BEFORE THE MAHARASHTRA
REAL ESTATE REGULATORY AUTHORITY, MUMBAI

HEARING IN HYBRID MODE

REGULATORY CASE NO. 416 OF 2025

PROMOTER NAME GORKAP PROPERTIES & INVESTMENTS PVT. LTD

PROJECT NAME DILKAP CENTRE

MAHARERA PROJECT REGISTRATION NO. P51900011709

Order
(In an extension application)

November 14th, 2025
(*Date of hearing –03.11.2025-matter reserved for order*)

Coram: Manoj Saunik, Chairperson, MahaRERA
Advocate Parth Chande is present for the applicant promoter through VC.

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 "DILKAP CENTRE" under section 5 of the Act bearing MAHARERA Registration No. P51900011709 (hereinafter referred to as the "Project").

2. The promoter has filed an extension application no. EA11092502561 on 11.09.2025 (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 03.11.2025, wherein the following roznama was recorded:

"*Heard the learned advocate for the applicant promoter on the extension application. He submits that certain complaints are pending in the matter. He further submits that the present extension is being sought as the applicant promoter intends to construct three additional floors pursuant to the amendment in the Development Control and Promotion Regulations. He states that part occupancy certificate till the 6th floor, which will cover more than 90% of the allottees, will be obtained prior to the final completion of the project. He further submits that the existing allottees will be put to minimal delay. 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 31.10.2022. 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 31.05.2025. The applicant promoter submits that the project has been delayed due to structural and planning revisions arising from the increased FSI under UDCPR and consequent delays in obtaining approvals for the revised plans from the competent authorities. Hence, the promoter has applied for extension vide the extension application herein under section 7(3) of the Act for the period from 01.06.2025 to 30.06.2027.

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 project was initially scheduled for completion by 31.05.2025. However, due to unforeseen circumstances including the unprecedented global pandemic and other factors beyond the promoter's control, the project could not be completed within the original timeline.

b. The physical construction of the project had been completed in accordance with the originally sanctioned plan comprising Ground + 6 Upper Floors.

c. After introduction of the Unified Development Control and Promotion Regulations (UDCPR), the project became entitled to additional FSI. Accordingly, the promoter has submitted revised plans proposing expansion of the project to Ground + 9 Upper Floors.

d. The revised plans are presently under consideration of the competent authorities, and construction of the remaining three upper floors will commence once the approvals are obtained. Based on this revised scope, the project is expected to be completed by the end of 2026 or early 2027, and the Occupancy Certificate is anticipated to be received within 2–3 months thereafter.

e. The principal reasons for delay in completion are:

   i. Structural and planning revisions necessitated by the increased FSI under UDCPR, and

   ii. Persistent delays in obtaining approvals for the revised plans from the concerned authorities.

f. The applicant further submits that as on date, there are only two complaints registered in respect of the project—Complaint Nos. CC006000000374843 (Roni Abraham) and CC006000000210435 (Wilma D'Souza)—both of which have been disposed of by Orders.

g. The applicant assures that it has maintained transparency and compliance throughout the project and remains committed to completing the remaining work in accordance with applicable laws and in the best interests of all stakeholders.

h. In light of the above, the applicant promoter respectfully seeks an extension of the project completion date until 30.06.2027 to enable completion of all remaining works, obtain statutory approvals, and deliver possession to allottees in compliance with regulatory requirements.

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 **01.06.2025 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

8. The extension application is **allowed**, and the extension for the project is granted from **01.06.2025 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 Digitally signed by MANOJ SAUNIK Date: 2025.11.16 22:48:53 +05'30'

Manoj Saunik
Chairperson, MahaRERA