

79.

Adv Harshal Tholia is present on behalf of the promoter, alongwith Shri Dharmendra Bhambhani. Eight allottees have appeared for the hearing today, ~~_____~~ either in person ^{through} or their representatives. They have been heard.

80.

The present matter is of an application for extension, i.e., extension upto 31.07.2022 of the project 'Unique Sapphire'. Objections are received on email from 25 of the allottees, wherein they have opposed the proposed extension and some of them have prayed that the builder ^{give} must pay interest/compensation for the period of delay and possession as soon as possible. One of them has sought refund. Of the allottees present, one has sought early possession with interest for the period of delay. Representatives of the promoter were advised to facilitate delivery of possession to him as his block has already been completed. Other seven who have already taken possession and have mainly complained of poor maintenance of the project were advised to file an online complaint for redressal of their grievances.

81.

The counsel of the promoter have explained that the project has got delayed due to various reasons including the Corona pandemic. There are 5 blocks in the project, out of which 2 blocks have already been completed and work of the remaining 3 blocks shall be completed shortly. They have also submitted copy of a partial completion certificate dated 25.06.2021 in support of their contention. They further state that they are very confident of completing the whole project in all respects, including the development of common areas and facilities, within the extended time as now proposed by them, i.e., by 31.07.2022. They also understand that this extension will be without prejudice to the rights of the allottees under the agreement for sale and their complaints under the RERA Act. Therefore, the individual objections seeking relief of interest/ compensation or maintenance should not be allowed to come in the way of the larger objective of the RERA Act of achieving completion of incomplete real estate projects, particularly ongoing projects. If the extension is not allowed, the whole purpose of the Act would be defeated and the promoter as well as the allottees will be doomed.

82.

Having heard the parties present and having considered the objections received, we find that the balance of convenience lies in granting the extension applied for, subject to the following special conditions:



- (i) The promoter shall prepare and provide by 30.09.2021, a detailed construction and development plan to achieve completion of all the remaining development works by

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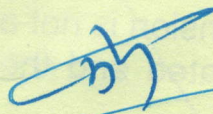

- 31.07.2022, which will then be monitored, on quarterly basis, by the Authority or a consultant appointed by it;
- (ii) The promoter shall submit online all the pending Quarterly Progress Reports (QPRs) and Annual Progress Reports (APRs) latest by 30.09.2021; and shall submit regularly the QPRs and APRs as will fall due during the period of extension;
- (iii) The promoter shall obtain the completion certificate from the competent authority and offer possession to all the allottees within the extended period of registration, i.e., by 31.07.2022;
- (iv) This extension of registration is granted without any prejudice to the rights of the allottees under the agreement for sale executed with them and the RERA Act, including their right to demand interest for the period of delay, and the complaints filed/to be filed by them will be decided in accordance with law; and
- (v) The Authority may take any action against the promoter, under the RERA Act and the rules and regulations made thereunder, and may also revoke registration of the project, at any time during the extended period of registration, if any of the conditions of this extension is not complied with or if completion of the remaining development works is not found to be progressing as per the detailed construction and development plan promoter is required to submit by 30.09.2021.

83.

In terms of the Authority's directions dated 22.05.2020 regarding extension beyond one year, present application is approved with aforesaid special conditions; and Form-F be issued online, accordingly.


(Nihal Chand Goel)Chairman
06/09/2021Registrar
JRP

ARP


17/09/21
17/9/2021