



# MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

## महाराष्ट्र स्थावर संपदा नियामक प्राधिकरण

Date : 25/04 / 2022.

Order No. 29 / 2022

No. MahaRERA/Secy/File No. 27 / 108 / 2022

Sub: - Standard Operating Procedure for filing cases arising from  
Regulatory functions of MahaRERA

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 also notified the Maharashtra Real Estate (Regulation and Development) (Recovery of Interest, Penalty, Compensation, Fine Payable, Forms of Complaint and Appeals, etc.) 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, Section 34 of the Act, specifies the functions of the Authority to include such of the functions as more specifically enumerated therein.

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 be considered necessary.

### MAHARERA HEADQUARTERS

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

Tel. No.: 022 68 111 600 • E mail : helpdesk@maharera.mahaonline.gov.in

### महारेरा मुख्यालय

हाऊसफिन भवन प्लॉट नं. सी-२१ ई-ब्लॉक, वांद्रे- कुर्ला कॉम्प्लेक्स, वांद्रे (पूर्व), मुंबई - ४०० ०५१.

फोन नं.: ०२२ - ६८ १११ ६०० • ई मेल : helpdesk@maharera.mahaonline.gov.in

And whereas, the 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 Authority under Sub-section 2 of Section 38 of the Act is to be guided by the principles of natural justice and subject to the provisions of the Act and the Rules made thereunder has the power to regulate its own procedure.

And whereas, while performing the regulatory functions, at times MahaRERA has to adjudicate matters and in some of such regulatory matters that require hearing, MahaRERA issues notices to other stakeholders/persons for ascertaining their views, interest and/or submissions or to espouse their case since their interest could be vitally affected and in this, MahaRERA is guided by the principles of natural justice.

And whereas, the procedure in respect of these regulatory matters are not stipulated under any subordinate legislation and the same has been evolved as and by way of practice which MahaRERA is following since its inception by giving the regulatory matters the nomenclature "suo moto".

And whereas, in Writ Petition (L) Nos. 8713 to 8717 of 2022 the Hon'ble High Court was of the view that in regulatory matters that take the form of adversarial litigation, use of nomenclature "*suo motu*" is not appropriate.

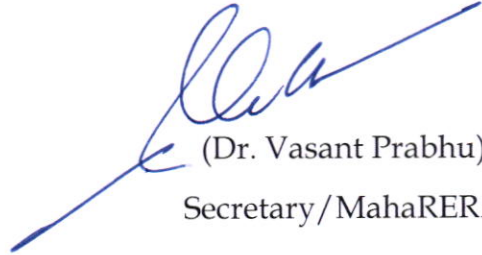
And whereas, it is therefore necessary to alter the practice of giving the nomenclature "*suo motu*" to the regulatory matters adversarial in nature and accordingly the following directions are issued: -

- a) Regulatory matters that take the form of adversarial litigation shall be filed in the manner as detailed out in Annexure- A.
- b) The statement of facts contained in any filing shall be supported by a duly notarized affidavit which affidavit shall be in Form-I annexed hereto.
- c) The letter notifying defects if any in the filing of the regulatory matters shall be in Form -II annexed hereto.

- d) Until a digital module is made available for the purpose of filing such regulatory matters, hard copies in the manner as stated above shall be accepted by MahaRERA.
- e) These directions shall not apply to complaints filed under Section 31 of the Act.
- f) Regulatory matters which are not adversarial in nature, the practice of using the nomenclature "*suo moto*" shall continue.

The above directions will come into force with immediate effect.

By order of the Authority.



