

FAQs for MahaRERA Website

I. General FAQs

1. What are the objects and reasons for which the Real Estate (Regulation and Development) Act 2016 has been framed?

Ans: The Real Estate Act is intended to achieve the following objectives:

- ensure accountability towards allottees and protect their interest;
- infuse transparency, ensure fair-play and reduce frauds & delays;
- introduce professionalism and pan India standardization;
- establish symmetry of information between the promoter and allottee;
- imposing certain responsibilities on both promoter and allottees;
- establish regulatory oversight mechanism to enforce contracts;
- establish fast- track dispute resolution mechanism;
- promote good governance in the sector which in turn would create investor confidence.

2. Which areas of Maharashtra are included in the Planning Area as defined in the Act?

Ans: In accordance with notifications issued by Urban Development Department of Government of Maharashtra, MR & TP Act is applicable to all the districts of Maharashtra. Hence, all areas of Maharashtra are included in Planning Area as defined in Section 2(zh) of the Act.

3. Does the definition of ‘promoter’ include public bodies such as Development Authorities and Housing Boards?

Ans: The Act covers all bodies (private and public) which develop real estate projects for sale to the general public. Section 2(zk) defines the term ‘promoter’ which includes both private and public real estate promoters. Thus, the Development Authorities as well as the Housing Boards, when involved in sale of plots, apartment and buildings are covered under the Act.

4. If a real estate project has land area more than 500 sq.mts but contains less than 8 apartments. Does it still need to be registered?

Ans. Yes. A real estate project which has land area more than 500 sq mts even if it contains less than 8 apartments needs to be registered.

5. If a real estate project has land area less than 500 sq.mts but contains more than 8 apartments. Does it still need to be registered?

Ans. Yes. A real estate project which has land area less than 500 sq mts but contains more than 8 apartments needs to be registered.

6. Does advertisement include solicitation by emails and SMS? Is issuance of prospectus considered to be a case of ‘advertisement’?

Ans: As per section 2(b), which defines ‘advertisement’, means any document described or issued as advertisement through any medium including any notice, circular or any other

document in any form, informing persons about a real estate project or offering for sale a plot, building or apartment would be covered under the said definition, including SMS, WhatsApp and emails as well as prospectus. -

7. Can advertisement be issued for a new project after 1st May 2017 without registering the said project?

Ans: No. The advertisement issued after 1st May 2017 must carry the MahaRERA registration number of the project.

8. Does the term 'allottee' include secondary sales?

Ans: Yes. Section 2(d) which defines the term "Allottee" includes a person who subsequently acquires a plot, apartment or building through transfer, sale, or otherwise but does not include a person to whom such plot, apartment or building is given on rent

9. Is it permissible to sell parking to allottees?

Ans: The position of parking is as follows.

- a) Open Parking Area: This has been clearly included in the definition of "Common Areas" which need to be conveyed to the Association of Allottees after Occupancy Certificate is received. Hence, sale or allotment of Open Parking Areas by the Promoter is not permissible.
- b) Covered Parking as defined in the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017 is permitted to be sold.
- c) Garage as defined in the Act is permitted to be sold.
- d) MahaRERA Circular No. 36/2021 dated 30.07.2021 which is available on MahaRERA website may also be seen in this regard.

10. What is the obligation of a promoter towards return of amount and compensation to the allottee?

Ans: Section 18 of the Act would be applicable relating to the obligation of a promoter towards return of amount, and grant of interest and compensation to an allottee due to delay in completion of the project etc.

11. Can a complainant approach both the Regulatory Authority / ~~adjudicating officer~~ and the Consumer Forums for the same disputes?

Ans: An aggrieved person can only approach one of the two Forums for redressal of his grievance.

12. Is there some fee, in addition to the fees prescribed in the rules, to be charged from promoters, real estate agents and complainants for the MahaRERA website uploading and online services?

Ans: Yes. It has been detailed in the MahaRERA Order No. 15/2017 dated 17.04.2017 which is

available for on perusal MahaRERA website.

II. FAQs from Consumer's Perspective

13. Is it mandatory for the promoter to obtain permissions for the real estate project before applying for registration to MahaRERA?

Ans: Yes, Commencement Certificate issued by the Competent Authority should be submitted for registration of a real estate project, along with such other documents in compliance of the provisions of the Act, the rules and regulations framed thereunder.

14. What is the penalty prescribed for non-registration of a project under the Act?

Ans: Section 59 of the Act prescribes the penalty for non-registration of a project.

15. How will a flat buyer know, if the real estate project is duly registered under MahaRERA?

Ans: MahaRERA website would display all the registered projects.

16. Is it mandatory that advertisement for marketing of apartments must carry MahaRERA Registration Number?

Ans: It is mandatory that the advertisement for marketing of apartments in the real estate project must carry MahaRERA registration number.

17. Whether registration of real estate agents would be project specific, location specific or individual specific?

Ans: Real estate agents must get registered with MahaRERA under the category "individual" or "other than individual". Promoters while applying for registration of any real estate project will have to indicate the names of registered real estate agents who will be working as agents in the said project. Names of such agents will be displayed along with other project specifications on MahaRERA website, upon registration of the project.

18. What are the penalties that a real estate agent would face if he fails to adhere to the mandates prescribed by MahaRERA?

Ans: Registration of real estate agents is governed by section 9 of the Act and functions of real estate agents is prescribed under section 10 of the Act. If any real estate agent contravenes the provisions of Section 9 or Section 10 of the Act, he shall be liable to a penalty of ten thousand rupees for every day during which such default continues, which may cumulatively extend up to five per cent of the cost of plot, apartment or buildings, as the case may be, of the real estate project, for which the sale or purchase has been facilitated as determined by MahaRERA.

19. Is the promoter required to give any undertaking to MahaRERA for completing his project within a specified period?

Ans: Yes, in accordance with the provisions of the Act, the promoter, while applying for

registration, has to submit to MahaRERA, a declaration, supported by an affidavit, indicating the time period within which he undertakes to complete the project or phase thereof, as the case may be.

20. If the registration of a real estate project is revoked for any reason, how will the interest of the buyer, in such project, be protected by MahaRERA?

Ans: MahaRERA will take action in accordance with section 8 of the Act. List of revoked projects is displayed on MahaRERA website.

21. In case of delay in getting possession from the promoter, will the buyer be entitled to get interest on the amount paid by him, for such delayed period?

Ans: The above issue is governed under Section 18 of the Act. The entitlement for interest however, is decided by the Authority on merits, upon a complaint being filed by an allottee under section 31 of the Act.

22. Will interest payment by the promoter to the buyer be automatic or the buyer will have to approach MahaRERA?

Ans: Interest payment by a promoter may not be automatic, if on a demand made, promoter refuses to honor the said demand, allottee shall have to approach MahaRERA by filing a complaint under Section 31 of the Act.

The entitlement for interest payment shall be decided by the Authority on merits upon a complaint being filed. Complaints when filed are heard by the Authority on the basis of seniority of the complaints.

23. Is there a ceiling on the interest to be levied by the promoter in case of default in payment of any instalments by the allottee/buyer?

Ans:-The rate of interest payable by an allottee is covered under Rule 18 of the MahaRERA Real Estate (Regulation and Development) (Registration of Real Estate Project, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules 2017. Rule 18 provides that the rate of interest shall be the State Bank of India highest Marginal Cost of Lending Rate plus two percent.

24. What are the provisions for an aggrieved person to lodge a complaint?

Ans: Section 31 of the Act and rule 6 of Maharashtra Real Estate (Regulation and Development) (Recovery of Interest, Penalty, Compensation, Fine payable, Forms of Complaints and Appeal, etc.) Rules, 2017 provide for filing of complaint with MahaRERA, by an aggrieved person who has any interest in the registered project. The aggrieved person can file an application online as per format provided by

MahaRERA. It shall include the following details:

- Registration number of the project to which the complaint pertains
- Particulars of the complainant and respondent
- Facts of the case
- Relief Sought
- List of Enclosures and so on

25. Can a promoter or a real estate agent also file complaint against a buyer?

Ans: Yes. An aggrieved person having any interest in the registered real estate project can file a complaint.

