

REGULATORY CASE NO. 116 OF 2023

PROJECT NAME HI LIFE

ORDER

December 28, 2023

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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 whereby the date of completion was extended up to 30.06.2023. The Promoter states that there has been delay due to delay of MHADA approvals as the same were delayed due to a change in UDCPR which in turn changes the plans. Further environment clearance was only granted on 11.04.2023 before which the work was stopped for want of clearance. And also due to other reasons mainly Covid-19 pandemic, shortage in material and labour. Hence the Promoter has applied for extension vide the said extension application herein under section 6 of the said Act for the period from 01.07.2023 to 31.03.2024.

4. The Authority observes that the Promoter has not complied with compliances namely Form 2A for year 2019-2020 as mandated under RERA.
5. Thus, the issue before this Authority is with regard to grant of extension under the Section 6. In this context the relevant extract of said Section 6 is reproduced hereinbelow for ease of reference:

“6. Extension of registration—

The registration granted under section 5 may be extended by the Authority on an application made by the promoter, due to force majeure, in such form and on payment of such fee as may be 1[prescribed]:

Provided that the Authority may in reasonable circumstances, without default on the part of the promoter, based on the facts of each case, and for reasons to be recorded in writing, extend the registration granted to a project for such time as it considers necessary, which shall, in aggregate, not exceed a period of one year:

Provided further that no application for extension of registration shall be rejected unless the applicant has been given an opportunity of being heard in the matter.

Explanation. — For the purpose of this section, the expression “force majeure” shall mean a case of war, flood, drought, fire, cyclone, earthquake or any other calamity caused by nature affecting the regular development of the real estate project.”

6. On the plain reading of the said section, it is clear that the registration may be extended by the Authority on an application made by the Promoter, due to force majeure which shall not exceed period of one year.

7. From the submissions of the Promoter herein and from the records it is observed that the Promoter has filed the said extension application under Section 6. Hence, the Authority grants the extension to the registration of the said Project from 01.07.2023 to 31.03.2024 under the said Section.
8. Needless to say, this extension will be without prejudice to the rights of the Allottees under the said Act. In view thereof, this Authority allows the said extension application keeping the rights of the Allottees intact with certain directions hereinbelow.

FINAL ORDER

The said extension application is **allowed** and the extension for the said Project is granted from 01.07.2023 to 31.03.2024 under the said Act. The Promoter shall complete the balance construction work and obtain OC. Needless to say, the Allottees of the said Project shall co-operate with the Promoter. That the rights of the Allottees under the said Act shall however remain intact. Further The Promoter is directed to submit quarterly progress reports of achievement of milestones and/ or delay if any, to MahaRERA, the Association of Allottees, if any formed and the Allottees of the said Project. 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. The Promoter is directed to comply with the pending compliances as stated herein on or before 31.01.2024.

(Ajoy Mehta)
Chairperson, MahaRERA