



MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

महाराष्ट्र स्थावर संपदा नियामक प्राधिकरण

Order No: - 57/2024

No. MahaRERA/Secy/File No. 27/ 469 /2024

Date: 30/07/2024

Subject: In the matter of facilities / amenities to be provided by promoters for real estate projects.

Whereas, Government of India has enacted the Real Estate (Regulation and Development) Act, 2016 (the Act) and all sections of the Act have come into force with effect from 01.05.2017.

And whereas, the Government of Maharashtra, vide Notification No. 23, dated 08.03.2017, has established the Maharashtra Real Estate Regulatory Authority, hereinafter referred to as "MahaRERA" or as "the Authority".

And whereas, the Government of Maharashtra has notified the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures of Website) Rules, 2017 (the Rules) for carrying out the provisions of the Act.

And whereas, the Authority has notified the Maharashtra Real Estate Regulatory Authority (General) Regulations, 2017 (the Regulations) to carry out the purposes of the Act.

And whereas, under Section 34 of the Act, some of the functions of the Authority is to register and regulate real estate projects and real estate agents registered under the Act as well as to ensure compliance of the obligations cast upon the promoters, the allottees and real estate agents under the Act, the Rules and Regulations made thereunder.

And whereas, the Authority under Section 37 of the Act and Regulations 38 of the Regulations is vested with the powers to issue directions to promoters, real estate agents and allottees from time to time as it may consider necessary.

And whereas, Chairperson, MahaRERA is vested with the powers of general superintendence and directions in the conduct of the affairs of MahaRERA under Section 25 of the Act.

MAHARERA HEADQUARTERS

Housefin Bhavan, Plot No.C-21, E-Block, Bandra-Kurla-Complex, Bandra (E), Mumbai 400051

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महारेरा मुख्यालय

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हाउसफिन भवन, प्लॉट नं. सी-21, ई ब्लॉक, वांद्रे-कुर्ला-कॉम्प्लेक्स, वांद्रे (पूर्व), मुंबई - ४०००५१.

दूरध्वनी. क्रमांक. ०२२-६८१११६०० ई-मेल : helpdesk@maharera.mahaonline.gov.in

And whereas, Section 4 (2) of the Act, mandates promoters to enclose along with the application made for registration of real estate projects, the documents as enumerated in the above-referred section.

And whereas, Section 4 (2) (g) of the Act, mandates promoters to submit the proforma of the allotment letter and the agreement for sale proposed to be signed with the allottees along with the application made for registration of real estate projects.

And whereas, Section 13 (2) of the Act, mandates that the agreement for sale referred to in Section 13 (1) shall be in such form as may be prescribed and shall specify the particulars of development of the project including the construction of building and apartments, along with specifications and internal development works and external development works, the dates and the manner by which payments towards the cost of the apartment, plot or building, as the case may be, are to be made by the allottees and the date on which the possession of the apartment, plot or building is to be handed over, the rates of interest payable by the promoter to the allottee and the allottee to the promoter in case of default, and such other particulars, as may be prescribed.

And whereas, it is noticed by MahaRERA, that promoters in the proforma of the agreement for sale as uploaded in compliance of Section 4 (2) (g) of the Act, as well as in the agreement for sale to be executed with the allottees do not mention the facilities and amenities provided either in the building and / or in the common areas and / or in the layout as the case may be, and if mentioned the dates when the same would be made available for the use of the allottees, their family members and residents are not disclosed.

In view of the above the following directions are issued:

In the proforma of the agreement for sale uploaded by promoters in compliance of Section 4 (2) (g) of the Act as well as in the agreement for sale to be executed between the promoter and the allottees the following aspects shall be detailed / mentioned and the approved plan in respect thereof shall be annexed to the agreement for sale:

A.) The facilities / amenities provided/to be provided either in the building and / or provided in the common areas and / or in the layout as the case may be, such as (list not exhaustive) swimming pool, badminton court, tennis court, theatre, gymnasium, table tennis court, squash court, etc;