26. Is there any provision for interim relief to be granted, pending the final adjudication of the complaint?

Ans: The powers to issue interim orders is governed under section 36 of the Act.

27. Where will the aggrieved home buyer be required to file his complaint?

Ans: The aggrieved person can file a complaint online by filling out a form and paying the requisite fees as per format provided at MahaRERA website. Complaints when filed will be listed for hearing as per seniority as detailed in MahaRERA Circular No. 34/2021 dated 21.06.2021.

28. On what grounds can the home buyer file a complaint?

Ans: An aggrieved person may file a complaint with MahaRERA for any violation or contravention of the provisions of the Act or the rules or regulations made there under.

29. Who would decide the complaints?

Ans: As per regulation 24 of Maharashtra Real Estate Regulatory Authority (General) Regulations, 2017, for adjudication proceedings with respect to complaints filed, MahaRERA may, by order, direct that specific matters or issues be heard and decided by a single bench of either the Chairperson or any Member of the Authority.

30. Is there any time limit prescribed for disposal of complaints?

Ans: There is no time limit prescribed for disposal of complaints upon which a decision on merits is to be taken by the Authority, however for the purpose of adjudging compensation payable under sections 12, 14, 18 and 19 a time period of 60 days from the date of receipt of the application is prescribed under section 71(2) of the Act. The quantum of compensation payable is decided by the Adjudicating Officer under section 71 read with section 72 of the Act.

31. If the buyer wants to file a suit in civil court, is there any bar under the Act?

Ans: Yes. As per section 79 of the Act, civil courts are barred from entertaining any suit or proceeding in respect of matters which the Authority or the Adjudicating Officer or the Appellate

Tribunal is empowered under the Act to determine

32. Is there an appeal provided against the orders given by MahaRERA? Is there a time limit?

What are the fees?

Ans: As per section 44(1) and (2) of the Act any person aggrieved by any direction or decision or order made by the Authority or by an Adjudicating Officer may file an appeal before the Appellate Tribunal within a period of sixty days. In accordance with Rule 9 of Maharashtra Real Estate (Regulation and Development) (Recovery of Interest, Penalty, Compensation, Fine Payable, Forms of Complaints and Appeal, etc.) Rules, 2017 the fees payable for every appeal filed is Rs. 5000/-

33. Is there any time limit prescribed for the promoter for formation of society or any other legal entity of home buyers?

Ans: Promoter has to enable formation of Legal Entity like Cooperative Society, Company, Association, Federation etc. within three months from the date on which fifty-one per cent of the total number of purchasers or receipt of OC, in such a building or a wing, have booked their apartment as per section 11(4)(e) of the Act.

34. Is there a time limit prescribed for the promoter to execute conveyance in favor of the association of buyers?

Ans: Promoter shall execute a registered conveyance deed in favor of the allottee or association of allottees within three months from date of issue of occupancy certificate as per section 17(1) of the Act.

III. FAQs from Promoter's perspective:

35. How does the Act impact joint promoters or Joint Venture Agreements or cases of joint development with land owner on revenue share basis or area share basis, where landlord and promoter are two different parties but both are beneficiaries of sale of project?

Ans: The Act makes both the promoters and the landlord or any such parties which are beneficiary of sale in a project and receive payments from allottees as Promoter (Landlord) or Promoter (Revenue Share) or Promoter (Area Share) and hence liable to adhere to the provisions of the Act, and rules and regulations made there under and give a Declaration in Form B

36. How does the promoter make an application for registration?

Ans: MahaRERA has launched online application for registration from 1st May 2017. All promoters shall make their applications online through this IT solution, filling the details in the requisite forms, uploading the required documents and paying the necessary fees.

37. Is it compulsory for the promoter to register the project immediately after he gets sanctioned approvals?

Ans: Promoter has to register the project before he starts any form of advertising,

marketing, booking, selling, offer for selling or inviting people to purchase plots, apartment or buildings.

38. Can promoter change the completion date for ongoing projects while registering?

Ans: Yes, while registering a project, promoter needs to give the date of completion of the project which could be a revised and should be in accordance with completion

39. If an ongoing project is registered under MahaRERA, then will the Act be applicable for the entire project or will it be applicable only to units sold after registration?

Ans: Registration is of the project/phase and hence the provisions of the Act are applicable to all units of the project/phase.

40. Can an allottee who has executed an agreement with the promoter prior to the on-going project getting registered with the Authority, be a complainant before MahaRERA?

Ans: The Act empowers any aggrieved person to file a complaint with respect to a registered real estate project. This will include an allottee who has an agreement executed before the project is registered with MahaRERA. However, MahaRERA will have authority to adjudicate for violations and contravention of provisions of the Real Estate (Regulation and Development) Act, 2016 or the rules and regulations made thereunder on merits.

41. Can the promoter change the plans of subsequent phases after registration of the 1st phase?

Ans: The Act puts an obligation on a promoter to obtain 2/3 consent of allottee, if he wants to change the building plans for the phase that is registered. If a subsequent phase has not been registered, the promoter can change the plans of the subsequent phases without obtaining consent of the allottees from current / ongoing phases. However, if the subsequent phases are also registered, consent of 2/3 allottees, of the concerned phases would be needed as mentioned in section 14 of the Act. In this regard the promoter has to apply in the correction module as per the procedure.

42. If the promoter needs to change the plans of an on-going project post registration, will he need the consent of the pre-registration purchasers?

Ans: MahaRERA protects the interest of all the allottees; including those who have executed an agreement before the project is registered. Hence, if the promoter wants to change the plans post registration, then 2/3 consent of the allottees as per section 14 of the Act shall be required.

43. The promoter can hand over the common amenities only after completing subsequent phases. What should he commit to the customer for the registered phase?

Ans: A promoter should meticulously plan the buildings of the registered phase & common areas and then declare the individual date of handing over possession of the building & common areas. Each phase along with the development works shall have to be completed and handed over to the allottee within the time frame defined by the promoter, during registration,

for that phase of the project.

44. Is insurance for the project compulsory? What are the provisions regarding Insurance?

Ans: Promoter has to obtain all such insurance as notified by the State Government. So, insurance will be compulsory only after the Notification is issued by the State Government. The Act says that the State Government can prescribe various types of insurance including but not limited to

- a) Title of the land and building as a part of the real estate project; and
- b) Construction of the real estate project.

The promoter is liable to pay the insurance premium before transferring the same to the allottee / association of allottees. The documents related to insurance will have to be handed over to the association of allottees when the same is formed.

45. Can project finance taken by promoters from financial institutions be withdrawn from designated 70% accounts?

Ans: Yes, if this is declared at the time of registration and subject to provisions of section 4 of the Act and the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017 made there under. However, the money withdrawn should be to cover the cost of the project, in proportion to the percentage of completion of the project

46. In case of joint development with land owners on a revenue share basis or area share basis, whether the land owner's component could be withdrawn from the designated account of 70%?

Ans: The Act makes both the developers and the land owner or any such parties who are beneficiary in the sale proceeds in a project and *receive* payments from allottees, as ~~Co-~~ Promoter, (Landowners), Promoter (Revenue Share) and hence liable to adhere to the provisions of the Act and the rules and regulations made there under. The withdrawal of money would be subject to provisions of Section 4 of the Act and the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017 made there under as well as in accordance to Circular No. 06/2017 dated 04.07.2017.

47. Whether money collected from allottees towards stamp duty, registration, share money for society, deposits for maintenance, corpus funds, infrastructure charges, parking charges etc., are required to be deposited in the designated bank account (70 %)?

Ans: Yes, since these are part of the project cost.

48. When does the promoter need to form society, association etc.?

Ans: The promoter has to ensure that an association of allottees is formed within three months of 51% of allottees having booked their respective apartment in the project.

49. If due to a change in government policy, the promoter is entitled to additional FSI etc., can the promoter build additional floors in a registered ongoing project where initially those floors were not planned?

Ans: Yes, but 2/3 consent of allottees would be needed as mentioned in section 14 of the Act.

