



MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

महाराष्ट्र स्थावर संपदा नियामक प्राधिकरण

Order No: - 52/2024

No. MahaRERA/Secy/File No. 27/209 /2024

Date: 29.04.2024

Subject: In the matter of obtaining MahaRERA Real Estate Agent Certificate of Competency and submitting / uploading of the same.

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 on 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, the Authority under Section 37 of the Act and Regulation 38 of the Regulations is vested with the powers to issue directions to the 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.

And whereas, the Act was enacted to bring professionalism, accountability, and competency in real estate sector.

And whereas, real estate agents are an integral part of the real estate sector, who connect home buyers / allottees and promoters and as such facilitate most of the real estate transactions.

And whereas, Section 9(1) of the Act, mandates every real estate agent to be registered with MahaRERA before facilitating the sale or purchase of or act on behalf of any person to facilitate the sale or purchase of any plot, apartment, unit or building as the case may be, in a real estate project or part of it, being sold by a promoter.

And whereas, Rule 13(1) of the Rules mandates that a real estate agent to whom registration has been granted under Section 9 of the Act may make an application for renewal of the registration at least sixty days prior to the expiry of the registration.

MAHARERA HEADQUARTERS

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महारेरा मुख्यालय

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And whereas, the proviso to Rule 15(2) of the Rules mandates that on revocation of the registration by the Authority of any real estate agent; fresh application for grant of registration cannot be made again within a period of six months by such real estate agents.

And whereas, Section 33 (3) of the Act empowers the Authority to take suitable measures for the promotion of advocacy, creating awareness and imparting training about laws relating to real estate sector and policies.

And whereas, under Section 34 of the Act, one of the function of the Authority is to register and regulate real estate projects and real estate agents registered under the Act.

And whereas, considering the above and in order to bring about certain level of consistency in the practices of real estate agents, enhance knowledge and awareness of the regulatory, the legal framework and practices, enforcement of code of conduct and with a view to ensure that real estate agents are professionally qualified to help / assist home buyers / allottees, MahaRERA has introduced basic real estate agent training and certification course for real estate agents across the State of Maharashtra.

And whereas, MahaRERA by Order No 41 /2023, dated 10.01.2023, had fixed timelines in the matter of submission of MahaRERA Real Estate Agent Certificate of Competency.

And whereas, the timelines given in the above-referred MahaRERA Order were extended by MahaRERA Order No. 41A/2023, dated 20.09.2023, and thereafter the timeline was finally extended by MahaRERA Order No. 41B/2023, dated 13.12.2023.

And whereas, under MahaRERA Order No. 41B/2023, dated 13.12.2023, the following directions were issued to real estate agents in matters regarding obtaining and submission of MahaRERA Real Estate Agent Certificate of Competency which are reproduced hereinbelow for ready reference:

- "a) With effect from 01.01.2024, only those real estate agents who have a valid MahaRERA Real Estate Agent Certificate of Competency can apply for MahaRERA real estate agent registration / renewal of registration.*
- b) Existing registered real estate agents shall obtain MahaRERA Real Estate Agent Certificate of Competency before 01.01.2024, and upload the same at their respective web page failing which action as deemed fit shall be initiated by the Authority.*
- c) The mandate mentioned in Clause (a) and (b) above shall apply to the following persons:*
 - a. All individual real estate agents in case of individuals and authorized signatory (authorized for making application for MahaRERA real estate agent registration) in case of firms / LLP/ companies / organizations (Other than Individuals).*
 - b. All employees / staff / officers by whatever designation called working in firms / LLP / companies / organizations of real estate agents, who interact with homebuyers / allottees for effecting transactions in real estate projects."*

And whereas, with effect from 01.01.2024, only those real estate agents who have a valid MahaRERA Real Estate Agent Certificate of Competency are granted MahaRERA real estate agent registration.

And whereas, with effect from 01.01.2024, renewal of the existing valid registration of real estate agents are considered only if the MahaRERA Real Estate Agent Certificate of Competency is submitted / uploaded.

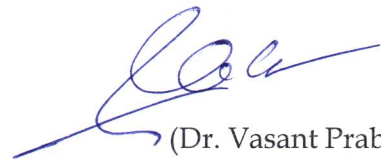
And whereas, there are large number of registered real estate agents who have till date not obtained and if obtained have not submitted / uploaded MahaRERA Real Estate Agent Certificate of Competency.

And whereas, in order to ensure that the directions issued in the above-referred MahaRERA Order No. 41B/2023, dated 13.12.2023, are applied to all the real estate agents without any discrimination, it is considered just and necessary that the following further directions are issued:

- a) with effect from the date of this Order, the MahaRERA registration of real estate agents who have not obtained and if obtained who have not submitted / uploaded MahaRERA Real Estate Agent Certificate of Competency shall be kept in abeyance;
- b) during the period when the registration of the real estate agents along with their names are in the abeyance list, such real estate agents shall not facilitate sale or purchase of or act on behalf of any person to facilitate the sale or purchase of any plot, units, apartments or buildings as the case may be, in any real estate projects or part of it being sold by a promoters;
- c) if within a period of one year, MahaRERA Real Estate Agent Certificate of Competency is submitted, the name and the MahaRERA registration number of such real estate agents shall be removed from the abeyance list provided the original period of the MahaRERA registration is valid and subsisting;
- d) if MahaRERA Real Estate Agent Certificate of Competency is not submitted until expiry of the period of one year, the MahaRERA registration granted shall stand revoked without any further notice provided the original period of the registration has not expired by efflux of time;
- e) if MahaRERA Real Estate Agent Certificate of Competency is submitted subsequent to revocation of the MahaRERA registration than such cases shall be considered for fresh registration, provided that application of real estate agents in that regard shall be permitted to be made only after expiry of the period of six months from the date of revocation.
- f) action as deemed fit and proper shall be taken by the Authority against real estate agents acting contrary to the directions issued herein.

This Order shall come into force with immediate effect.

(As approved by Authority)



(Dr. Vasant Prabhu)
Secretary / MahaRERA