

MAHARERA CA. Mahadev Birla, CA. Vivek Laddha	
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I –Advisory-Process for deletion of projects from the NCLT list

MahaRERA/Secy/Advisory/900/2023

MahaRERA has issued an advisory to delete the name of the promoter and project from the list of the promoter against whom Corporate Insolvency resolution Process has been initiated under the Insolvency and Bankruptcy Code, 2016.

The name shall be deleted on promoters submitting certified copies of the order delivered by the Tribunal/Court in the CIRP proceedings to show that the said proceedings have been withdrawn/settled/dismissed/disposed subject to such order being uploaded on the website of Insolvency and Bankruptcy Board of India.

II – - Notice for submission of objection in respect of de-registration applications received by MahaRERA.

MahaRERA/Secy/de-reg/001/2023.

A notice has been issued by MahaRERA in respect of submission of objection against de-registration of real estate project by promoter.

An application for de-registration of 88 projects is received by MahaRERA and in respect of the same the notice is issued that if any person or legal entity has any objection then same needs to be submitted within 15 days to the email secy@maharera.mahaonline.gov.in.

III –MahaRERA Real Estate Agent Training and Certification

Order No. 47/2023 dated 02.06.2023

MahaRERA has introduced basic real estate agent training and certification course for real estate agents across the State vide Order No 41, /2023 dated 10th January, 2023 and MahaRERA has empanelled training providers to undertake training on the MahaRERA prescribed curriculum across the state.

In respect of providing the training large real estate agent organizations have requested to provide the in-house training therefore the following directions are issued by MahaRERA.

- a. To provide the MahaRERA prescribed real estate agent training, following criteria is to be met;
 - i. Must be having valid MahaRERA Agent registration Certificate.
 - ii. Should have at least 500 full time employees/ staff on its payroll who interact with home buyers/ allottees for the purpose of facilitating sales for MahaRERA Registered Projects.
 - iii. Should have a strong in-house training capacity & experience in providing real estate agent training to its employees.
- b. The Selected Corporate Real Estate Agent organizations shall be eligible to impart training only to their own employees/staff and not real estate agents who are on retainerhip /contractual basis or any other real estate agents.
- c. An application to be submitted containing the details of qualifications of trainers, training facilities available and self-declaration to ensure that,
 - i. Training as per curriculum & guidelines, prescribed by MahaRERA, shall be imparted to all the candidates eligible as per (b) above.
 - ii. Training shall be held through online / classroom / hybrid (online + physical)
 - iii. On successful completion of the program, records / details of the candidate shall be shared with MahaRERA as per formats provided by MahaRERA.
 - iv. Any eligible candidate can appear for the exam only after successful completion of the training program / course, as certified by the organization.
 - v. An eligible candidate, trained by the organization, shall be permitted three attempts
 - vi. in the exam. Failing in all Three attempts, the candidate shall have to undergo retraining at any other MahaRERA empanelled training organization.

- vii. Training provider shall handhold the candidate through the examination registration process & certification.
- d. The Selected Real Estate Agent Organization shall provide details of nodal officer (based in Maharashtra) who shall attend the fortnightly review meetings on behalf of the organization.

IV – In the matter of real estate projects excluded from MahaRERA Project Registration

Circular No. 25A/2023 dated 09.06.2023

Earlier MahaRERA issued a circular no. 25/2019 dated 11.10.2019 wherein it was clarified that following transactions / projects do not require MahaRERA Project Registration for Agreement for Sale / Sale Deed Registration;

1. Real Estate Projects where the area of land proposed to be developed is less than or equal to five hundred square meters.
2. Real Estate Projects where number of apartments proposed to be developed is less than or equal to eight apartments.

The above clarification was given with the view that registration of real estate project is required to be registered where land area of project is more than 500 Sq. mtrs. Or number of unit is more than 8.

Now by issuing the Circular No. 25A/2023 dated it is clarified the requirement of project registration as follows;

- 1) Real Estate Projects where the area of land proposed to be developed is less or equal to five hundred square meters shall not require MahaRERA Project Registration irrespective whether Are numbers of apartments / units proposed to be developed is less than or more than eight apartments /u1its as the case may be inclusive of all phases.
- 2) Real Estate Projects where number of apartments/units proposed to be developed is less or equal to eight apartments / units inclusive of all phases shall not require MahaRERA Project Registration irrespective whether the area of the land proposed to be developed is less than or more than five hundred square meters.

However, in the said circular the MahaRERA has further stated that

The above clarification shall not preclude/prohibit/bar promoters from submitting application on their own motion for registration of their respective real estate project even through such projects are excluded from MahaRERA Project Registration in the event such promoters desire/want their respective real estate project to be registered with MahaRERA.

V- In the matter of execution of Warrants issued by the Maharashtra Real Estate Regulatory Authority

Circular No. 44/2023 dated 09.06.2023

To expedite the recovery of interest, or penalty or compensation from promoter or allottee or real estate agent, the MahaRERA has issued Circular No. 44/2023 dated 09.06.2023 wherein the direction are issued that "Collectors and the office of the respective Collector shall ensure that the warrants issued by MahaRERA shall be acted upon / enforced / executed expeditiously and in the manner as prescribed in the Standard Operating Procedure vide Circulars issued by the Revenue and Forest Department, Government of Maharashtra and submit compliance report to MahaRERA every quarterly of the status of the warrants issued by MahaRERA till date including the stage / level of execution of the warrants.