50. Whether MahaRERA recognizes Maharashtra Ownership Flats Act and Apartment Ownership Act?

Ans: Yes, the said Acts have not been repealed. However, in case of inconsistent provisions, the provisions of the Central Act shall prevail.

51. There is a provision for deemed registration of a real estate project in case the Regulatory Authority does not respond to the application. How will the promoter receive ID & password?

Ans: In accordance with the Act, MahaRERA shall within a period of seven days of the deemed registration, provide registration number, login Id the password.

52. How will the Act, Rules and Regulations affect advertisement of projects with many phases?

Ans: A promoter would be allowed to advertise, market, book, sell or offer to sell or invite persons to purchase plot, apartment or building in a phase of a real estate project, only if the said phase is registered.

53. What if part OC is received for the project: is it exempt from registration?

Ans: The phase for which the part OC is received does not require registration. The phase for which the construction is on-going and part OC is not obtained requires registration.

54. Registration: Are various certificates (Architect, Engineer, and CA) required at the time of registration?

Ans: Please refer to the Forms 1, 2 and 3 notified under the Maharashtra Real Estate Regulatory Authority (General) Regulations 2017. Forms 1 and 2 have to be submitted at the time of registration of an ongoing project and at the time of withdrawal of money from a designated amount. Form 3 has to be submitted at the time of registration of the project and for withdrawal money from designated accounts.

55. Does the developer need to submit the certificates to Banker or retain them?

Ans: Yes, the certificates have to be submitted to the concerned bank and copies thereof has to be also submitted online to MahaRERA as per Circular 39/2021

56. Separate Bank Account: can escrow account opened with the Bank from whom loans are availed, be treated as Separate Bank Account for a MahaRERA registered project.

Ans: No. A separate bank account needs to be opened in accordance with the provisions of the Act and the rules made there under and it should not be the escrow account connected with the loan amount.

57. Can separate accounts be more than one since at times there might be multiple lenders in the same project (building wise lender) though developers might register the project at one go.

Ans: No. There should be one separate designated bank account for every registered project or registered phase of a project.

58. Sometimes the buyer is ready and gives undertaking that he is ok to give money beyond 10% however does not want to register. Should it be allowed?

Ans: No. Section 13(1) of the Act prohibits the promoter from taking more than 10% of the cost of apartment without entering into a written agreement for sale, duly registered.

59. Referral bookings: Existing customers referring to others for buying the flat in the same project or another project of the same developer: will they be treated as Real Estate Agent?

Ans: Yes, if such referral is for a consideration. A real estate agent is clearly defined in section 2(zm) of the Act

60. For foreign brokers registration and advertisement outside India, will the same rule apply as in India?

Ans: Yes, if it pertains to a registered project under MahaRERA.

61. In case of customers default: can developers be selective in canceling units?

Ans: No. Developer should normally not be selective in canceling units in the event of customer's default. .

IV. FAQs from Real Estate Agent's Perspective

62. Who needs to apply for registration for broking business in real estate?

Ans: Every real estate agent who intends to facilitate the sale or purchase of or act on behalf of any person to facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a registered real estate project being sold by the promoter in any planning area in Maharashtra, shall have to apply for registration to Maharashtra Real Estate Regulatory Authority (MahaRERA).

63. What is the procedure to obtain registration to operate as real estate agents? What are the documents required to get a real estate agent's license?

Ans: It will be through an easy online process. The procedure is explained in Rule 11 of Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017.

64. What is the fee for registration? What is the duration?

Ans: The fees payable is in accordance with Rule 11(3) of the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017. The registration is valid for a period of five years

65. Will marketing and sales staff of builder/ promoter/ developer also need to take registration as an agent?

Ans: A real estate agent is clearly defined in Section 2(zm) of the Act.

66. Will the registration of MahaRERA be operated in other states?

Ans: No. The registration is valid only for Maharashtra region.

67. Is this registration transferable to another agent or to other state where agents intend to shift his office?

Ans: No

68. Even if real estate agent has not taken any commission from client and taken it from promoter, can the agent still be responsible and liable for builder's default?

Ans: The agent's liability is in accordance with Section 10 of the Act. He is not held liable for promoter's default.

69. If real estate agent is not listed with promoter's registration at MahaRERA website, still can he sell in this project?

Ans: No. If the promoter has not included the name of real estate agent at the time of registration of his project, then such a real estate agent cannot sell in this project, however it is open for the promoters to include the name subsequently and accordingly up date at MahaRERA website. The real estate agent can operate in the project only thereafter.

70. Will MahaRERA protect agents for their commissions not paid by builder or by parties to the deal?

Ans: No, these will be guided by the agreements / deals that real estate agents have entered into/ agreed with the concerned promoters or allottees.

71. Will agent be responsible till the delivery of flats / real estate unit done or is he responsible only till the documents are registered?

Ans: The responsibility of the real estate agent will be in accordance with Section 10 of the Act.

72. What will be the penalties and fines?

Ans: Penalties for non-registration and contravention of provisions of section 9 and 10 of the Act are as stated in Section 62 of the Act.

73. What if promoter gives false information or documents to real estate agent and agent acts upon such information, will he be liable?

Ans: Under Section 12 of the Act, it is the obligation of the promoter regarding the veracity of advertisement and prospectus. The agent is liable if he makes a false or misleading representation concerning the services that he intends to offer.

74. Will digital media listings by builders / agents need to get approved from MahaRERA?

Ans: No. However, the digital media listings should mention MahaRERA registration number.

75. Will real estate agents putting advertisement on builders' behalf need to get approved his print / radio/ TV/ other media promotions content?

Ans: No, however no advertisement should be put out for a project unless the concerned promoter has registered the project with MahaRERA. The agent should be a registered agent with MahaRERA and he should be named by the promoter to act on his behalf as an agent at the time of registration of the project or subsequently under project update, however such agent should not advertise for services that are not intended to be offered.

76. If registration is not given within 30 days, will it be deemed registration?

Ans: Yes, if the Authority fails to issue any communication about deficiencies in the application within 30 days of the receipt of the application for registration.

77. Does an entity "Other than an Individual", who has applied and paid registration fees, need to apply separately for its staff?

Ans: No, as long as the staff operate under the aegis of the said entity; but all bonafide liabilities and responsibility shall be that of the principal agent.

78. Will a multi-state operator of real estate agency business need to apply in all states of India?

Ans: Yes. For working as a Real Estate Agent in Maharashtra, registration will be given by MahaRERA only.

79. Is Agent authorized to sign on behalf of his promoter / builder?

Ans: No

80. What are the non-negotiable clauses as per Order No 38/2022.

Ans: As per Order No 38/2022 dated 13/12/2022, the following clauses have been listed as the non-negotiable clauses which are mandated as per the provision of the Act, the Rules and the Regulation

- a) Force majeure clause should be in accordance with the explanation give under **Section 6** of the Act
- b) Time period for the formation of association of allottees should be in compliance with the proviso of **Section 11(4) (e)** of the Act read with **Rule 9 (1)** of the Rules i.e., in absence of local law, within three months of the majority of the allottees.
- c) Time period for execution of registered conveyance deed with the association of should be as per the mandate of **Section 17** of the Act read with **Rule 9 (2)** of the Rules i.e., within three months from Occupation Certificate.
- d) The Defect liability period should be as per **section 14(3)** i.e., within **five years** from the date of handing over possession.

Additionally,

- e) The carpet variation which restricts the carpet variation cap of **three percent** and 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. Similarly, 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.
- f) On the Allottee committing **three** defaults of payment of installments, the Promoter at his own discretion may terminate the agreement, provided that the promoter has given a fifteen-day notice in writing to the Allottee?

