BEFORE THE MAHARASHTRA
REAL ESTATE REGULATORY AUTHORITY, MUMBAI

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

1. REGULATORY CASE NO. 294 OF 2024

PROMOTER NAME EKTA EVERGLADE HOMES PRIVATE LIMITED

PROJECT NAME EKTA TRIPOLIS PHASE II

MAHARERA PROJECT REGISTRATION NO. P51800000731

a/w

2. REGULATORY CASE NO. 295 OF 2024

PROMOTER NAME EKTA HOUSING PRIVATE LIMITED

PROJECT NAME EKTA GREENVILLE PHASE 2 WING O, P, Q AND R

MAHARERA PROJECT REGISTRATION NO. P51600000685

a/w

3. REGULATORY CASE NO. 296 OF 2024

PROMOTER NAME EKTA HOUSING PRIVATE LIMITED

PROJECT NAME BROOKLYN PARK PHASE IV

MAHARERA PROJECT REGISTRATION NO. P99000000417

a/w

4. REGULATORY CASE NO. 297 OF 2024

PROMOTER NAME EKTA PARKSVILLE HOMES PVT. LTD

PROJECT NAME EKTA PARKSVILLE PHASE II

MAHARERA PROJECT REGISTRATION NO. P99000000115

a/w

5. REGULATORY CASE NO. 298 OF 2024

PROMOTER NAME EKTA PARKSVILLE HOMES PVT. LTD

PROJECT NAME EKTA PARKSVILLE PHASE IV

MAHARERA PROJECT REGISTRATION NO. P99000015239

ORDER

(In an extension applications)

September 16, 2024

(*Date of hearing –13.09.2024 matter reserved for order*)

Coram: Shri Ajoy Mehta, Chairperson, MahaRERA

Shri Ashok Mohanani present for the Promoter at Sr. No. 1 to 5

1. The Applicants at Sr. No. 1 to 5 mentioned below are 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 Projects under section 5 of the said Act, the Project numbers of which and their name is mentioned hereinbelow in the tabulated form (hereinafter referred to as the "**said Project/s and Project Nos 1 to 5 jointly and severally**").

SR.NO.	CASE NO. OF 2024	PROJECT NO.	PROMOTER NAME	PROJECT NAME.
1.	294	P51800000731	EKTA EVERGLADE HOMES PRIVATE LIMITED	EKTA TRIPOLIS PHASE II
2.	295	P51600000685	EKTA HOUSING PRIVATE LIMITED	EKTA GREENVILLE PHASE 2 WING O, P, Q AND R
3.	296	P99000000417	EKTA HOUSING PRIVATE LIMITED	BROOKLYN PARK PHASE IV
4.	297	P99000000115	EKTA PARKSVILLE HOMES PVT. LTD.	EKTA PARKSVILLE PHASE II
5.	298	P99000015239	EKTA PARKSVILLE HOMES PVT. LTD.	EKTA PARKSVILLE PHASE IV

2. The Promoter has filed following extension applications for the said Projects and are seeking extension of the registration of the said Projects at Sr. No. 1 to 5 under section 7(3) of the said Act (hereinafter referred to as "**said extension applications**") details of which are as follows:

SR.NO.	CASE NO.	PROJECT NO.	EXTENSION APPLICATION NO.	DATE OF EXTENSION APPLICATION	EXTENSION SOUGHT TILL
1.	294	P51800000731	EA11092401793	11.09.2024	31.12.2025
2.	295	P51600000685	EA11092401792	11.09.2024	31.12.2026
3.	296	P99000000417	EA12092401796	12.09.2024	31.12.2026
4.	297	P99000000115	EA12092401795	12.09.2024	31.12.2026
5.	298	P99000015239	EA12092401797	12.09.2024	31.12.2028

3. The said extension applications at Sr. No. 1 to 5 were heard by this Authority on 13.09.2024 wherein the following roznama was recorded:

SR.NO.	CASE NO.	PROJECT NO.	ROZNAMA RECORDED
1.	294	P51800000731	*"Sr. No. 2:* *Party informs us they have got OC for two wings after directions from the High Court. They are now in the process of completing the third wing and are accepting to get OC soon. The Party informs that this project was delayed due to various reasons beyond their control. Party seeks extension till 31.12.2025. Matter reserved for order."*
2.	295	P51600000685	*"Sr. No. 3:* *Party informs that there are 18 buildings with 16 villas which had to be done. They have completed 16 buildings and all the 16 villas. 2 wings remain. There are local disputes, and they expect to complete the same early. Party seek extension till 31.12.2026. Matter reserved for orders"*
3.	296	P99000000417	*"Sr. No. 4 & 5:* *Party informs us that they have completed 36 out of 43 buildings. They were non -compliance issues relating to HDIL because of which the project got delayed even due to non-compliance of HDIL they are not able to get electrical metres. The party confirms that they are making all efforts to complete the buildings at an early date. Party seek extension till 31.12.2026. Matter reserved for orders."*
4.	297	P99000000115	
5.	298	P99000015239	*"Sr. No. 6:* *Party informs us that they are still to receive plinth CC from the planning Authority. Party seek extension till 31.12.2028. Matter reserved for orders."*

