

MAHARERA

CA. Ashwin Shah, CA. Mahadev Birla

1. Roznama and next date of hearing in complaints

Order-22/2021 dated 02.09.2021

MahaRERA has issued order no 22/2021 dated 02.09.2021 for writing the "roznama" and giving the "next date" in the complaints and as per the said order:

1. Roznama in the complaints shall be dictated by the respective Bench of MahaRERA, the Adjudicating Officer and the Conciliation Bench in open court.
2. The next date of hearing of the complaint shall be recorded in the roznama.
3. Only in complaints that are closed for final orders, the roznama may not record the next date

II - Procedure for grant of Adjournment

Order No.23/2021 dated 08.09.2021

MahaRERA has issued order no. 23/2021 dated 08.09.2021 wherein it is laid down the procedure for grant of Adjournment when complaints are listed for hearing before the respective branch of MahaRERA

1. Adjournment
 - a. More than two-time adjournment is restricted.
 - a. Adjournment shall be granted only in the salutation where there is/ are compelling circumstances or where circumstances are beyond the control of the party.
 - b. Adjournment on the ground of engagement of legal practitioner in another court shall not be granted.
 - c. Illness of legal practitioner shall not be considered as a ground of adjournment unless satisfactory explanation is not given for non-engagement of another legal practitioner.
 - a. Excuses such as (i) "I have been briefed in the matter recently/ yesterday / in the morning" or (ii) "I am not prepared/ready with the arguments in the matter" or for such other reasons, shall be no grounds for adjournment.
 - b. hearing of the complaints shall be proceeded with, if sufficient cause is not shown for grant of adjournment.
2. Submission of Convenience Document set
 - a. The parties in the complaint are required to submit the hard copy of "Convenience Documents" which would be consisting of not more than 20 pages and which are relevant pages of the documents required / necessary for deciding the issues raised in the complaints.

- a. The first document, in the "Convenience Document" set, shall be the Vakalatnama or the Authority Letter.
- b. Hard copies of the "Convenience Document" set shall be indexed and paginated.
3. Mode of Hearing

All the hearing shall be conducted online only except where the respective bench of MahaRERA is of the opinion that in a given complaint, physical hearing is necessary for the purposes of deciding the said complaint.

III Procedure for validation of Form-4 i.e Architect Certificate for Project Completion

Order-No. 24/2021 dated 21.09.2021

Projects with form-4 and with OC before the project expire and after completion of the project

1. Form 4 with OC within the date of completion. - Action -- Can be validated as correct.
2. Form 4 with OC received after date of completion.

Action -i) If there is no sold inventory, promoter can apply in correction module and completion date can be corrected.

In case there is sold inventory, then

ii) Promoter has to apply for extension which will be valid up to the date of OC. (As project has been completed, post facto extension may be granted.)

Projects with Form 4 but no OC or Part OC, OR Projects which are expired but have not uploaded either Form 4 or OC

1. Form 4 but no OC or Part OC.

Action: - i) If there is no sold inventory, promoter can apply in correction module and completion date can be corrected.

In case there is sold inventory, then

ii) Promoter has to apply for extension under section 6 if applicable

OR

iii) Promoter to apply for extension under section 7(3) with at least 51% allottees consent. OR

iv) If consents are less than 51%, apply with available consents. (Authority may set up a joint Hearing with allottees and may consider extension with additional conditions)- This is welcome step taken by MahaRera as many genuine developers who intends to complete the project will get opportunity to present his bonafide facts.

2. Projects is expired but no Form 4 or OC is uploaded.

Action: - i) In case there is no sold inventory, promoter can apply in correction module and completion date can be corrected.

If there is sold inventory, then

ii) Promoter has to apply for extension under section 6 if applicable OR

- iii) Promoter has to apply for extension under section 7(3) with at least 51% of allottees consent. OR
- iv) If consents are less than 51%, apply with available consents. (Authority may set up Hearing with allottees and may consider extension with additional conditions).
- v) If promoter does not apply for extension, or does not respond, then Allottee's society can apply to Authority under section 7, and after Hearing, appropriate order will be passed by the Authority.