

RECENT CIRCULARS/ORDERS ISSUED BY MAHARERA

I –Submission of proforma of the allotment letter and agreement for sale at the time of registration of a real estate project in compliance of Clause (g) of Sub-section 2 of Section 4 of the Real Estate (Regulation and Development) Act, 2016

Order-31/2022 dated 01.07.2022

As per requirement of Provision of RERA ,2016 and Rules and Regulation prescribed by MahaRERA, in respect of submission of proforma of the allotment letter, agreement for sale and the conveyance deed at the time of filing an application for registration of project , the MahaRERA Authority has prescribed the format of draft allotment letter which shall contain the following information's/points/clauses :

- a. Details of unit allotted
- b. Details of Allotment of garage/covered parking space or allotment of open car parking
- c. Receipt of part consideration
- d. Disclosure of information's in respect of Sanction Plan, Approved Plan, Stage wise time schedule of completion of project
- e. Website address of MahaRERA
- f. Details of Encumbrances
- g. Future Payment Details
- h. Date of possession
- i. Interest for delay payment
- j. Refund and deduction on cancellation by allottee
- k. Other payment details
- l. Proforma of the agreement for sale and binding effect:
- m. Execution and registration of agreement for sale.
- n. Validity of allotment
- o. Headings

II – Directions in the matter of application submitted for Registration of Real Estate projects and Real Estate Agents, Project Extensions and Corrections

Order-32/2022 dated 01.07.2022

MahaRERA has issued a Order no 32/2022 dated 01.07.2022 wherein the process of registration application is explained

- a. If all the information is uploaded properly, and found in order, the application will be submitted to next level for approval.
- b. In case where an application is submitted with discrepancy such application shall be treated as an incomplete application and such application shall be sent back to the applicant with remark.
- c. On resubmission of the application, if all scrutiny points are complied then application shall be submitted to next level for approval else application shall be again sent back to applicant.
- d. Applicant can approach to MahaRERA Help desk for clarification on scrutiny points.
- e. On again resubmission of the application, if all scrutiny points are complied then application shall be submitted to next level for approval else applicant shall be informed to appear in open House Meeting before the designated official of MahaRERA on a scheduled date (Physically or Virtually) for resolving of the issues / queries.
- f. Remarks brought to the notice of the applicant during the open house meeting is to be complied and the complete application to be submitted within 7 days after the date of the open house meeting
- g. On resubmission of application after the open house meeting, if all the information is uploaded property and the same is found in order, such application will be submitted to next Level for approval else such application shall then be considered as incomplete, closed and filed.
- h. Resubmission of the applications thereafter shall be permitted and taken up for consideration only on payment of penalty of 25%, of the registration fees in the 1st (first) instance.
- i. On resubmission again the above process will be followed but in case of second open house meeting the penalty shall be 40%
- j. In the event it is noticed that even after payment of 40% of the Penalty amount, applications are resubmitted without having complied with the scrutiny remarks, the case shall be referred to the Authority for appropriate orders.

III - Regular Updates on Registered Projects by Promoters

Order-33/2022 dated 05.07.2022

MahaRERA had issued an Order no: 18/2021 dated 28 July 2021 on Quarterly updates for registered projects. However, there was a need to simplify the various updates and categorise them as per required frequency of updation.

To ensure that Real Estate Projects related data is updated and current, MahaRERA is laying down following process for Project Updates:

MahaRERA has categorized all the updates to be provided by the Promoter in seven categories namely:

- i. Quarterly Updates
- ii. Annual Updates
- iii. Updating of Forms for Withdrawal of Money from Designated Bank account
- iv. Other Regular updates from time to time
- v. Updates on Completion of Project with Form 4 & OC
- vi. Updates on Conveyance of Project (3 months after OC)

IV - Declaration about Separate Bank Account for real estate projects

Order-34/2022 dated 27.07.2022

MahaRERA Authority has issued a order wherein it is directed that Every promoter at the time of registration of a real estate project in addition to providing the bank details of the separate bank account in the application for

registration shall provide a Declaration about the separate bank account for the real estate project on the Letterhead of the promoter in the manner as detailed in Format 'A' of this Order.

ORDER NO. 32/2022 DATED 01/07/2022

This Order is Applicable to

1. PROJECT REGISTRATION APPLICATIONS
2. REAL ESTATE AGENT REGISTRATION APPLICATIONS
3. PROJECT EXTENSION APPLICATIONS
4. PROJECT CORRECTION APPLICATIONS

Once the application for any of the above is submitted, department normally raises query in case the application is incomplete or requisite number of documents aren't provided and marks the same for resubmission. Applicants may resubmit the applications after such queries raised by the department are solved. There was no limitation as to how many times a single application can be submitted and resubmitted. Therefore, to avoid this, MahaRERA came up with this order and structured this procedure. It can be understood in a simple format as follows:

- Application for any of the above services is submitted to MahaRERA.
- Receives first scrutiny remarks from the Department.
- Applicant resubmits the same after addressing the scrutiny remarks. Upon scrutiny by the Department, if the application is found correct, the application shall be sent to next level of approval. If application is still incomplete, then,
- Applicant shall receive second scrutiny remarks.
- Applicant resubmits the same after addressing the scrutiny remarks. Upon scrutiny by the Department, if the application is found correct, the application shall be sent to next level of approval. If application is still incomplete, then,
- Applicant to appear in open house meeting before designated officer of MahaRERA on scheduled date (physically or virtually) for resolving issues
- After understanding the issues from the concerned competent officer, Applicant shall resubmit the application. If the application is found correct, the application shall be sent to next level of approval. If application is still incomplete, then,
- Such Application shall be considered as incomplete, closed and filed. Resubmission of such application shall be permitted only upon payment of penalty of **25% of the registration fees (1st instance)**
- Once Application is resubmitted after the payment of 25% of the registration fees, if the application is found correct, the application shall be sent to next level of approval. If application is still incomplete, then,
- Repeat all above steps that is first scrutiny remarks, second Scrutiny remarks and then open house meeting.
- Second open house meeting shall be held before designated officer of MahaRERA on scheduled date (physically or virtually) for resolving issues
- Even after second open house meeting, the application remains incomplete, then,
- Such Application shall be considered as incomplete, closed and filed. Resubmission of such application shall be permitted only upon payment of penalty of **40% of the registration fees (2nd instance)**
- Once Application is resubmitted after the payment of 40% of the registration fees, if the application is found correct, the application shall be sent to next level of approval. If application is still incomplete, then,
- Application shall be referred to MahaRERA authority for appropriate orders.
- In case of correction application, penalty shall be Rs. 5000/- only in both first and second instance.