FAQ HELPDESK

Technical: Registration:

1. What is the procedure for project registration?

Ans: For project registration first go to MahaRERA website and click on “online application”, an initial login screen will appear. If you are an existing user then please login with your username and password, for new user click on “New Registration” for further process please follow the steps given in the user manual. The User Manual is available on MahaRERA website. <https://maharera.mahaonline.gov.in>. [online application>>guidelines]

2. What documents are mandatory for RERA project registration?

Ans: The mandatory document list is available in user manual. [online application>>guidelines]
The mandatory documents are as follows:

- Legal Title Report

- Encumbrance Certificate
- Copy of Layout Approval
- Building Plan Approval
- Valid Commencement Certificate
- Declaration of Commencement Certificate – (Circular No. 32/2021, dated 07.06.2021)
- Form3 (CA)
- Form B (Self Declaration)
- CERSAI Details – (Order No. 26/2021, dated 29.10.2021)
- Performa of Allotment letter and Agreement of Sale
- Disclosure of Sold / Booked Inventory – (Circular No. 29/2021, dated 29.04.2021)
- Disclosures of Interest (DIN)
- Deviation sheets for Agreement for sale and Allotment letter.

3. What is the fee structure for Project Registration?

Ans: Currently the project registration fee is Rs. 10/- per sq. meter of the land proposed to be developed subject to minimum of Rs. 10000/- and a maximum of Rs. 10 Lakhs whichever is higher, (Without GST). In addition to this as mentioned in the Order Number 15/2017, dated 17.04.2017 project registration service charges are applicable. Current service charges are Rs. 750/- + GST.

The details fee structure is mentioned in the rule 3 (5) which can be <https://maharera.mahaonline.gov.in>. [Downloads>>Maharashtra>>Rules, GRs, Circulars]

4. What is the procedure for agent registration?

Ans: For agent registration first go to MahaRERA website and click on “online application”, an initial login screen will appear. If you are an existing user then please login with your username and password, for new user click on “New Registration” the further process please follow the steps given in the user manual. The detail agent registration process is incorporated in user manual of MahaRERA. The User Manual is available on MahaRERA website. <https://maharera.mahaonline.gov.in>. [online application>>guidelines]

5. Is HUF PAN Card allowed for individual agent registration?

Ans: No, it is not allowed for individual agent registration.

6. What ~~are the~~ documents are mandatory for RERA agent registration?

Ans: The mandatory documents are as follows for ‘individual’ / ‘other than individual’

- PAN Card
- Self-Certified Letter Head with Rubber Stamp
- Acknowledgment receipt to be used by the Agent
- ITR Document - Last Three Years or Self Declaration
- Declaration of Criminal Proceeding
- Notified Address Proof

The mandatory document list is available in user manual. [online application>>guidelines]

7. What is the fee for agent registration?

Ans: Currently for 'individual' category, agent registration fee is Rs. 10,000/- and for 'other than individual' category, agent registration fee is Rs. 1,00,000/- (Without GST). In addition to this as mentioned in Order Number 15/2017 dated 17.04.2017 for agent registration service charges are applicable. Current service charges are Rs. 500/- + GST.

The details fee structure mentioned in the rule 11(3) which can be read <https://maharera.mahaonline.gov.in>. [Downloads>>Maharashtra>>Rules, GRs, Circulars]

9. Is registration allowed on the basis of IOD?

Ans: No, IOD is not considered, for the project registration, valid Commencement Certificate. (CC) from competent authority is considered for the project registration along with other documents.

10. Please explain the process for resubmission of the application for registration?

Ans: For resubmission of the application, promoter has click on the payment tab option and at the end of the page they will see "resubmit" option for resubmission.

11. For agent registration is Self-Declaration allowed in place for non-filing of ITR?

Ans: No, only if an agent has recently established his business and no ITR is filed till the date of application than self-declaration is permitted.

12. For agent registration is address proof required?

Ans: Yes. For agent registration please refer Circular Number 35/2021 dated 06.07.2021 for notified address proof details.

13. Is there any provision for cancellation agent registration?

Ans: No, there is no provision for cancellation of agent registration. Only on expiry of the period of registration the agent registration shall be deemed to be expired if not extended.

14. Clarification regarding parking area?

Ans: Please refer Circular Number 36/2021 dated 30.07.2021. This circular is uploaded on MahaRERA website. To view the circular please visit Download Section. [Download>>Maharashtra>>orders and circulars of MahaRERA]

Correction:

15. What the process for project correction?

Ans: Login to your account and click on project details, then select the tab 'Application for change' The detailed project correction process is incorporated in user manual of MahaRERA. The User Manual is available on MahaRERA website. <https://maharera.mahaonline.gov.in>. [online application>>guidelines]

16. In correction application please guide what are the fields that can be corrected as typographical errors and what are the fields that required approval of the authority for correction?

Ans: For correction fields please refer Annexure 'A' of Circular Number 8/2017 dated 17.07.2017.

17. In agent application what are the fields are allowed for correction?

Ans: For correction fields please refer Annexure 'B' of Circular Number 8/2017 dated 17.07.2017.

18. In correction module, to change of project name is allowed or not? If not the how to change the project name?

Ans: Yes. For correction fields please refer Annexure 'A' of Circular Number 8/2017 dated 17.07.2017.

19. In Correction module, to change of CTS/Survey Number is allowed in place or not? If not how to change CTS/ Survey Number?

Ans: Yes. For correction fields please refer Annexure 'A' Circular Number 8/2017 dated 17.07.2017.

21. How to change built-up area and FSI value?

Ans: The change details are mentioned in Annexure 'A' of Circular Number 8/2017 dated 17.07.2017

22. In correction application to change in building count is possible? if yes what is the procedure?

Ans: Yes. Promoter may change the building count as per Annexure 'A' of Circular Number 8/2017 dated 17.07.2017.

23. In correction application individual to other than individual (Organization) is allowed or not?

Ans: For the above change, please refer Circular Number 24/2019 dated 04.06.2019 and Circular Number 24A/2021 dated 23.07.2021, procedure for transferring or assigning promoters rights and liabilities to a third party under section 15 of the Act.

Extension:

24. What is the procedure for project extension?

Ans: First go to MahaRERA website and click on "online application", an initial login screen will appear, please login with your username and password, click on project extension tab, select the project for which extension is requested. The detail project extension process is incorporated in user manual of MahaRERA. The User Manual is available on MahaRERA website. <https://maharera.mahaonline.gov.in>. [online application>>guidelines]

25. Proposed date of completion is part of extension or correction?

Ans: Proposed date of completion is part of extension.

26. Is there any time period prescribed for extension?

Ans: The extension is approved by the Authority under Section 6 & Section 7(3) of the Act. For Section

6 extension period is as decided by the Authority which shall in aggregate not exceed a period of one year. For Section 7(3), Authority will decide on case-to-case basis.

27. For extension application how to attach consent of allottees when there is zero booking?

Ans: For zero booking a self-certified declaration is to be given and the same shall reflect in the sold-unsold inventory in the main application. For more details, refer to Circular Number 28/2021 dated 08.03.2021 as per Table C of Form 3 should match.

Updation:

28. In application what fields are allowed for updation?

Ans: For updation, the details are mentioned in the Circular Number 08/2017 dated 17.07.2017.

29. Is there any project updation fees?

Ans: Yes. The details are mentioned in the Order Number 15/2017 dated 17.04.2021.

Additional Information:

30. Documents upload not possible in application?

Ans: Please verify that the size of the document is below 1 MB and there should not be any special characters while naming the document. (., @. #, - etc.). Kindly ensure that the document is in PDF format only.

31. How to check status of application?

Ans: The users may verify the status of the application in his login on Promoter's Dashboard. The dashboard will reveal the status of the application i.e. at which desk level the same is pending or whether the application is referred back for more information required from promoters' end.

32. How to search registered project details on MahaRERA site?

Ans: Visit MahaRERA website, click on registration and registered projects. Search by project name or promoter name or MahaRERA project/ agent registration number. You can also search by clicking on advanced search by selecting state, district, proposed date of completion, project type and while entering the pin code.

33. Is there any criteria for SRO Membership?

Ans: SRO membership is mandatory for project to be registered with MahaRERA; the project should have valid approval / commencement certificate. The details in this regard are mentioned in Order Number 10/2019 dated 11.10.2019.

34. If project is commenced without registration can promoter now register the same project?

Ans: A promoter can register the project even if the said project is commenced without registration.

35. Is litigation information in project registration form is to be provided?

Ans: If there are litigations against a particular project then promoter should select "Yes" and provide necessary information.

36. Is past experience information required to be filled at the time of registration?

Ans: If the promoter has past experience, he can update the same in the past experience section of project registration module.

