



*ii. Approval guidelines further contributed to the delay in obtaining requisite permissions; and*  
*iii. Financial constraints faced by the promoter in the earlier period.*  
*Matter reserved for orders."*

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 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 along with extension granted under section 7(3), whereby the date of completion was extended upto 30.04.2025. The applicant promoter submits that the project has been delayed due to administrative and regulatory hurdles, including repeated NOC requirements from the Estate Department for the leasehold land, changes in approval norms during the transition from pre-RERA to RERA, and restrictions imposed by an MOEF circular affecting building height. Further delays arose due to pending forest clearances related to Aarey Forest and the impact of the Covid-19 pandemic, which caused a prolonged suspension of site activities. Hence, the promoter has applied for extension vide the extension application herein under section 7(3) of the Act for the period from 01.05.2025 to 31.12.2027.
4. 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.

5. The following submissions of the promoter are noteworthy before examining the issue of grant of extension under Section 7(3) of the Act:
- a. The applicant promoter submits that the construction upto the 7<sup>th</sup> floor has been completed. The Commencement Certificate (CC) has been received up to the 12<sup>th</sup> floor, and the promoter has already applied for CC up to the 15<sup>th</sup> floor.
  - b. A detailed PERT Chart outlining the project completion schedule has been submitted along with the application.
  - c. That the delay in the completion of the project occurred due to various administrative and regulatory constraints. The project being situated on leasehold land required the promoter to obtain an Estate Department NOC at every stage of approval, leading to prolonged procedural delays.
  - d. Further, as the project was conceived in the pre-RERA period and executed during the RERA regime, the transition in regulatory framework, including changes in area calculations and approval guidelines, necessitated substantial revisions in planning and execution.
  - e. Additionally, a circular issued by the Ministry of Environment and Forests (MOEF) had imposed restrictions on building height based on adjoining road width, which directly affected the project and halted progress until the said circular was withdrawn after more than a year.
  - f. Moreover, due to the project's proximity to Aarey Forest, certain permissions were withheld pending the decision of the Hon'ble Supreme Court regarding the applicability of forest clearances, causing further delay.
  - g. The situation was aggravated by the Covid-19 pandemic, which resulted in an acute shortage of labour and construction materials, bringing the site operations to a complete standstill for nearly a year.
  - h. That despite the aforesaid challenges, the promoter has now stabilized the project's financial position. Adequate funds are available to ensure timely completion of the remaining work in accordance with the submitted schedule.
  - i. It is therefore prayed that, in view of the reasons stated hereinabove, the Authority may kindly grant an extension of project registration upto 31.12.2027 to enable the promoter to complete the project in all respects.

6. 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.”*

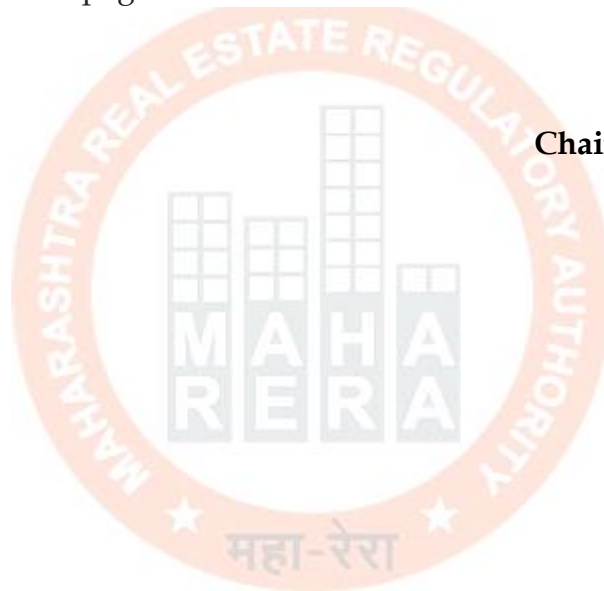
7. The whole aim of the Act is to promote the real estate sector in an efficient and transparent manner and protect the interest of the consumers (*including home buyers / allottees*). Thus, by not extending the registration of the project the same will come to a halt. The promoter shall not be able 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 of the project completion date from **01.05.2025 to 31.12.2027**. 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

8. The extension application is **allowed**, and the extension for the project is granted from **01.05.2025 to 31.12.2027** 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**