

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

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

REGULATORY CASE NO. 10 OF 2023

PRIMO ...PROJECT NAME

CEEAR LAND DEVELOPERS LLP ... PROMOTER

MAHARERA PROJECT REGISTRATION NO. P51800001724

ORDER

*(Review application
of order dated 20.03.2023)*

May 03, 2023

(Date of virtual hearing – 02.05.2023 matter reserved for order)

Coram: Shri Ajoy Mehta, Chairperson, MahaRERA

Cherag Ramakrishnan on behalf of the Promoter

1. CEEAR LAND DEVELOPERS LLP is the Promoter/Developer within the meaning of Section 2(zk) of the Real Estate (Regulation and Development) Act, 2016 ("**said Act**") of Real Estate Regulatory Authority ("**RERA**") and had registered the project "PRIMO" under Section 5 of the said Act bearing MAHARERA Registration No. **P51800001724** (hereinafter referred to as the "**said Project**").
2. That vide an order dated 20.03.2023, the Promoter herein was granted extension to the registration of the said Project from 31.12.2022 to 30.06.2023 (hereinafter referred to as "**said order**"). The Promoter has filed review application dated 21.03.2023 of the said order seeking for extension up to 31.12.2023 instead of 30.06.2023 (hereinafter referred to as "**said review**").
3. In view of the said review a hearing was held on 02.05.2023 before the Authority wherein the following roznama was recorded:

"Party avers that by the earlier order of the Authority dated 20.03.2023 extension was given upto 30.06.2023. The Promoter has reviewed the progress of the Project now and

seeks further extension till 31.12.2023. The Promoter brings to the notice of the Authority that the building is in the final stage of completion, and they are in the process of doing the finishing work and other works in common areas.

The Promoter states that he has been informing the allottees on a monthly basis about the Progress of the Project. Matter is reserved for order."

4. The Authority notes the time lines in the captioned matter as submitted by the Promoter and also notes the request for granting additional time for completion of the said Project i.e. up to 31.12.2023. While granting the extension of the said Project vide the said order, the Authority had noted that the said Project is a single building consisting of 17 floors and that the construction of the building was completed however internal works are yet to complete and hence occupation certificate (OC) for the building is not yet applied by the Promoter.
5. In view of the short time line left between the dates of the said order and the date of completion as sought in the said order, the request for additional time is allowed and the extension of the said Project is now extended up to **31.12.2023**. The said order shall remain valid and subsisting and shall be read along with this order. Further the Promoter is bound by the operative part of the said order and shall comply with the same as directed therein.
6. Thus, the said review is **disposed of** and the extension for the said Project as granted from 31.12.2022 to 30.06.2023 is further extended up to 31.12.2023. This order is to be read with the said order which shall remain valid and subsisting.

AJOY
MEHTA

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(Ajoy Mehta)
Chairperson, MahaRERA

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

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

REGULATORY CASE NO. 10 OF 2023

PRIMO ...PROJECT NAME

CEEAR LAND DEVELOPERS LLP ... PROMOTER

MAHARERA PROJECT REGISTRATION NO. P51800001724

ORDER

(In an extension application)

March 20, 2023

(Date of virtual hearing – 16.02.2023 matter reserved for order)

Coram: Shri Ajoy Mehta, Chairperson, MahaRERA

Promoter present

1. CEEAR LAND DEVELOPERS LLP is the Promoter/Developer within the meaning of Section 2(zk) of the Real Estate (Regulation and Development) Act, 2016 ("**said Act**") of Real Estate Regulatory Authority ("**RERA**") and had registered the project "PRIMO" under Section 5 of the said Act bearing MAHARERA **Registration No. P51800001724** (hereinafter referred to as the "**said Project**").
2. The Promoter has filed an extension application No. EXT51800013058 on 10.12.2022 (hereinafter referred to as "**said extension application**") seeking for extension of the said Project under section 7(3) of the said Act which was heard by this Authority on 16.02.2023 wherein the following roznama was recorded. Further it is pertinent to note that during recording of the roznama the submissions in the captioned case by the Promoter herein was recorded in para "**For case No. 11**" and hence the same is reproduced hereinbelow and the said inadvertent error while recording the roznama is hereby clarified.