Lapsed Projects:

37. What is the procedure to remove the name from lapsed project list?

Ans: Please refer Order Number 24/2021 dated 21.09.2021. This Order is uploaded on MahaRERA website. To view the Order please visit Download Section. [Download>>Maharashtra>>orders and circulars of MahaRERA]

38. Document uploaded but still name is not removed from the lapsed project list?

Ans: Once the documents are uploaded then it will be reviewed by the technical department of MahaRERA and subsequently necessary actions will be taken after approval is accorded by of the Authority.

39. For Zero Booking what is the procedure to remove the name from lapsed project list?

Ans: Please refer Order Number 24/2021 dated 21.09.2021. This Order is uploaded on MahaRERA website. To view the Order please visit Download Section. [Download>>Maharashtra>>Orders and Circulars of MahaRERA]

40. How to confirm the project number (PXXXXX) is appearing in the lapsed project list or not?

Ans: Please refer MahaRERA website <https://maharera.mahaonline.gov.in>. To view the list of lapsed projects, visit Registration tab. [Registration>>Lapsed Projects].

Finance:

Payment Query:

41. Is payment mandatory for registration, correction, extension, updation?

Ans: Yes, it is mandatory.

42. Payment made but registration process not completed?

Ans: Once the payment is made then registration application will be scrutinized ~~reviewed~~ by the concerned departments of MahaRERA and subsequently if there are any requisitions to be complied, such requisition shall be called for, on requisitions being complied necessary actions will be taken and upon approval registration number shall be granted.

43. After payment within how many days I will get RERA certificate?

Ans: Once the payment is made then application will be scrutinized by the concerned departments of MahaRERA and subsequently if there are any requisitions to be complied, such requisition shall be called for, on requisitions being complied necessary actions will be taken and upon necessary compliance by promoter the registration number shall be granted.

44. Transaction failed while making payment?

Ans: Please reconfirm your internet connectivity speed and try again, if issue still persist then email to maharera.paymentquery@mahaonline.gov.in.

45. Provide information about various modes of payments?

Ans: There are two modes of payment. 1. Online Banking Payment. 2. Challan Payment.

Refund:

46. What is the process for withdrawal and refund?

Ans: Project registration application if “in-process” then withdrawal is allowed and subsequently the applicant is eligible for refund. In the dropdown menu, for withdrawal click on “Application Withdraw” under project details tab, OTP will be forwarded by system to registered mobile number. The same shall be incorporated in the form along with the account details in which refund has to be received and the reason for withdrawal need to be given by the promoter. Once the application is withdrawn the refund shall be processed on approval by finance department of MahaRERA.

47. In how many days refund is processed after withdrawal of application?

Ans: There are no specific days, Once the withdrawal of application process is completed by promoter ~~is made~~ then application will be reviewed by the departments of MahaRERA and subsequently necessary actions will be taken.

48. Which application is refundable?

Ans: Project Registration application if “in-process” then withdrawal is allowed and subsequently such application is eligible for refund.

Legal:

Complaint Status:

49. Eligibility of complaints or is my complaint is valid?

Ans: Once the complaint is filed, the registry wing of MahaRERA will decide on the correctness of the complaint. Eg. Whether complaint is filed as per Form “A” or Form “B” more specifically referred to in rule 6 & 7 respectively which can be read at <https://maharera.mahaonline.gov.in>, [Download>>Maharashtra>>Rules, GRs, Circulars of MahaRERA] as well as documents uploaded are clear and readable. Thereafter complaints are listed for hearing as per seniority and decided on the merits of the case.

50. Complaint process at MahaRERA?

Ans: To file a valid complaint at MahaRERA first go to MahaRERA website and click on “online application”, an initial login screen will appear. If you are an existing user then please login with your username and password, for new user click on “Complaint” insert necessary details for profile creation ~~create a profile of complainant~~ and fill necessary details of all the parties to be mentioned in the complaint. However, the complaint filing process is clearly mentioned in the SOP for handling complaints. The SOP is available at MahaRERA Website. To check the SOP please refer Circular Number 18/2018 dated 17.07.2018 and subsequent amendments vide Order Number 23/2021 dated 08.09.2021. [Download>>Maharashtra>>orders and circulars of MahaRERA]

51. Citizen wants to know complaint status and next hearing date?

Ans: For complaint status and next hearing date, helpdesk needs to verify the complaint search. If date is not assigned, then citizen is requested to write a mail to legal department.

52. Which bench is assigned for individual complaint?

Ans: For complaint bench assignment, helpdesk needs to verify the complaint search. At present helpdesk will come to know from user Id to which bench the complaint is assigned.

53. What is the process of referred conciliation?

Ans: During the first hearing MahaRERA Authority will ask the parties to get their matter settled via conciliation process. Then if both the parties agree the matter is transferred to conciliation bench. To know the process of referred conciliation, kindly refer Circular Number 30/2021 dated 18.05.2021. [Download>>Maharashtra>>orders and circulars of MahaRERA]

54. How to check referred conciliation complaint status?

Ans: To check referred conciliation complaint status please email to helpdesk@maharera.mahaonline.gov.in

55. What type of complaints can be filled before MahaRERA and what are the fees payable?

Ans: Complaints related to a registered MahaRERA projects can be filled for violations of the provisions of the Act, the Rules and Regulations made thereunder such as violations of section 7, 12, 13,14 & 18 etc.

At present fees prescribed for individual complaint is Rs.5000+ applicable charges. The fee's structure is mentioned in Rule 6, and 7 of the Maharashtra Real Estate (Regulation and Development) (Recovery of Interest, Penalty, Compensation, Fine Payable, Form of Complaints and Appeal, etc.) Rules, 2017.

55(A). Who can file a complaint before MahaRERA?

Ans: Complaints can be filled by any aggrieved person as more specifically referred to in section 31 of the Act.

56. What is the meaning of source complaint and the fee structure?

Ans: The source complaint is a complaint filed against the promoter who advertises, markets, sells, or offers for sales or purchase any plot, apartment or building without registering his project with

MahaRERA.

The fee structure for filing such complaints is mentioned in MahaRERA Circular Number 23/2018 dated 26.11.2018.

Additional Information:

57. Video conference link not received?

Ans: Generally, one day prior to the date of hearing video link will be received. The link will be sent to registered email id.

58. During hearing session got disconnected queries for reconnection?

Ans: Please reconfirm your internet speed and try to reconnect the same link received on your registered email id.

59. How to change hearing date – (prepone / postpone)?

Ans: In MahaRERA, complainant / respondent is not allowed to change the hearing dates.

60. How to get certified copy?

Ans: To get certified copy user needs to login to his account and apply for the same. [Complainants / Respondent login >>status >>Apply for final order hard copy.] subsequently, once process at MahaRERA is completed, a mail will be forwarded to the registered email id for collection of certified copies from MahaRERA office.

61. Please define what is non-execution process and fees?

Ans: Non-execution process is a process that is available to a complainant after expiry of a period of 60 days from the date of passing of final order in the complaint as filed. There is no fees that is charged for this non-execution process.

Change of Promoters:

62. Change of promoter procedure?

Ans: The procedure is given under section 15 of the Act.

Please refer Circular Number 24/2019 dated 04.06.2019 and Circular Number 24A/2021 dated 23.07.2017. These Circulars are uploaded on MahaRERA website. To view the Circulars please visit Download Section. [Download>>Maharashtra>>orders and circulars of MahaRERA]

63. What is the status of the change promoter application?

Ans: Once the documents are submitted and are in order, the legal department of MahaRERA will process the application for further action and same will be informed to promoter by email.

Roznama & Orders

64. After hearing not able to view the Roznama?

Ans: To get the details about the Roznama please write a mail to MahaRERA help desk. The helpdesk email id is [helpdesk@maharera.mahaonline.gov.in]

65. Does roznama includes next hearing date?

Ans: Yes, the Roznama will includes the next hearing date.

