

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

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

REGULATORY CASE NO. 226 OF 2024

PROMOTER NAME

SSG REALTY AND INFRA LLP

PROJECT NAME

SUBURBIA ESTATE PHASE I

MAHARERA PROJECT REGISTRATION NO. P52100002391

ORDER

(In an extension application)

February 10th, 2025

(Date of hearing – 06.01.2025 matter reserved for order)

**Coram: Manoj Saunik, Chairperson, MahaRERA
Ravindra Deshpande Member 2, MahaRERA**
Advocate Vijay FIIF Desai Legal, Promoter is absent.

1. The applicant is the promoter/ developer within the meaning of Section 2(zk) of the Real Estate (Regulation and Development) Act, 2016 ("**the Act**") of Real Estate Regulatory Authority ("**RERA**") and had registered the project "SUBURBIA ESTATE PHASE 1" under section 5 of the Act, bearing MAHARERA Registration No. **P52100002391** (hereinafter referred to as "**the Project**").
2. The promoter has filed an extension application no. EXT52100017911 on 04.11.2023 (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 06.01.2025 wherein the following roznama was recorded:

"Applicant promoter is absent.

The Co-operative society of the project is present.

During the last hearing the applicant - promoter was directed to furnish a copy of the application to the Society Members. The applicant failed to do so and remained absent today.

Hence, the extension application is reserved for the appropriate order."

Deshpande

Manoj Saunik

3. Before moving ahead, the Authority notes the registration details already on record. The promoter while seeking registration of the said project submitted the date of completion as 10.08.2018. 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 and section 7(3), whereby the date of completion was extended up to 30.04.2023. The promoter states that the delay in the completion of the real estate project has been primarily caused by the second wave of covid -19 pandemic and the subsequent nation-wide lockdown, railway line acquisition issue, migration of labours to their native places, lack of funds due to the economic loss, unavailability of material on time as well as non-payment of consideration amount by the allottees of the project. Hence, the promoter has applied for extension vide the said extension application herein under section 7(3) of the Act for the period from 01.05.2023 to 30.06.2025.

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."

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 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:

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- a. The delay in the completion of project was due to second wave of covid -19 pandemic, railway line acquisition issue, unavailability of material on time as well as non-payment of consideration amount by the allottees of the project and no construction disbursement from SICOM Ltd.
 - b. The applicant promoter was directed to furnish a copy of the application to the society members of the project. However, it is observed from roznama dated 06.01.2025 that the applicant promoter has failed to provide the same to the society.
 - c. It is observed that this regulatory case no 226 of 2024 was heard along with the complaint no CC005000000290242, in which the final order dated 19.09.2024 was passed. In that order, the aforementioned complaint was dismissed as not maintainable, and it was directed to list the present regulatory case for final hearing.
 - d. The promoter has remained absent for the last three consecutive hearings, despite the fact that the notice of hearing was duly served to the applicant promoter by the Authority. However, it is observed that the promoter was present during the earlier hearings related to the revocation and extension, at which he made his submissions in support of the request for an extension.
 - e. The promoter is seeking the extension of the project till 30.06.2025.
 - f. There are 7 pending complaints in the project out of which six are reserved for orders and one complaint is scheduled for hearing.
 - g. The promoter has uploaded the PERT chart in the extension application.
 - h. It is further observed that the promoter has uploaded the QPRs on the project webpage up to 31st March 2024.
6. It is pertinent to note that the promoter has failed to attend the last three consecutive hearings, despite notice of hearing being duly served. The repeated absence of the promoter, without any justifiable cause or prior communication regarding such absences, has raised significant concerns regarding the promoter's commitment to the proceedings. Additionally, the promoter has failed to serve a copy of the extension proceedings to the

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[Signature]

association of allottees, as directed by the Authority. In light of the promoter's persistent failure to appear before this Authority, the Authority at this juncture finds it necessary to reject the request for an extension of the project's registration without going into the merits of extension in this matter.

FINAL ORDER

The application for extension is hereby rejected. However, the promoter is granted liberty to restore the application for the extension of the project registration before this Authority.

Ravindra

Ravindra Deshpande
Member II, MahaRERA

Manoj Saunik

Manoj Saunik
Chairperson, MahaRERA