

RECENT CIRCULARS/ORDERS ISSUED BY MAHARERA

I Submission of proforma of the allotment letter and agreement for sale at the time of registration of a real estate project in compliance of Clause (g) of Sub-section 2 of Section 4 of the Real Estate (Regulation and Development) Act, 2016

Order-35/2022 dated 12.08.2022

Amendment and changes in model allotment letter upon representations from various stake holders

The MaharERA issued Order no. 35/2022 dated 12.08.2022 and issued following directions:

- (a) The proforma of the allotment letter proposed to be signed by the promoters with the allottees shall be in accordance with model allotment letter as approved by the Authority in its meeting held on 24.06.2022.
- (b) Promoters shall henceforth upload the allotment letter accordingly, hereto when applying for registration of a real estate project.
- (c) If promoters choose to execute with an allottee an allotment letter that is not in accordance with the proforma of the allotment letter as approved by the Authority in its meeting held on 24.06.2022, than the deviations/modifications in the proforma of the allotment letter as proposed by promoters shall be highlighted in different colour and accordingly be uploaded along with a deviation sheet mentioning/indicating therein the deviations/modifications while seeking registration of the real estate project so as to enable the allottees to make an informed decision.
- (d) Promoters shall also upload as is being presently done, the proforma of the agreement for sale proposed to be signed with the allottees that may be as per the model form of agreement at Annexure A of Rule 10 of the Rules or the proforma of the agreement for sale as may be modified and adapted by promoters on case to case basis having regard to the facts and circumstances of each case.
- (e) In the event there are any deviations / modifications in the proforma of the agreement for sale as proposed by promoters and the model form of agreement at Annexure A of Rule 10 of the Rules, then such deviations / modifications shall be highlighted in different colour and accordingly be uploaded along with a deviation sheet mentioning/indicating therein the deviations/modifications while seeking registration of the real estate project so as to enable the allottee to make an informed decision.
- (f) Non-compliance of the above or if the deviations / modifications proposed by promoters in the proforma of the allotment letter or the proforma of the agreement for sale as uploaded is / are contrary to the provisions of the Act, the Rules and Regulations made thereunder, then the application of the promoter for registration of the real estate project shall be liable to be rejected subject to compliance of the mandate as provided in the proviso to Section 5 of the Act.

(g) This Order shall supersede Order No. 31/2022 bearing No. MahaRERA/Secy/ File No.27 / 164 / 2022 dated 01.07.2022.

II In the matter of hearing of Complaints before the Authority

Order-36/2022 dated 28.10.2022

MahaRERA has issued a Order no 36/2022 dated 28.10.2022 wherein the following directions are issued to maintain the proper decorum during the course of hearing before the RERA Authority.

- a. Parties at all times during the hearing shall avoid speaking on phones having refreshment etc. shall maintain formal dress code and maintain proper decorum befitting the dignity as maintained in open court.
- b. Parties shall act in dignified manner during the hearing and shall not disturb/ speak without being called upon to do so by the Authority.
- c. Parties during the hearing shall keep their video off as recording of the hearing process is done to ensure the identity of the participants and keep the audio off which shall be harmed on to address the Authority when called upon.
- d. Parties shall join the hearing on time as per the slots and shall not cross talk or address each other.
- e. The above directions shall be scrupulously followed failing which the Authority shall take necessary action as deemed fit and proper.

This order shall come into force with immediate effect.