66. Are interim orders uploaded?

Ans: Yes. If an interim order is granted, then the same is uploaded and available in the public view

67. Final order not uploaded? Not able to view the order on the website?

Ans: To get the details about the final order please write a mail to MahaRERA help desk. The helpdesk email id is [helpdesk@maharera.mahaonline.gov.in]

Information Technology (IT):

68. How to create login ID and password for RERA?

Ans: First go to MahaRERA website and click on “online application”, an initial login screen will appear. If you are an existing user then please login with your username and password, for new user click on “New Registration” the further process please follow the steps given in the user manual
The User Manual is available on MahaRERA website. <https://maharera.mahaonline.gov.in>. [online application>>guidelines]

69. How to change registered email id and mobile number

Ans: The process to change email ID and mobile number for MahaRERA is incorporated in user manual of MahaRERA. The User Manual is available on MahaRERA website. <https://maharera.mahaonline.gov.in>. [online application>>guidelines]

70. Not able to upload layout plans and building approval plan in the upload section.

Ans: Please verify that the size of the document is below 1 MB and special characters are absent while naming the document such (., @. #, - etc.). Kindly ensure that the document is in PDF format only.

Others:

71. Where is MahaRERA Office and share the officers contact numbers?

Ans: MahaRERA office address and its officers contact details are displayed on the website in <https://maharera.mahaonline.gov.in>. [About us >> Contact section].

72. Clarification regarding parking area.

Ans: Please refer Circular number 36/2021 dated 30.07.2021. This circular is uploaded on MahaRERA website. To view the Circular please visit Download Section. [Download>>Maharashtra>>orders and circulars of MahaRERA]

73. What projects are exempted from Registration?

Real estate Projects that are exempted from MahaRERA Registration as per section 3(2) of the act are.

1. Real Estate Projects where the area of land proposed to be developed is less than or equal to five hundred square meters.
2. Real Estate Projects where number of apartments proposed to be developed is less than or equal to eight apartments.
3. Real Estate Projects where Promoter has received Completion certificate / Occupancy certificate /

N/A (in case of plotted development from Competent Authority. any time before Agreement for Sale / Sale Deed Registration.
The same can be referred in Circular no 25/2019 of MahaRERA.

Additional FAQs wrt to IT Application

1. Is there a file size limit and specific format for documents to be uploaded in the application?

Ans: Yes. The file size limit is 1MB per file and only PDF files can be uploaded the application.

2. Where can I get template for “Declaration in Form B”?

Ans: The template for Form B is available at Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017 uploaded on the MahaRERA website <https://maharera.mahaonline.gov.in> . **The Declaration in Form B should be an Affidavit on Rs. 100/- Stamp paper and duly notarized.**

3. Where can I get templates for Certificates (Form 1, Form 2, Form 3, Form 4 and Form 5)?

Ans: All of the aforementioned templates for Certificates are available in Maharashtra Real Estate Regulatory Authority (General) Regulations 2017. Copy of this Regulation can be downloaded from MahaRERA website <https://maharera.mahaonline.gov.in>

4. In online Registration Form for projects, is it mandatory to upload details of Encumbrances Certificate. However, my project has no encumbrances so what do I upload?

Ans: If your project has no encumbrances, then you can upload a self-certification on promoter's letter head stating that your project has no encumbrances.

5. In online Registration Form, we have been asked to upload copy of PAN card. Whose PAN Card should we upload?

Ans: In case of promoter being an 'Individual', you are requested to upload the individual's PAN Card. In case of 'Organization' (Other than Individual), you are requested to upload copy of Organizations' PAN Card.

6. Does the Act, exclude rental projects, lease and leave & license deals. Does this mean that Long-term leasehold is also excluded from ambit of Act?

Ans: No. The wording in Section 2(d) "has been sold (whether as free hold or lease hold) or otherwise transferred by the promoter" indicates that a plot, apartment or building allotted on lease hold falls within the ambit of the Act

7. In online Registration Form for Real Estate Agents, is it mandatory to upload Income Tax returns of last 3 years. However, I have just started my organization and do not have Income Tax returns for 3 years so what do I upload?

Ans: In case you have not filed Income Tax returns in last three years, then you can upload a self-certification stating that Income Tax return is not available, along with reason for the same.

8. I want to register an Ongoing Project comprising of one tower, wherein I have received Part OC for the building. I want to register only those floors for which OC has not been received as an ongoing project. In this case, what do I enter as land area for these floors?

Ans: The land area on which the complete project is being developed shall comprise as land area for this project

Additional FAQ 2

Q. 1: (A) From a buyer's perspective, what is acceptable evidence of sanction under RERA? (a) IOD, or (b) Commencement Certificate (CC) up to plinth or, (c) CC endorsed for the floor on which buyer wants to book the apartment?

Ans: In any MahaRERA registered real estate project, in respect of the apartment to be purchased, Commencement Certificate IOD/Building Plan Approval of the building where the apartment is located, is necessary. This is referred to as Annexure D in the Model Form of Agreement for Sale.

(B) Will sale of TDR amounts, form part of sales realization, and thus required to be deposited in the separate account for utilization towards construction cost of the project?

Ans: Separate account is meant for amounts collected from allottees only.

Q. 2: (1) What if it's SRA Project, where the allottees complain regarding the demands put forward by them, not fulfilled by promoter? Can promoter complain about customers asking for extra area?

Ans: Complaints to MahaRERA have to be against registered projects, with respect to violations/contraventions of provisions of the Act, the Rules or Regulations made thereunder.

(2) Can change in layout plan be made when DCR 2034 comes in effect after getting prior approval of previous plan?

Ans: Such changes would require 2/3rd consent of allottees as per section 14(2) of the Act.

Q. 3: (1) 10% booking amount will have to be paid after registration of project with RERA?

Ans: There is no such provision.

(2) Can RERA upload allottee persons' details on website like name, telephone number?

Ans: There is no such provision.

Q. 4: How to know the FSI allotted on the registered project?

Ans: It can be seen in the details of the registered project on MahaRERA website.

Q. 5: Our builder (1) selected about 4 yrs. back is adopting delaying tactics by not submitting final BMC approved drawings for Managing Committee approval etc. so that they can be submitted to BMC for approval. (2) Developer is disregarding terms of D.A. and supplemental D.A. is just dragging the project period. (3) He wants possession of society building without completing contractual obligation. Will 'RERA' help us in any manner?

Ans: Complaints to MahaRERA have to be filed against registered projects, with respect to violations/contraventions of the provisions of the Act, the Rules or Regulations made thereunder.

Q. 6: How "Existing Member's" interest is protected in re-development project?

Ans: Existing members are members of the society which is a promoter (land owner) in the redevelopment project. Complaints to MahaRERA can be filed against such registered projects, with respect to violations/contraventions of the provisions of Act, the Rules or Regulations made thereunder.

Q. 7: Newspaper reports say No Development Permission (New Construction) as BMC is not clearing garbage/debris, shortage of water supply (i.e. infrastructure & environment requirement) No FSI also will be given to redevelopment project. Will the promoters be held responsible for such delays in ongoing projects? If policy changes by govt. or by High Court verdict, the project will be delayed. Who will be responsible?

Ans: Affected promoters may bring such issues up before MahaRERA. MahaRERA will take action in accordance with the provisions of the Act, the Rules or the Regulations made thereunder in consultation with concerned stakeholders.

Q. 8: (1) If project is mortgaged by developer but it is not disclosed on website what is the solution?

Ans: Complaint can be filed by interested person for incorrect disclosure and violation of section 4 of the Act.

Q.9: Our builder has abandoned the project (redevelopment project). Will this project come under MAHARERA?

Ans: Every on-going project has to be registered with MahaRERA before 30th July 2017. If the said redevelopment project does not have layout/building plan approval and if no booking of sale flats have taken place, the project will not be called an ongoing project.

Q.10: (1) In ongoing project the agreement with purchaser after 1st May 2017 is to be

prepared as per MOFA OR RERA OR BOTH? (2) If the buyer has already paid stamp duty before 1.5.2017 and executed agreement then under which Act is the agreement with buyer?

Ans: Agreement entered prior to 1st May 2017 will be as per MoFA. All agreements post 1st May, 2017 have to be in accordance with the model form of agreement of MahaRERA.

Q.11: If O.C. / B.C.C. are issued in May/June/July 2017, does project have to be registered?