"For Case No. 11:

Project Proponent Present.

The Developer states that the building is substantially complete. The flats which have been allotted are more than 90% complete. They are likely to finish the work and make it habitable soon and seek OC. The Developer also states that most of the Allottees have not paid up the due instalments which has slowed down the work and further states that he was able to obtain consents of 34% of the Allottees but he is not able to get consents of the mandated number of Allottees as the Allottees still have to pay the dues. The Developer brings to our notice that he has unsold inventory and that should be able to generate enough liquidity to complete the Project. The Developer seeks extension upto the end of September 2023.

The Authority hereby directs the Promoter to submit the following documents –

- a. Architect Certificate with respect to the stage of completion of the said Project as on date.*
- b. Form 2A (Engineers Certificate on Quality Assurance) and Form 5 (Annual Audit Report of Statutory CA) to be submitted in format as prescribed by the Authority.*
- c. Application for obtaining OC filed before the concerned Planning Authority bearing Inward number/filing number of the Planning Authority.*

All the aforementioned documents to be submitted to the Authority in hardcopies within 7 days from the date of receipt of this roznama.

Matter reserved for orders.”

3. Before moving ahead, the Authority notes the registration details already on record. The Promoter while seeking registration of the said Project had submitted the date of completion as 31.12.2020. 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 along with the Promoter seeking extension under Section 6 whereby the date of completion was extended up to 30.12.2022. However, the Promoter could not obtain OC for the said Project hence has applied for extension vide the said extension application herein under section 7(3) of the said Act for the period from 31.12.2022 to 30.06.2023.
4. Thus, the issue before this Authority is with regard to grant of extension under Section 7(3) of the said Act. In this regard it is pertinent to note that the Promoter this time has not been able to obtain 2/3rd majority consents of the Allottees of

the said 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."

On the plain reading of Section 7(3) of the said Act, it is clear 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. Pursuant to the directions for submissions vide the roznama dated 16.02.2023, the documents have been submitted by the Promoter which have been perused and taken on record. The following observations are noteworthy before examining the issue of grant of extension under Section 7(3) of the said Act of registration of the said Project:

- a. That the said Project is a single building consisting of 17 floors.
- b. That construction of the building is completed however internal works is yet to complete and hence occupation certificate (OC)s for the building is not yet applied as on date.

6. In view of the above, the issue of the extension under Section 7(3) of the said Act as sought by the Promoter without 2/3rd consents of the Allottees needs to be examined in light of the fact that the work of construction is complete but the OC is still to be applied. In view thereof, the Authority would like to bring on record the statements of objects and reasons of the said 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."

On perusal of the above it is clear that the whole aim of the said Act has been 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 said 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. Non extension of registration will also imply that the Promoter will not be able to sell unsold inventory. This scenario will further curtail cash flows which could impede the progress of the said Project. 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 such condition so as to ensure completion. Further the Authority notes that this extension under Section 7(3) needs to be granted so that the completion of the said Project is not interrupted. Thus, the Authority grants the extension to the registration of the said Project from 31.12.2022 to 30.06.2023. In view thereof, this Authority allows the said extension application with certain directions hereinbelow.


FINAL ORDER

The said extension application is **allowed** and the extension for the said Project is granted from 31.12.2022 to 30.06.2023 with the following conditions:

- A. The Promoter shall obtain OC by 30.06.2023. Needless to say, the Allottees of the said Project shall co-operate with the Promoter.
- 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 said Project. The same shall also be shared with the Allottees of the said 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 said Project.

- D. That upon receipt of the OC the Promoter shall inform this Authority about the same and update all progress on the said Project registration webpage from time to time.

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(Ajoy Mehta)
Chairperson, MahaRERA



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