

REFRESHER COURSE ON MAHARERA

6th, 7th, 8th, 9th & 10th July, 2021

THE AUTHORITIES TO IMPLEMENT
THE ACT
&
FORMS OF LEGAL ENTITIES AND ITS
REGISTRATION PROCESS





Western India Regional Council of
The Institute of Chartered Accountants of India
(Set up by an Act of Parliament)

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**Refresher Course on MAHARERA Practice &
Professional Opportunities (Virtual)**



**TOPIC –
FOR DISCUSSION**

**THE AUTHORITIES TO
IMPLEMENT THE ACT**



**FORMS OF LEGAL
ENTITIES AND ITS
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OVERVIEW

Under this Act, appropriate government shall establish Real Estate Regulatory Authority for regulation and promotion of the real estate sector in the State / UTs. The Authority shall strive to facilitate the growth and promotion of a healthy, transparent, efficient and competitive real estate sector while protecting the interest of allottees, promoters and real estate agents. The authority shall also establish an adjudicating mechanism for speedy dispute redressal regarding registered real estate projects. The key responsibilities of the Authority shall be:

- Ensuring Disclosures of Real Estate Projects by Promoters
- Real Estate Projects Registration
- Real Estate Agents Registration
- Complaints Redresser
- Provide recommendations to appropriate Government on in matters relating to the development & promotion of real estate sector;

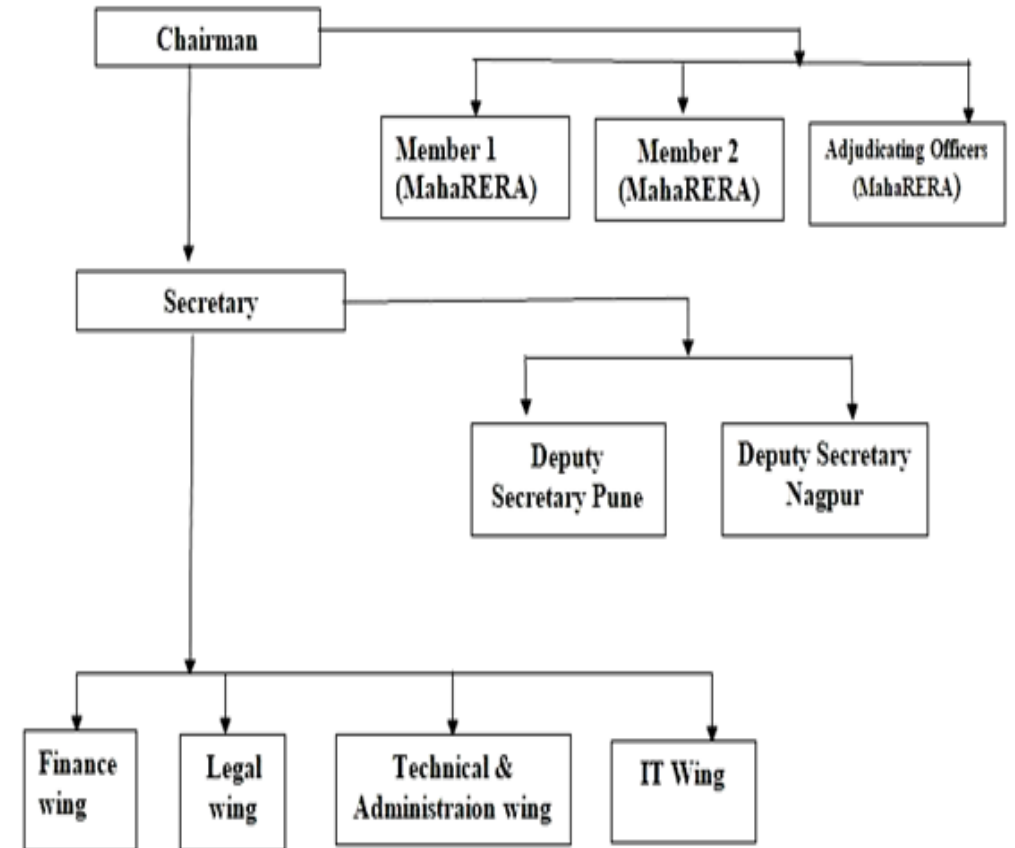


In exercise of the powers conferred the Real Estate (Regulation and Development) Act, 2016 the Government of Maharashtra established following authorities for the state of Maharashtra:

1. The Maharashtra Real Estate Regulatory Authority (MahaRERA):

Organogram for Maharashtra Real Estate Regulatory Authority (MahaRERA) →

- Shri. Gautam Chatterjee, Chairman
(from inception till Jan, 2021)
- Shri Ajoy Mehta Chairman, MahaRERA
(from Feb, 2021)
- Dr. Vijay Satbir Singh, Member-1, MahaRERA
- Shri. B. D. Kapadnis, Member-2, MahaRERA
(Upto Mar, 2021)



In exercise of the powers conferred the Real Estate (Regulation and Development) Act, 2016 the Government of Maharashtra established following authorities for the state of Maharashtra:

2. Adjudicating officer:

As per section 71 of RERA, the adjudicating officer is appointed by Authority in consultation with appropriate Government, who is or has been District Judge to decide the compensation payable in respect of complaints under section 12, 14, 18 and 19.

