

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

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

REGULATORY CASE NO. 378 OF 2025

PROMOTER NAME ADHIRAJ CONSTRUCTIONS PRIVATE LIMITED

PROJECT NAME ADHIRAJ SAMYAMA TOWER 1C

MAHARERA PROJECT REGISTRATION NO. P52000014859

ORDER

(In an extension application)

June 18th, 2025

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

Coram: Manoj Saunik, Chairperson, MahaRERA

Advocate Sharmila Adyanthaya h/f Advocate Abir Patel a/w representative of the
promoter is present.

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 “ADHIRAJ SAMYAMA TOWER 1C” under section 5 of the Act bearing MAHARERA Registration No. **P52000014859** (hereinafter referred to as the “**Project**”).
2. The promoter has filed an extension application no. EXT52000024481 on 01.08.2024 (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 13.06.2025, wherein the following roznama was recorded:
“Heard the learned advocate for the Promoter. 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 31.07.2022. 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 6, whereby the date of completion was extended upto 30.07.2024. The project was delayed due to genuine factors like the change in planning authority, which caused setbacks in key infrastructure works such as roads, storm drains, electricity, and water pipelines. Despite spending over Rs. 25 crores, public agency works remain pending. The COVID-19 pandemic, financier transition, and contractor disputes further impacted progress. Still, the promoter resumed work, infused Rs. 120 crores since 2022 and completed other towers in the layout. Hence, the promoter has applied for extension vide the extension application herein under section 7(3) of the Act for the period from 31.07.2024 to 31.03.2027.

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 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 part of the larger layout.
 - b. The project has currently progressed up to the 9th slab, but delays were caused by multiple genuine and uncontrollable factors. A major reason was the change in planning authority from the Raigad Collector to Panvel Municipal Corporation, which led to delays in essential infrastructure

such as peripheral roads, storm water drains, and electricity and water pipelines.

- c. Despite efforts and significant expenditure – over Rs. 13 crores paid to MMRDA and Rs. 12.73 crores spent on internal electrical infrastructure – key works by public agencies are still pending. Flooding due to absence of storm drains and ongoing issues with MSEDCL and MJP further hampered progress.
 - d. The COVID-19 pandemic also severely impacted timelines due to lockdowns, labour shortages, material supply disruptions, and financial strain. Additionally, a prolonged changeover in the project's financier from Kotak Bank to LIC Finance affected liquidity.
 - e. Disputes with the main contractor also temporarily halted construction until new contractors were engaged. Nevertheless, the promoter has completed and obtained occupation certificates for other towers in the same layout and infused over Rs. 120 crores since September 2022.
 - f. That most infrastructure bottlenecks are now resolved, and the promoter has the capacity and intent to complete the project.
 - g. That there are sufficient receivables to ensure completion.
 - h. Despite sincere efforts, the promoter was able to obtain consents from only 4.68% of the allottees, as many remained unresponsive, disinterested, or raised unreasonable demands beyond the scope of their agreements, thereby making it practically impossible to secure the required 51% consent.
 - i. In light of the above, the promoter seeks an extension till 31.03.2027 to complete the project in the interest of all stakeholders and in alignment with the objectives of RERA.
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 **31.07.2024 to 31.03.2027**. 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 **31.07.2024 to 31.03.2027** 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