Ans: On-going projects had been given have time till 30th July 2017 to register. If before doing registration, the project has got OC/BCC, then the project is considered as has been completed as per section 3 of the Act. Hence, it does not require registration.

Q.12: (1) If a promoter has declared FSI, common amenities etc. in the MOFA Agreement, can he reduce the same while registration of the project & if he reduces, what is the remedy to the consumer?

Ans: Violations in the terms of the MoFA agreement have to be taken up with the competent authority under MoFA. Complaints to MahaRERA have to be against registered projects, with respect to violations/contraventions of the provisions of RERA Act, the Rules or Regulations made thereunder.

Q.14: Please enlighten in case of buildings which are occupied fully for last several years but do not have O.C./BCC till date, are such buildings required to be registered under RERA?

Ans: An on-going project is one where construction is still not complete, OC is yet to be obtained and building has not been occupied by allottees. Such on-going projects have to be registered with MahaRERA.

Buildings without OC/BCC but occupied by allottees have to approach Competent Authority under MOFA for deemed conveyance and thereafter approach planning Authority for OC.

Q.15: As per our agreement completion date is June 2015. While registering with MahaRERA, promoter gives, say Jan. 2020 completion date. MahaRERA will enforce which date June 2015 or Jan. 2020? What happens to delay since June 2015 which is the completion date as per agreement. How can buyer get compensation w.e.f. June, 2015?

Ans: Section 18 of the Act will apply.

Q.16: (1) In JV project wherein land owners share of revenue is say 40% & developers as 60%, the 70:30 maintainable will also be applicable for land owners share? (2) What if the developer has already obtained a takeout funding? (3) Cost of land includes premium & TDR payable which may be misutilized by Developer.

Ans: Such land owners are Promoter (Land owners), their liabilities and responsibilities have been detailed in MahaRERA Circular No. 12/2017 dated 04.12.2017 which is available for perusal on

MahaRERA website.

Q.17: Is Title Insurance applicable?

Ans: Yes, in accordance with section 16 of the Act but only after notification by State Government.

Q.18: (1) If promoter doesn't register on the MahaRERA website how can we complaint against him? (2) By when can we expect the result after complaint against him?

Ans: Source Complaint against non-registration can be filed online at <https://maharera.mahaonline.gov.in/Site/1099/Inform-Non-Registration> on payment of prescribed fees of Rs. 5000/-

Q.19: Navi Mumbai right now has NAINA as approving authority, does this come under MahaRERA?

Ans: Yes, they are Planning Authority under MR&TP Act, and as such the provisions of the Real Estate (Regulation and Development) Act, 2016, the Rules and Regulations made thereunder shall be applicable.

Q.20: I have booked a flat in completed project with O.C., in the month of April 2017 with 20% payment. Stamp duty is also paid in April 2017. However, registration of agreement of sale is not done in light of MahaRERA. Kindly guide the consumer.

Ans: Provisions (including model form of agreement) of MahaRERA apply after 1st May 2017 to all registered projects.

Q.21: Whether part of a building can be registered as a phase development? In such a case when will the society be formed?

Ans: Phase is defined in the Rules. Society has to be formed once 51% of allottees have booked their apartment in the phase.

Q.22: Builder has not registered with RERA so far, can he sell the flats, collect the money and can he register the sale deed as per format of MOFA not as per RERA.

Ans: No, as per section 3 of the Act, no promoter can advertise, market, book, or invite persons to purchase in any manner any plot, apartment or building as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project.

Q.23: How MahaRERA is helpful in resolving redevelopment related problems for ongoing projects that have taken off before the inception of MahaRERA?

Ans: All on-going projects, except the ones exempted under section 3 of the Act, had to be

registered with MahaRERA on or before 30th July, 2017. Complaints to MahaRERA, against registered projects, can be filed with respect to violations/contraventions of the provisions of the Act, the Rules or Regulations made thereunder.

Q.24: Can information uploaded by a promoter during registration be amended / edited by the promoter under the pretext of updating it?

Ans: No. Fields which depict the progress of the project can only be updated. In this regard, MahaRERA has issued Circular No.8/2017 dated 17.07.2017 as amended by Circular No. 14/2017 dated 01.11.2017.

Q. 25. Pending projects: What if a promoter gives unreasonably extended time frame for handing over possession with OC? Who decides which project should take how much time frame for possession? Are there going to be any norm from RERA or it is left in the sole discretion of promoter?

Ans: The promoter shall disclose the original time period disclosed to the allottees, for completion of the project at the time of sale including the grace period if any as may be mentioned in the Agreement for Sale at the time period within which he undertakes to complete the pending project, which shall be commensurate with the extent of development already completed.

Q.26: (1) Whether any particular flat under any RERA registered project is sold or not, will there be any information on website about the flats already sold to avoid multiple fraudulent sale of one flat to multiple persons?

Ans:

Yes, any person can now see the details of flats/units, sold/unsold inventory on MahaRERA promoter website.

Q. 27. Conveyance: If two or more buildings form independent housing societies, how the conveyance of a single plot will be possible without subdivision of plot?

Ans: Please see rule 9 of Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017.

Q.28: A flat booked in a project. If construction not yet started or only beginning done, and 1% initial amount and stamp duty, registration fees taken and booked the flat. The project is expected to be completed in 2022. The builder may take project loan showing all flats are sold, booked and registered. The flat owner may take housing loan. But if, project not completed or abandoned after 50% how flat owner can get protection from builders, banks demand of recovery and what will be position of housing loan liability?

Ans: MahaRERA will take action in accordance with section 7 and 8 of the Act.

Q.29: I have signed a Development Agreement (D.A./P.A.) with a builder as land owner. I have no involvement/role in the project. How can I be responsible for any project issues under RERA?

Ans: Such land owners are Promoter (Land Owner), their liabilities and responsibilities have been detailed in MahaRERA Order No. 12/2017 dated 04.12.2017 read with Circular No. 13/2017 dated 04.12.2017. which are available for perusal on MahaRERA Website.

Q.30. What if the builder does not register with RERA & no one complains?

Ans: MahaRERA can initiate suo-moto action, if the same comes to the knowledge of MahaRERA.

Q.31: Open parking can't be sold as per RERA. How will they be allotted to the customer?

Ans: The legal entity of the allottees (society/association etc.) will allot.

Q.32: Agriculture land more than 4000 sq.mts. to each purchaser with road, water and clubhouse facility. Is RERA applicable? Does such project need registration?

Ans: MahaRERA registration is required for such projects on the said project being approved by the Planning Authority under MR&TP Act.

Q.33: Builder is asking me to register flat under MOFA Act after 1st May 2017. What should I do?

Ans: After 1st May 2017, Allottee should insist on signing agreement as per RERA Act.

Q.34: I am a land owner and have a JV with a developer. As per RERA, land owner is co-promoter and is equally liable. I have an area share and would be getting my share of flats to sell. I read that when I sell my share of flats, the proceeds of sale need to be deposited in an escrow account. How and under what conditions, I would be able to withdraw the money from escrow account?

Ans: In the case under reference, you are Promoter (Land Owner). The liabilities and responsibilities of Promoter (Land Owner) have been detailed in MahaRERA Order No. 12/2017 dated 04.12.2017 read with Circular No. 13/2017 dated 04.12.2017 which are available for perusal on MahaRERA website.

Q35. Is MahaRERA applicable to SRA schemes under DCR 33(10)?

Ans: Yes, only for salable component

Q36. Are existing residents of a redevelopment scheme covered under MahaRERA

provisions?

Ans: No.

Q37. Our society land is less than 500 sq.mts. but there are 16 apartments in the redevelopment project. Does MahaRERA apply?

Ans: Yes, as apartments are more than 8.

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FAQ from Book

1. Does the Act cover both residential and commercial real estate?

Ans: The Act covers both residential and commercial real estate. Section 2(e) defines apartment and section 2(j) defines 'building' which include both residential and commercial real estate

2. Does the Act cover ongoing/incomplete projects?

Ans: Yes, the Act covers ongoing/incomplete projects which states that the Central Act considers those projects as ongoing which are yet to receive a completion certificate on the date of the notification of the Act.

