

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

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

REGULATORY CASE NO. 387 OF 2025

PROMOTER NAME VISHAL ASHOK CHUGERA

PROJECT NAME NIVAAN NIRVANA

MAHARERA PROJECT REGISTRATION NO. P52100017866

ORDER

(In an extension application)

July 17th, 2025

(Date of hearing –10.07.2025-matter reserved for order)

Coram: Manoj Saunik, Chairperson, MahaRERA

Advocate Karan Varma 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 “NIVAAN NIRVANA” under section 5 of the Act bearing MAHARERA Registration No. **P52100017866** (hereinafter referred to as the “**Project**”).
2. The promoter has filed an extension application no. EXT52100025878 on 28.12.2024 (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 10.07.2025, wherein the following roznama was recorded:
*“The learned advocate appeared and was heard on the extension application.
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 31.10.2022. 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 respectively. Moreover, through a correction application dated 31.08.2021, bearing No. CR52100010022, the date was corrected as the earlier date was a typographical error, whereby the date of completion was extended upto 30.12.2024. The delay in completion of the project, has been primarily due to unforeseen challenges beyond the promoter's control. Individual buyers have repeatedly obstructed the development of common amenities by making frequent demands for changes and causing damage during construction on their respective plots. These disruptions have led to repeated repairs and rework, resulting in significant time and cost overruns. Additionally, buyers have failed to pay agreed legal and society formation charges, defaulted on maintenance payments, and withheld consent for forming the society, further complicating approvals and coordination with authorities. Despite these issues, the promoter remains committed to completing the project and handing over the amenities to the society once formed. Hence, the promoter has applied for extension vide the extension application herein under section 7(3) of the Act for the period from 31.12.2024 to 31.12.2026.

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. That the project is a plotted development.

- b. That due to several unforeseen circumstances and challenges beyond our control the project could not be completed in the given timeframe.
 - c. The primary reasons for the delay include persistent non-cooperation from individual buyers, who have repeatedly obstructed the development of common amenities, raised frequent demands for modifications, and caused damage to completed works during construction on their respective plots.
 - d. These actions have necessitated repeated repairs and rework, leading to time and cost overruns. Further, buyers have refused to pay agreed-upon legal and society formation charges, delayed maintenance payments, and are resisting consent to form the society, thereby complicating dealings with authorities.
 - e. Despite these challenges, the promoter remains fully committed to completing the project. The course of action includes completing all remaining work related to common amenities—including certain upgraded amenities as mutually discussed with buyers—forming a maintenance society by securing the requisite consents and eventually handing over the common facilities to the society.
 - f. In view of the above, the promoter requests for extension of project registration till 31.12.2026.
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. Therefore, in the interest of the allottees, the Authority grants extension from **31.12.2024 to 31.12.2026**. 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 31.12.2026** 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