

## MAHARERA

CA. Ashwin Shah, CA. Mahadev Birla

### RECENT CIRCULARS/ORDERS ISSUED BY MAHARERA

#### I – New modified version for filing Online Complaints (Circular No 41/2022 dated 28.03.2022)

Rule 6 of the Maharashtra Real Estate (Regulation and Development) (Recovery of Interest, Penalty, Compensation, Fine Payable, Forms of Complaint and Appeal etc) Rules, 2017 (the Rules), provides the manner of filing of complaints, manner of holding an enquiry by MahaRERA and the provision for filing of complaints web-based and for filing a complaint the webpage of MahaRERA Authority is to be accessed.

At present it is observed by the MahaRERA that at the time of filing the online complaints the authorized representative of the complainants give their personal user name/ login id/email id and password, resulting in complainants not having any access to their complaints as well as not having any information about the status of their complaints, unless such access/ information is passed on to them by their authorized representatives due to this many times complainants request MahaRERA authority to change the login ID and password of their complaints which creates a lot of issues.

To ensure that these issues do not arise in the future, it proposes to implement a new modified version for filing online complaints (hereinafter referred to as "the new modified version"). The salient features of the new modified version shall be as under:

- A. The new modified version shall now ask the complainants while creating a new registration for "Complainant Name", "Complainant Middle name", "Complainant Last Name", "Complainant Mobile Number" and "Complainant Email ID" in addition to such other details. It shall be noted that once the above-mentioned data is entered, the system shall freeze and lock the said data which shall then be automatically captured as complainants proceed further to create their respective profile as well as while writing/ filing complaints.
- B. While creating a new registration for complaints it shall ask the "Complainant Name", "Complainant Middle name", "Complainant Last Name", "Complainant Mobile Number" and "Complainant Email ID".
- C. Once the above-mentioned data is entered, the system shall freeze and lock the said data which shall then be automatically captured as complainants proceed further to create their respective profile as well as while writing/ filing complaints.
- D. The new system has a feature to enter the details (Name, Mobile Number and email id) of Authorized Representative in addition to uploading the Vakalatnama and Memorandum of Authorisation.
- E. The information related to date of hearing and the link for hearing will be sent to the email id of complainant as well as to the Authorized Representative.

This new modified version shall be applicable from 30.03.2022

#### GujRERA Updates

Directions for the Manage the necessary Funds for the Maintenance and Repair of the Common Services of The Real Estate Project:-

#### GujRERA/Order/66/2022 dated 30.03.2022

As per the provisions of "Construction Link payment Schedule" in "Model agreement for sale" in pursuance of Rule 9 published by the State Government on Date 04/05/2017 under Section 84 of the Real Estate (Regulation and Development) Act, 2016, the promoters become entitled to get the amount of final stage from the allottee only after the B.U. permission is received for the project. Thus, until the Project is completed, the responsibility of maintaining or repairing of the Common services/amenities of the project becomes of the promoters and with regards to the above provision the GujRERA Authority has issued following instructions

- a. The promoter can collect the amount in respect to the maintenance deposit, maintenance advance only after receipt of BU Permission
- b. The above amount collected shall not be treated as the amount for the cost of the construction of the project of the promoters and the said amount shall require to be deposited in separate Bank account which can be managed by the Allottees in future.
- c. To maintain the transparency the said amount shall be collected by way of cheques DD or through electronic mode only means the amount shall not be collected in Cash.
- d. The interest earned on the said amount shall also be part of the corpus of the maintenance fund.

- e. After receipt of BU permission, the said fund can be utilised for the reusable expenses as per section 11(4) subject to consent of allottees.
- f. In case before receipt of BU permission the said money is utilised by the promoter than the amount utilised along with the interest to be deposited in Society maintenance fund.
- g. For the purpose of transfer of common area to the society as per provision of Section 17, the society shall be formed by way of Co-Operative housing service society or section 8 company as per the order no. 13 and 18 issued by GujRERA.
- h. At the time of handover of society, the details along with the audited accounts in regard this Fund shall require to be handed over and, the balance amount of the said Fund account shall require to be transferred immediately in the Bank account of the Service Society.

**GujRERA/Order/67 dated 13.04.2022**

**Submission of Form-5 for FY 2020-21 with Processing Fees**

Promoters who could not submit Form-5 within extended due date i.e. 31/03/2022 for FY 2020-21 can submit Form-5 on or before 31/05/2022 after payment of processing fees (based on cost category of project) for delayed submission as below:

- a. In case of the Project cost is more than Rs 100 Cr:- Processing Fess of Rs 1,00,000/-
- b. In case Project cost is more than Rs 50 Cr and less than Rs 100 Cr:- Processing Fess of Rs 50,000/-
- c. In case Project cost is more than Rs 25 Cr and less than Rs 50 Cr:- Processing Fess of Rs 25,000/-
- d. In case Project cost is less than Rs 25 Cr:- Processing Fess of Rs 10,000/-