

MAHARERA CA. Ashwin Shah, CA. Mahadev Birla	
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I - Regarding Registration of Sale Component of Redevelopment Projects

Order-28/2021 dated 07.12.2021

Section 3(2) of RERA, 2016 provides the registration exemption to the project which is for the purpose of renovation or repair or re-development which does not involve marketing, advertising selling or new allotment of any apartment, plot or building.

However, the project which not exempted has to get registration as per provision of Section 3 and Section 4 of the RERA, 2016.

The MahaRERA Authority has issued Order No 28/2021 dated 07.12.2021 wherein it has given clarification in respect of submission of the documents by Promoter for these projects to ensure completeness of the registration application and removal of ambiguity.

As per the order no 28/2021 dated 07.12.2021, the following documents have to be attached for registration of Sale Component of Redevelopment Projects:

1. Resolution / NOC from Society/Association of residents of the rehabilitation component confirming the Promoter's rights to undertake the redevelopment project.
2. LOI / NOC / Equivalent Document from the Planning Authority confirming Promoter's rights to undertake the redevelopment project.
3. Valid Commencement Certificate of Sale Component from concerned Planning Authority.
4. All the above documents should be in name of the Promoter entity. Where the Promoter's name is not on Commencement Certificate, a copy of the collaboration agreement, development agreement, joint development agreement or any other form of agreement, as the case may be, confirming the right of Promoter entity to execute the agreement for sale or such other document, in respect of the saleable component.
5. All the documents provided above should be clearly legible.
6. The data provided in the documents should be current up-to-date and true on the date of submission of application.

II. In the matter of hearing of complaints filed before the Authority

Order-27/2021 dated 07.12.2021

As per the order no 23/2021 dated 08.09.2021, it was provided that Complainant and Respondent are required to submit "convenience document" set at least 1 (one) week before the complaint is listed for hearing. However, it is found that "convenience document" set is not being submitted, therefore the MahaRERA has issued the following directions:

1. Complaints where "convenience documents" set are not submitted by the complainant shall be adjourned and such adjournment shall be granted beyond 30 (thirty) days.
2. In complaints where Respondent (s) do not file the "convenience document" set, then it shall be presumed that the Respondent (s) do not have any additional documents to rely upon then the documents submitted along with the affidavit-in reply, if filed, and the hearing of the complaint shall be taken up for final hearing.

3. The 'convenience document" set shall not consist of more than 20 (twenty) pages and such "convenience document" set shall consist of only the relevant pages of the documents required/ necessary for deciding the issues raised in the complaints.
4. "Convenience document" set shall be submitted 1 (one) week before the complaint is listed for final hearing.
5. This order shall be read along with order No'23/2021 dated 08.09.2021, This order shall come into force with effect from 01.01.2022.