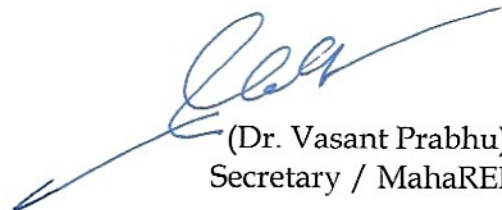
I) For the facilities / amenities which are provided/to be provided by utilizing "free of FSI" area under Local planning Rules and Regulations shall be provided

II) For the facilities / amenities which are provided/to be provided by utilizing FSI of the project available under Local planning Rules and Regulations shall be provided

- B.) The size and the location of the facilities / amenities in form of open spaces (RG / PG etc.) to be provided within the plot and / or in the layout, and proposed date on which such open spaces etc shall be handed over to the common organization of Allottee(s) or Federation of common organizations as the case may be.
- C.) Number of lifts to be provided with details as to
- I) Type of Lift: passenger/Stretcher/service/Fire Evacuation/goods etc
 - II) Capacity in form of number of passengers.
 - III) The speed of lift specified as Meter per second
- D.) The facilities / amenities shall be detailed / mentioned in this Annexure '1' shall be same as the list mentioned in the registration Form-A under "Common Areas, Facilities, and Amenities," and in Table B of Form 1 - Architect Certificate.
For any major revisions, changes, shifting or corrections in the amenities, facilities, or common areas, a correction application should be submitted as per the provisions of Section 14(2) of the Act.
- E.) The clause to be incorporated in the manner as stated in Annexure '1' annexed hereto, shall be considered as non-negotiable clause and the Authority shall take such action as enumerated in MahaRERA Order No. 38/2022, dated 13.12.2022, if the same are not provided in the proforma of the agreement of sale and in the agreement of sale to be executed between the promoter and the allottees or if the same is / are modified.

This order shall come into force with immediate effect.

(As approved by the Authority)


(Dr. Vasant Prabhu)
Secretary / MahaRERA

Annexure '1'

The facilities / amenities provided in the building and / or provided in the common areas and / or in the layout as the case may be, shall be specifically listed / mentioned in the Second Schedule at the model form of agreement provided at Annexure 'A' under Rule 10 of the Rules in the manner as enumerated hereunder:

Second Schedule Above Referred to

A.) Description of the common areas provided:

	Type of common areas provided	Proposed Date of Occupancy Certificate	Proposed Date of handover for use	Size/area of the common areas provided
i.				
ii.				
iii.				

B.) Facilities/ amenities provided/to be provided within the building including in the common area of the building:

	Type of facilities / amenities provided	Phase name/ number	Proposed Date of Occupancy Certificate	Proposed Date of handing over to the Society/common organization	Size/area of the facilities / amenities	FSI Utilized or free of FSI
i.						
ii.						
iii.						

C.) Facilities/ amenities provided/to be provided within the Layout and/or common area of the Layout:

	Type of facilities / amenities provided	Phase name/ number	Proposed Date of Occupancy Certificate	Proposed Date of handing over to the Society/common organization	Size/area of the facilities / amenities	FSI Utilized or free of FSI
i.						
ii.						
iii.						

D.) The size and the location of the facilities / amenities in form of open spaces (RG / PG etc.) provided / to be provided within the plot and / or within the layout.

	Type of open spaces (RG/PG) to be provided	Phase name/ number	Size open spaces to be provided	Proposed Date of availability for use	Proposed Date of handing over to the common organization
i.					
11					
iii.					

E.) Details and specifications of the lifts:

	Type Lift (passenger/service /stretcher/goods/fire evacuation/any other	Total no. of Lifts provided	Number of passenger or carrying capacity in weight (kg)	Speed (mtr/sec)
i.				
11				
iii.				

Note:

At 'A': to provide the details of the common areas provided for the project.

At 'B': to provide the details of the facilities/amenities provided within the building and in the common area of the building.

At 'C': to provide the details of the facilities/amenities provided within the Layout and/or common area of the Layout.

At 'D': to provide the details of the facilities/amenities provided in form of open spaces (RG / PG etc.) provided / to be provided within the plot and / or within the layout.

At 'E': to provide the details and specifications of the lifts.