3. What are the next steps that can be taken from project completion in case of revocation of project?

Ans. In case of project is revoked, Section 8 provides for various mechanism in which the projects can be completed. However, in such a scenario the association of allottees shall have the first right of refusal for carrying out the remaining development works.

4. What is the obligation of the promoter as regard transfer of the project to a third party?

Ans. As per section 15 the promoter is not entitled to transfer or assign his majority rights and liability in the project to a 3rd party, without obtaining the prior written consent of 2/3rd of allottees and the Regulatory Authority.

5. Can an appeal be filed against the decision or the order of the appellate tribunal?

Ans. Any person aggrieved by the decision or order of the appellate tribunal can file an appeal with the High Court

6. What is the time period within which the appellate tribunal is required to dispose of the appeal?

Ans. Section 44 provides that the Appellate Tribunal should endeavor to dispose of the appeal as expeditiously as possible but not later than 60 days from filing the appeal. However, the same could not be disposed of during the said period the Appellate tribunal is required to record its reason for the same.

7. What is the punishment prescribed for non-compliance of the orders of the authority by the promoter?

Ans. As per section 63 the promoter fails to comply with the orders of the Authority, he shall be liable to a penalty for everyday of default which may cumulatively extend up to 5% of the

estimated cost of the real estate project.

8. What is the punishment prescribed for non-compliance of the order of the Appellate Tribunal by the promoter?

Ans. As per section 64 if the promoter fails to comply with the order of the Appellate Tribunal, he shall be liable to a penalty for every day of default, which may cumulatively extend up to 10% of the estimated cost of the real estate project off with imprisonment or a term which may extend up to 3 years or with both.

9. What is the punishment prescribed for non-compliance of the order of the Authority by the allottee?

Ans. As per section 67 the allottee fails to comply with the order of the authority he shall be liable to a penalty for every day of default which may cumulatively extend up to 5% of the cost of the plot /apartment.

10. What is the punishment prescribed for non-compliance of the order of the Appellate Tribunal by the allottee

Ans. As per section 68 if the allottee fails to comply with the order of the Appellate Tribunal, he shall be liable to a penalty for every day of default which may cumulatively extend up to 10% of the cost of the plot apartment or with imprisonment for a term which may extend up to one year or with both.

11. Does the Act cover all projects in urban areas and in rural areas?

Ans- Section 3(1) provides that all projects within a “planning area” will require to be registered with the Authority. “Planning Area” has been defined under section 2(zh).

12. What in case the application for registration of the real estate project is incomplete?

Ans – If the Application for the registration of the project is incomplete as required under the Act or the Rules and Regulations made thereunder, the Authority may grant an opportunity to the Promoter to complete the Application in all respects. However, case of non-compliance the Authority has the power to reject the Application, only after giving an opportunity to the promoter being heard.

13. What is the period of validity of registration granted to real estate project by the Regulatory Authority?

Ans – As per section 4, the validity of the registration granted to project shall be the period declared by the promoter under section 4(2)(1) (C), at the time of making the application for registration, within which he would complete the project.

Frequently Asked Questions – Project Registration – Finance Section

Q1. What are the general precautions / guidelines to be taken by the promoter with regards to submission of documents for project registration application?

A1. All the documents submitted on the webpage should be legible and all the details provided in these documents i.e., Project Name, Promoter Name, Project Address, Bank Account Details, cost details etc. as applicable should match with the details provided in the Registration Application.

Q2. What are the precautions / guidelines for submission of PAN by the promoter for project registration application?

A2. The PAN card uploaded on the webpage should be legible, the name and number on the PAN card uploaded should match with the name and number as provided in the Registration Application. Also, the entity type (i.e., Individual / other than individual) as per PAN should match with the Entity type as provided in the Registration Application.

Q3. What are the precautions / guidelines for submission of the Encumbrance Declaration with respect to Finance by the promoter for project registration application?

A3. The Encumbrance Declaration should be submitted on the Promoter's letterhead containing the Project name, full address of the project as mentioned in the project registration application. It should also contain the status of financial encumbrance of the project land/building as applicable. In case of no security interest (i.e. No Encumbrance on the project) has been created, it should be mentioned.

Q4. What are the precautions / guidelines for submission of the submission of the CERSAI report by the promoter for project registration application?

A4. The CERSAI report should be an Asset Based CERSAI report and the Search criteria entered should contain the Project name, Full project address (Land Details), PIN code of the project land etc. and these details should match with the details provided in the Registration Application. Also, with regards to the encumbrance status it should match the encumbrance status as mentioned in the Encumbrance Declaration – Finance.

Q5. What are the precautions / guidelines with regards to the submission of declaration regarding the separate bank account as per section 4(2)(l)(d) by the promoter for project registration application?

A5. The Declaration for the separate bank account should be on the Promoter's letterhead and should be as per Format 'A' as mentioned in Order No. 34 dated 27 July 2022. As per the format Promoter's name, the project name, the name of the bank in which the separate account is maintained, the bank account number, the IFSC code of the bank etc. needs to be updated. The bank account details should match with the bank account details provided in the Registration Application.

Q6. What are the basic precautions / guidelines with regards to the submission of Form 3 by the promoter / chartered accountant with respect to project registration?

A6. The form 3 should be submitted as per the format as specified under the GOM notification dated 22 December 2021 and it should be submitted on the chartered accountant's letterhead.

The estimated cost (Table A) and actual cost (Table B) details provided in the form 3 should match with the details provided in the Registration Application. The means of finance (Table F) should be more than or equal to estimated cost of the project. The CA is required to sign and certify the form 3 and provide their Membership number and UDIN.

The form should contain the Promoter name, project name as mentioned in the registration application. The form 3 should have an acceptance by the promoter acknowledging and accepting the form 3 as per the prescribed format.

Q.7 Whether same Chartered Accountant can certify the Form 3 & form 5? Further, is it mandatory for the chartered accountant certifying the Form 3 & form 5 to be a Chartered Accountant in Practice?

A7. No. Chartered Accountant certifying form 5 should be an annual auditor of the promoter's company / firm. Chartered Accountant certifying form 3 should be a different Chartered Accountant (other than annual auditor). Further, both the Chartered Accountants should be a chartered accountant in practice. The name of the Chartered Accountant signing the form 3 / form 5 should match with the name of the Chartered Accountant as provided / mentioned by the promoter in the professional details section of the registration application.

Additional Question

Q1) What projects are exempted from Registration?

Real estate Projects that are exempted from MahaRERA Registration as per section 3(2) of the act are:

1. Real Estate Projects where the area of land proposed to be developed is less than or equal to five hundred square meters.
2. Real Estate Projects where number of apartments proposed to be developed is less than or equal to eight apartments.
3. Real Estate Projects where Promoter has received Completion certificate / Occupancy certificate / N/A (in case of plotted development from Competent Authority. any time before Agreement for Sale / Sale Deed Registration.

The same can be referred in **Circular no 25/2019 of MahaRERA.**

Q2) What are the non-negotiable clauses as per Order No 38/2022.

Ans: As per Order No 38/2022 dated 13/12/2022, the following clauses have been listed as the non-negotiable clauses which are mandated as per the provision of the Act, the Rules and the Regulation

- a) Force majeure clause should be in accordance with the explanation give under **Section 6** of the Act
- b) Time period for the formation of association of allottees should be in compliance with the proviso of **Section 11(4) (e)** of the Act read with **Rule 9 (1)** of the Rules i.e., in absence of local law, within three months of the majority of the allottees.
- c) Time period for execution of registered conveyance deed with the association of should be as per the mandate of **Section 17** of the Act read with **Rule 9 (2)** of the Rules i.e., within three months from Occupation Certificate.
- d) The Defect liability period should be as per **section 14(3)** i.e., within **five years** from the date of handing over possession.

Additionally,

- e) The carpet variation which restricts the carpet variation cap of **three percent** and 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. Similarly, 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.
- f) On the Allottee committing **three** defaults of payment of installments, the Promoter at his own discretion may terminate the agreement, provided that the promoter has given a fifteen-day notice in writing to the Allottee.