

MAHARERA

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Section 6 of Real Estate (Regulation and Development) Act, 2016 - “ Force Majeure.”

The expression force majeure shall mean a case of war, flood, draught, fire, cyclone, earthquake, or any other calamity caused by nature affecting the regular development of the project.

Project extension shall be allowed for all such force majeure period which were prevailing during the project development phase.

However, it does not include the following :-

- a. Restrictive order of any Court or Authority
- b. Factors beyond the control of promoter
- c. Delay in approval by any competent authority

The current situation on account of CORONA outbreak is certainly natural calamity and is very much covered by force majeure condition.

Maharashtra Real Estate Regulatory Authority vide its order no. 13 dated 02-04-2020 in exercise of powers vested in Section 34 of the Act has decided that :-

- For all MahaRERA Registered projects where completion date, revised completion date or extended completion date expires on or after 15th March 2020, the period of validity for registration of such projects shall be extended by three months. MahaRERA shall accordingly issue project registration certificates, with revised timelines for such projects, at the earliest.
- Further, the time limits of all statutory compliances in accordance with the Real Estate (Regulation and Development) Act, 2016 and the rules and regulations made thereunder, which were due in March / April / May are extended to 30th June 2020.

Further, vide various clarification MahaRera Authority has extended the date of hearing to subsequent period and office of MahaRera and Maharashtra Appellate Tribunal shall remain closed till 3rd May 2020.

It , therefore, follows that extension or relaxation shall be available for various compliances including filing of Complaint /Appeal and submission of hard copies with Authority/Tribunal.

Promoter shall be entitled to claim force majeure period up to 30th June 2020 for delay in completion of projects and such other compliances that are required to be done by the Promoter.

However, Real Estate Industry is demanding through various representation that these force majeure period shall be extended to One Year at least and further shall be reviewed depending upon the conditions prevailing on account of CORONA outbreak

As per MahaRERA circular dated 2nd April 2020, the Maharera projects which expires on or after 15th March 2020 will be automatically extended by 3 months automatically and revised registration certificate will be issued. Similarly all statutory compliance due dates falling in March, April and may are extended upto 30th June 2020