3. Technical / Legal Officer appointed by RERA

RERA as per the power entrusted to them under section 35(1) of RERA may appoint any officer to enquire and report to RERA on the matters referred to them. These officers conduct the enquiries as per the reference received by them from the Authority and then submit their report to the Authority.

In exercise of the powers conferred the Real Estate (Regulation and Development) Act, 2016 the Government of Maharashtra established following authorities for the state of Maharashtra:

4. The Maharashtra Real Estate Appellate Tribunal (MahaRERA-AT) :

The Government of Maharashtra has, on May 8, 2018 constituted the Maharashtra Real Estate Appellate Tribunal ('Appellate Tribunal'), as the permanent appellate tribunal under RERA for the State of Maharashtra, to hear appeals from the orders passed by MahaRERA.

MahaRERA-AT Bench Members :

Name	Designation
Justice Ms.Indira Jain	Chairperson
Mr.S.S. Sandhu	Member(Administrative)
Mr. Sumant M. Kolhe	Member(Judicial)

Every order passed by the REAT under this Act shall be deemed to be a decree of a civil court and shall be executable in the same manner as a decree of the civil court. For this purpose the REAT shall have all powers of a Civil Court. The RERA-AT is also competent to transmit any of its order to a Civil Court having local jurisdiction for execution in the same manner as if it was a decree of that Civil Court. REAT is the last fact finding Authority under RERA



In exercise of the powers conferred the Real Estate (Regulation and Development) Act, 2016 the Government of Maharashtra established following authorities for the state of Maharashtra:

5. High Court (Second Appeal) :

Any person aggrieved by any decision or order of the Real Estate Appellate Tribunal (REAT) may file an appeal under section 58 of RERA read with section 100 of Civil Procedure Code, 1908 (second appeal) to the High Court within 60 days from the date of receipt of decision or order of the Appellate Tribunal. However, an appeal cannot be filed against any decision of the REAT which was made with the consent of the parties to the matter.

6. Supreme Court (Special Leave Petition)

Any person aggrieved by any decision or order of the High Court may file an appeal to the Supreme Court by filing a Special Leave Petition.

In exercise of the powers conferred the Real Estate (Regulation and Development) Act, 2016 the Government of Maharashtra established following authorities for the state of Maharashtra:

7. Central Advisory Council:

As per section 41 of RERA, the central Government may establish a Central Advisory Council consisting representatives from Central Government, State Government, real estate industries, NGO and Consumers.

As per section 42 of RERA, Major Functions of Central Advisory Council are:

- a) Implementation of the RERA.
- b) Policy regarding Real Estate Sector
- c) Protection of the consumer interests
- d) Foster growth in Real Estate sector
- e) Any other duty or function

In exercise of the powers conferred the Real Estate (Regulation and Development) Act, 2016 the Government of Maharashtra established following authorities for the state of Maharashtra:

8. The MahaRERA Conciliation and Disputes Resolution forum:

As per Section 32 (g) of the Real Estate (Regulation and Development) Act 2016, Maharashtra Real Estate Regulatory Authority established MahaRERA Conciliation and Dispute Resolution Forum to facilitate resolution of disputes amicably, thereby saving cost and time of litigation to parties and State, promoting greater public satisfaction with legal system and dispute resolution. Under the mechanism of the Forum, if the parties don't reach a consensus, the Conciliation forum will refer the complaint to MahaRERA for taking the appropriate decision. The aggrieved parties are also have liberty to lodge a formal complaint via MahaRERA Complaints Portal u/s 31 of RERA.

In exercise of the powers conferred the Real Estate (Regulation and Development) Act, 2016 the Government of Maharashtra established following authorities for the state of Maharashtra:

9. Self-Regulatory Organization (SROs) :

The MahaRERA order No. 10/2019 dated 11th October, 2019 has made provisions to register Self Regulatory Organisations (SRO) for promoters. This order is issued to ensure greater professionalism among promoters, bring a certain level of consistency in the practices of promoters, enforcement of code of conduct and to discourage fraudulent promoters, MahaRERA introduced Self-Regulatory Organization (SROs) concept in the real estate sector in Maharashtra.

10. Designated Resolution Panel (DRP) :

As per Order 8/ 2019 dated 28th March, 2019, MahaRERA may constitute Designated Resolution Panel (DRP) consisting of one member from Promoter's Associations and one member from Consumer Forum when the application from the association of allottees is received to revoke the registration u/s 7 of RERA and to take over the project under section 8 of RERA to complete the project. The said panel with the help of Association of Allottees shall prepare a blue Print for completion of the project. After the blueprint stage the decision will be taken by MahaRERA based on the submission of the parties. This decision will differ case to case which cannot be defined universally and purely the Sole Discretion of MahaRERA



In exercise of the powers conferred the Real Estate (Regulation and Development) Act, 2016 the Government of Maharashtra established following authorities for the state of Maharashtra:

11. Capacity Building And Certification Of Real Estate Agents:

MahaRERA vide its Order No. 16/2021 dated 12th April 2021 have formed a committee for capacity building and certification of Real Estate Agents in Maharashtra for betterment and for larger interest of the Real Estate Industry.

In order to bring a certain level of consistency in the practices of real estate agents, enhance knowledge and awareness of regulatory framework and practices, enforcement of code of conduct and to discourage incompetent agents, MahaRERA proposed to introduce Basic Capacity Building and Certification for Real Estate Agents.

THANK YOU



**Western India Regional Council of
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(Set up by an Act of Parliament)

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Mail your queries to
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