6. Before moving ahead, the Authority notes the registration details and extensions already on record for all the said Projects. Further, 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. The details of all pervious extensions are mentioned below in a tabulated form for ease and reference:

PROJECTS AT SR. NOS 1 TO 5	**P51800000731**	**P51600000685**	**P99000000417**	**P99000000115**	**P99000015239**
Date of completion submitted at time of registration	**31.12.2021**	**30.06.2019**	**31.07.2020**	**31.12.2020**	**30.06.2021**
Previous extensions granted to the Projects under section 6, section 7(3), and Covid-19	**31.03.2022 (Covid)**	**29.06.2020 (Section 6)**	**31.10.2020 (Covid)**	**31.03.2021 (Covid)**	**30.06.2022 (Date revised vide Correction application bearing no CR99000001786)**

	30.06.2022 (Covid)	**29.09.2020 (Covid)**	**31.01.2021 (Covid)**	**30.06.2021 (Covid)**	**29.06.2023 (Section 6)**
	29.06.2023 (Section 6)	**29.12.2020 (Covid)**	**30.01.2022 (Section 6)**	**29.06.2022 (Section 6)**	**29.09.2023 (Covid)**
	29.12.2023 (Covid)	**31.03.2022 (Section 7(3))**	**30.07.2022 (Covid)**	**29.12.2022 (Covid)**	**29.12.2023 (Covid)**
	31.12.2024 (Section 7(3))	**30.09.2022 (Covid)**	**31.07.2023 (Section 7(3))**	**31.12.2024 (Section 7(3))**	**29.06.2024 (Covid)**
	-	**30.09.2023 (Section 7(3))**	**31.12.2024 (Section 7(3))**	-	-
	-	**31.03.2025 (Section 7(3))**	-	-	-
EXTENSION SOUGHT TILL	**31.12.2025**	**31.12.2026**	**31.12.2026**	**31.12.2026**	**31.12.2028**

7. 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.

8. 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 Projects:

a. That the said Projects got delayed because of various reasons which were beyond their control namely due to disputes between MHADA and Guru Ashish, shortage of sand and skilled labour, Non-compliance on the part of HDIL that the Project timelines got disrupted and thereby it is just and necessary that the Project completion date of the said Project be extended which is also in the best interest of all the allottees.

b. That in Project at Sr. No. 1 the Promoter have got occupancy certificate (OC) for two wings after directions from the High Court. They are now in the process of completing the third wing and are expecting to get OC soon.

c. That in Project at Sr. No. 2 the Promoter submits that there are 18 buildings with 16 villas, and they have completed 16 buildings and all the 16 villas. Only 2 wings are remaining.
d. That in Project at Sr. No. 3 & 4 the Promoter submits they have completed 36 out of 43 buildings.
e. It is also observed that the Promoter has complied with quarterly progress reports (QPR) in all the Projects.

9. 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 Projects 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 prospective 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) needs to be granted so that the completion of the said Project is not interrupted. Thus, the Authority grants the extension to the registration of the said Projects as follows:

SR.NO.	CASE NO.	PROJECT NO.	EXTENSION SOUGHT TILL	DATE OF LAST EXTENSION	EXTENSION GRANTED FROM	EXTENSION GRANTED TILL
1.	294	P51800000731	31.12.2025	31.12.2024	**01.01.2025**	**31.12.2025**
2.	295	P51600000685	31.12.2026	31.03.2025	**01.04.2025**	**31.12.2026**
3.	296	P99000000417	31.12.2026	31.12.2024	**01.01.2025**	**31.12.2026**
4.	297	P99000000115	31.12.2026	31.12.2024	**01.01.2025**	**31.12.2026**
5.	298	P99000015239	31.12.2028	29.06.2024	**30.06.2024**	**31.12.2028**

Needless to say, these extensions 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

Thus, all the said extension applications are **allowed** and the extension for the said Projects is granted to all the said projects at Sr. No. 1 to 5 from the date mentioned more particular in table in **para no. 9** above under the heading "**EXTENSION GRANTED FROM**" and "**EXTENSION GRANTED TILL**" with the following conditions:

A. The Promoter shall complete the construction work and obtain OC for the said Projects. Needless to say, the Allottees of the said Projects 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 Projects. The same shall also be shared with the Allottees of the said Projects.

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 Projects.

D. That upon receipt of the part / full OC the Promoter shall inform this Authority about the same and update all progress on the registration webpages of the said Projects from time to time.

AJOY MEHTA
Digitally signed by AJOY MEHTA
Date: 2024.09.16 17:39:35 +05'30'

(Ajoy Mehta)
Chairperson, MahaRERA