

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

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

**REGULATORY CASE NO. 391 OF 2025**

PROMOTER NAME

AAKASH DEVELOPERS

PROJECT NAME

SETHIA ASHRAY PHASE I

**MAHARERA PROJECT REGISTRATION NO. P51800027166**

**ORDER**

*(In an extension application)*

**September 09<sup>th</sup>, 2025**

*(Date of hearing –11.08.2025)*

**Coram: Manoj Saunik, Chairperson, MahaRERA**

Mr. Basant Sethia present for the applicant 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 “SETHIA ASHRAY PHASE I” under section 5 of the Act bearing MAHARERA Registration No. **P51800027166** (hereinafter referred to as the “**Project**”).
2. The promoter has filed an extension application no. EA01072501902 on 01.07.2025 (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 11.08.2025, wherein the following roznama was recorded:

*“The authorized representative of the applicant is present for today’s hearing. He is directed to file all such documents and evidence in support of the said extension application, including current photographs and the progress of the project, along with details of the necessary steps to be taken for completion of the project, within the stipulated time. The Authority shall proceed in the matter only upon due submission and verification of the aforesaid documents and evidence.”*

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 30.06.2024. The MahaRERA Authority granted an extension under section 6 of the Act, for one year from 30.06.2024 to 29.06.2025.
4. The promoter submits the following and avers that the delay in completion of the project is due to following reasons:
  - A. That the project has 1 proposed DP road having width of 13.40 meters for access. This proposed DP road is majorly passing through our project but its opening in the north, at the junction of 18.30-meter road and the 13.40 meter is encroached by some other slum dwellers who are not part of our scheme. As the opening is currently blocked and due to which the fire engine can't access the project and hence, we couldn't obtain the fire NOC which is essential for obtaining occupancy certificate (OC).
  - B. Due to part encroachment on proposed D P Road providing access to the building not yet cleared by Brihanmumbai Municipal Corporation (BMC) ward office, the project was not completed in time.
  - C. The BMC also needs this road desperately to mitigate the traffic congestion in the locality, hence the Municipal Commissioner, BMC, Shri Gagrani himself has taken lead in this matter and in coordination with the CEO, Slum Rehabilitation Authority (SRA) making efforts to get this road vacated and open it as soon as possible for the traffic.
  - D. That the promoter is very much hopeful that this removal of encroachment and resettlement of the same should be complete by December 2026. After that we can resume the construction of the road and complete the compliances for obtaining OC and hope to finish it by June, 2027
  - E. That we have successfully completed the construction of the building. Our project is Ground floor + 23rd floor.
  - F. The only pending work of the Mechanical Car Parking Tower has been started and we expect to complete it by December 2026 and obtain the full OC by 30.06.2027

5. 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.

6. The Authority in the virtual hearing dated 11.08.2025 directed the promoter to furnish all documents and evidence in support of the said extension application, including current photographs and the progress of the project, along with details of the necessary steps to be taken by them for completion of the project
7. The Promoter submits that project is complete till 23<sup>rd</sup> floor of the project out of the 24 floors. Upon perusal of the record, it is seen that there are no complaints filed against this project till date. The promoter has filed Architect Certificate in FORM 1 under regulation 3, which certifies that 100% of the excavation, construction of basement and plinth, stilt floor, 24 number of slabs of super structure, internal walls, staircases, external plaster and plumbing, waterproofing, installation of lifts, water pumps, compound wall, electrical fittings, etc is completed. The promoter in the present application undertakes to complete the construction of mechanical parking tower till December 2027. The promoter has furnished the photographs of the construction carried out till date and materials to support their averments made in the present application.

8. The Authority has perused the application and supporting documents pertaining to the same filed on record. 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.”*

9. 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 **30.06.2025 to 30.06.2027**. 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**

10. The extension application is **allowed**, and the extension for the project is granted from **30.06.2025 to 30.06.2027** 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**