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| MAHARERA CA. Mahadev Birla CA. Sumit Kapure | |
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I Commencement Certificate and Occupation Certificate / Completion Certificate for development of land into plots (Plotted development projects)

Order-31/2022 dated 13.12.2022

In respect of the plotting scheme of the project, MahaRERA has issued following clarifications that constitutes commencement and what denotes completion of plotted development projects;

- a. Non-agricultural permission and sanad issued in form in Schedule IV or Schedule V in accordance with Rule 4 and Rule 7 of the Maharashtra Land Revenue (Conversion of Use of land and Non-Agricultural Assessment) Rules, 1969 shall be considered as a commencement certificate.
- b. Once the all conditions imposed by the Competent Authority (Tahsildar) in compliance of Rule 11A of the above rules are completed and executed along with the Form IV signed by the project Architect, the intimation shall be given to the Tahsildar and acknowledgement of such intimation by tahsildar shall be considered as completion certificate.

II Non-negotiable clauses in the agreement for sale

Order-38/2022 dated 13.12.2022

MahaRERA has issued a Order no 38/2022 dated 13.12.2022 wherein it is given the clarification that r,2 (two) clauses in the model form of agreement at Annexure 'A' of Rule 10 (1) of the Rules are not permitted to be modified and are considered by the Authority as non-negotiable and the same are to be incorporated in Agreement for sale irrespective of what is agreed upon between the promoters and the allottees in the registered agreement for sale executed between the said parties and all such clauses in the registered agreement for sale shall be considered as void ab initio and not binding upon the allottees.

- a. *"The Promoter shall confirm the final carpet area that has been allotted to the Allottee after the construction of the Building is complete and the occupancy certificate is granted by the competent authority, by furnishing details of the change, if any, in the carpet area, subject to a variation cap of three percent. The total price payable for the carpet area shall be recalculated upon confirmation by the Promoter. If there is any reduction in the carpet area within the defined limit then Promoter shall refund the excess money paid by Allottee within forty-five days with annual interest at the rate specified in the Rules, from the date when such an excess amount was paid by the Allottee. If there is any increase in the carpet area allotted to Allottee, the Promoter shall demand additional amount from the Allottee as per the next milestone of the Payment Plan. All these monetary adjustments shall be made at the same rate Per square meter as agreed in Clause 1(a) of this Agreement."*
- b. *without prejudice to the right of promoter to charge interest in terms of sub clause 4.1above, on the Allottee committing default in payment on due date of any amount due and payable by the Allottee to the Promoter under this Agreement (including his/her proportionate share of taxes levied by concerned local authority and other outgoings) and on the allottee committing three defaults of payment of instalments, the Promoter shall at his own option may terminate this Agreement:*

Provided that, Promoter shall give notice of fifteen days in writing to the Allottee, by Registered Post AD at the address provided by the allottee and mail at the e-mail address provided by the Allottee, of his intention to terminate this Agreement and of the specific breach or breaches of terms and conditions in respect of which it is intended to terminate the Agreement. If the Allottee fails to rectify the breach or breaches mentioned by the Promoter within the period of notice then at the end of such notice period, promoter shall be entitled to terminate this Agreement.

Provided, further that upon termination of this Agreement as aforesaid, the Promoter shall refund to the Allottee (subject to adjustment and recovery of any agreed liquidated damages or any other amount which may be payable to Promoter) within a period of thirty days of the termination, the instalments of sale consideration of the Apartment which may till then have been paid by the Allottee to the Promoter."

If there is violation of the above-mentioned clauses, the application for registration shall be liable to summary rejection.

III Registration, extension and correction in real estate project

Circular No 42/2022 dated 13.12.2022

MahaRERA had issued an Circular No. 42/2022 dated 13.12.2022 wherein procedure to expedite the registration application is given and it is stated that in case of query raised at the time of filing an application for registration of project and the same query is not resolved as per remarks of the MahaRERA Authority than following procedure will be followed;

- a. SRO shall nominate two persons to attend the MahaRERA Office and the information of these two people shall be given within 7 days.
- b. The above nominated person shall be given the information in respect of the SRO registration number of promoters, number of applications submitted and the scrutiny remarks of MahaRERA Authority.
- c. Nominated person shall ensure for compliance of scrutiny remarks of the MahaRERA Authority.
- d. MahaRERA shall help the such nominated person.
- e. The liasoning agent shall not be permitted to attend MahaRERA Office.
- f. Only in exceptional and complex cases shall promoter be permitted personally or through a representative duly authorized to attend MahaRERA office for resolving issues.
- g. To resolve the issues in respect of registration. Extension and correction , the MahaRERA has been arranging Open House every Friday from 3.00 p.m. onwards.
- h. If in the Open House Discussion, a promoter does not agree with the opinion given by MahaRERA Open House Discussion Team then such promoter shall intimate his concern to the MahaRERA Open House Discussion Team and such promoter thereafter can file an appeal before Secretary/MahaRERA and Legal Adviser/MahaRERA. Such appeals shall be heard every Wednesday at 3.00 p.m. Appeals should be mailed on the following email address and should be filed by 3.00 p.m. Monday to be taken up and heard on the following Wednesday.