

MAHARERA

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Real Estate (Regulation and Development) Act, 2016 (RERA,2016)

MahaRERA Updates

Guidelines for determining the seniority of complaints filed before the MahaRERA

Maharashtra Real Estate regulatory Authority issued a Circular No 30/2021 dated 18.05.2021 where guideline for determining the seniority of complaints is issued.

This circular clarify that, if a complaint is referred to the MahaRERA Conciliation Forum for availing the possibility of amicable settlement and if the conciliation between the parties fails, in that event, the complaint will then referred back to the MahaRERA for hearing the same on merits and on receipt thereof, such complaints would be scheduled for hearing before the MahaRERA as per the original seniority of the said complaint and the seniority of the complaint would be decided as per the date of registration/filing of the complaint before the MahaRERA.

Therefore, even if a complaint is referred to the conciliation forum, the seniority of the said complaint will remain intact and the hearing/ decision of such complaints shall be taken up strictly as per their seniority i.e. date of filing.

Further, the MahaRERA has issued another Circular no. 34 dated 21.06.2021 wherein it is clarified that in following situation the seniority of the complaints will be changed and the hearing will be conducted accordingly;

1. Where Application along with the Certificate of doctor received from the complainant stating that complainant is suffering from with serious life-threatening illness.
2. Where direction is received from the superior Forum / Tribunal / Court that complaint is to be disposed of in a fixed time.
3. Where complaints in respect of same project are clubbed together for hearing.
4. Where disputes have been settled between the parties before the Conciliation Bench.
5. In addition to the above situation the seniority of the complaint can be changed with the approval of the Hon'ble Chairperson, MahaRERA after the submission of proper reason / justification.

Guidelines for functioning of MahaRERA Conciliation and Dispute Resolution Forum

The MahaRERA has established the MahaRERA Conciliation and Disputes Resolution Forum' vide Circular No. 15/2018 dated 29-01-2018 to ensure speedy disposal of the complaints and also to promote and popularize amicable and effective settlement of disputes arising between the allottees/promoter/ real estate agents.

To streamline the process of hearing /disposal of the complaints referred to MahaRERA Conciliation and Disputes Resolution Forum, MahaRERA has issued a Circular No. 31 dated 18.05.2021 wherein is has prescribed the procedure for hearing to be conducted by the MahaRERA Conciliation and Disputes Resolution Forum in referred conciliation matters (online complaints) transferred by MahaRERA:

The following is the procedure:

1. The seniority of the complaint will be first scrutinized and accordingly the complaint will be assigned/ distributed to the concerned functional Conciliation Benches.
2. The assignment of not more than 10 complaints can be done at the initial stage.
3. Notice of the hearing will be issued to the parties with in one week from the date of receipt of assignment by Conciliation Benches.
4. The first hearing on such complaints should be conducted at least within 15 days.
5. After disposal of the assigned complaints, next lot of 10 complaints can be assigned to the conciliation bench.
6. The parties can be represented through advocates /Authorised representatives.
7. If the parties arrive at any mutual agreement, in that event, the concerned Bench should record the said proceeding In the Roznama and should refer such complaints to MahaRERA within a period of one week together duly with signed conciliation terms.

8. The said complaint will be treated as closed/finally disposed of only after the order is passed by the MahaRERA.
9. If the conciliation between the parties fails, in that event, such complaints be transferred back to MahaRERA within a period of one week for taking appropriate decision on merits.