

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

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

REGULATORY CASE NO. 128 OF 2024

PROMOTER NAME UNNATHI ESTATES

PROJECT NAME UNNATHI WOODS PHASE VIII

MAHARERA PROJECT REGISTRATION NO. P51700020921

ORDER

(In an extension application)

January 16, 2024

(Date of hearing – 12.01.2024 matter reserved for order)

Coram: Shri Ajoy Mehta, Chairperson, MahaRERA

Rajan Bandelkar & Kirti Shah for the Promoter

1. UNNATHI ESTATES 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 "UNNATHI WOODS PHASE VIII" under section 5 of the said Act bearing MAHARERA **Registration No. P51700020921** (hereinafter referred to as the "**said Project**").
2. The Promoter has filed an extension application No. EXT51700018698 on 06.01.2024 (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 12.01.2024 wherein the following roznama was recorded:

QUOTE

The Promoter states that they had taken consents in the agreement for utilization of additional FSI. Subsequently they received revised sanctioned plans dated 05.12.2023 for utilisation of additional FSI. The Promoter now seeks extension upto 31.12.2029.

The Authority notes that QPRs have not been filed by the Promoter. The Promoter to file QPRs on or before 15.01.2024. Only subsequent to filing of QPRs, the matter will be reserved for orders.

UNQUOTE

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 31.12.2019. 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 whereby the date of completion was extended up to 30.06.2025. The Promoter states that the extension for the said Project is sought due to revised sanctioned plans for utilization of additional FSI in order to construct additional floors. Hence the Promoter has applied for extension vide the said extension application herein under section 7(3) of the said Act for the period from 01.07.2025 to 31.12.2027.

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. 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 residential project.
- b. The said Project comprises of one building.
- c. That due to change in government policy, utilization of additional FSI in the said Project was possible for the Promoter and accordingly a revised plan with

additional floors was sanctioned. In view of the same, agreements were made by the Promoter with allottees for utilization of additional FSI.

- d. That under their respective agreements for sale, the consent of allottees was obtained by the Promoter for utilization of additional FSI. The Promoter states that the same is a valid consent for seeking extension under the section 7(3) of the said Act.
 - e. That the extension is sought in view of the construction of additional floors (from 25th to 45th floor) in the said Project.
 - f. That all QPRs for the said Project are completed and up to 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 above-mentioned fact. 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. 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 also notes that this extension under Section 7(3) is the first extension and the same needs to be

granted so that the completion of the said Project is not interrupted. Thus, the Promoter shall complete the said Project as it stood before sans the additional floors, on or before 30.06.2025. Further, the Authority grants the extension to the registration of the said Project from 01.07.2025 to 31.12.2027 for the limited purpose of construction of additional floors (from 25th to 45th floor) as per the revised sanctioned plans. 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 01.07.2025 to 31.12.2027 for the limited purpose of construction of additional floors (25th to 45th floor) as per the revised sanctioned plans with the following conditions:

- A. The Promoter shall complete the construction work and obtain OC for the said Project upto 24 floors, on or before 30.06.2025. The Promoter shall further complete the construction work of additional floors (from 25th to 45th floor) by 31.12.2027. 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.
- 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 and the land owner 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 part / full OC the Promoter shall inform this Authority about the same and update all progress on the said Project registration webpage from time to time.

(Ajoy Mehta)
Chairperson, MahaRERA