of the above, the promoter seeks extension of the project up to 31.03.2029.
6. In view of the above submission of the promoter, the issue of the extension under Section 7(3) of the Act, as sought by the promoter without 51% consent 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, in the interest of the allottees, the Authority grants extension from **01.04.2025 to 31.03.2029**. 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 **01.04.2025 to 31.03.2029** 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