(Dr. Vasant Prabhu)  
Secretary/MahaRERA

## Annexure 'A'

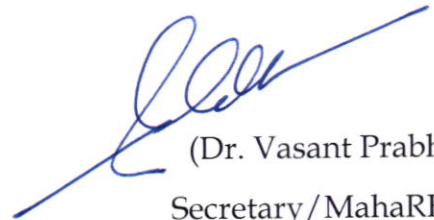
### Procedure for filing regulatory matters

1. There are no Formats or prescribed Forms for filing of regulatory matters adversarial in nature as the same are of varied types.
2. MahaRERA shall specifically notify designated email ids for filing of regulatory matters. These mail-ids will be duly displayed and notified on its Website. Considering the different types of stakeholders, the Registry will not prevent hard copies of filing by persons who may not have access to e-filing facility.
3. a) The Statement of Facts contained in any filing shall be supported by a duly notarized affidavit. Every such affidavit shall be in **Form I**.  
Provided that MahaRERA may, at its discretion, waive the requirement of Affidavit in any particular case.
- b) Every affidavit shall be drawn up in the first person and shall state the full name, age, occupation and address of the deponent and the capacity in which he is signing. The deponent shall furnish information with regard to any proceeding pending in any court of law/ tribunal or arbitrator or any other authority, wherein the deponent is a party and where issues arising and/or reliefs sought are identical or similar to the issues arising in the matter pending before the MahaRERA.
- c) Every affidavit shall clearly and separately indicate the statements which are true to the -
  - (i) knowledge of the deponent; and
  - (ii) based on information received by the deponent which he believes to be true.
- d) Where any statement in the affidavit is stated to be true, based on the information received by the deponent, the affidavit shall also disclose the source of the information and a statement that the deponent believes such information to be true.

4. If on scrutiny, any submission / application / plea / representation is found to be defective, the defects shall be notified to the party concerned, as far as possible within a period of ten (10) working days, advising him to rectify the defects within a specified time. A standard letter for notifying the defects shall be in **Form II** herein. On failure to remove defects within the time allowed, the Petition shall stand dismissed.
5. A person aggrieved by any order of the Secretary in regard to the presentation of a submission / application / plea / representation may request the matter to be placed before the Chairperson of the MahaRERA, for appropriate orders.
6. The Chairperson, or any Member as the Chairperson may designate for the purpose, shall be entitled to call for the submission / application / plea / representation presented by the party, which was found defective on scrutiny, and give such directions regarding the presentation and acceptance of the submission / application / plea / representation as she / he considers appropriate.
7. If, on scrutiny, the Petition is accepted or in case any order of refusal is rectified by the Chairperson or the Member of the MahaRERA designated for the purpose, the Petition shall be duly registered and given a number in the manner to be determined by the MahaRERA.
8. The Registry at MahaRERA shall issue notices to all concerned stakeholders / persons involved in the proceeding. In case, pursuant to any regulatory filing details of mail ids of other stakeholders to whom MahaRERA desires issuance of notice are not available, the Registry shall direct the applicant to file the details within the time so stipulated. In cases where online service is not possible any person / stakeholder may be served the notice by delivering the same after obtaining signed acknowledgement receipt thereof.
9. Each person to whom the notice of enquiry or regulatory proceeding is issued and who intends to oppose or support the plea of the applicant, or address the Authority shall file a reply / submission and submit documents

within such period as notified by the Registry of MahaRERA being normally not less than two (2) weeks or such period as MahaRERA may direct.

10. MahaRERA may determine the stages, manner, place, date and time of the proceedings, as considered appropriate for expeditious disposal.
11. All such regulatory matters shall be serially numbered, denoting the number of such filing together with the year of filing.
12. This numbering would be undertaken only in regulatory matters adversarial in nature wherein MahaRERA deems it fit to issue notices to other persons / stakeholders to ascertain their views, interest and / or submissions or to espouse their case, since their interest could be vitally affected, albeit in a regulatory matter.
13. There would be no Cause List/ Board prepared for these matters.
14. Prior notice of the scheduled date of the proceedings shall be notified to all the stakeholders / persons concerned.
15. The office of MahaRERA will ensure that the video link for the matter is forwarded to all parties concerned and / or notified on Website.
16. Stakeholders filing hard copies in the office should be sensitized to the digital platform adopted by MahaRERA in its functioning.
17. This Practice Direction shall come into effect from 25.04.2022 and will also apply to earlier filings, in respect of which scrutiny and issuance of notice is presently pending.
18. MahaRERA has been functioning fully digital since 2018 or thereabouts and this practice and procedure shall continue to be in operation for the above regulatory matters till subsequently modified or altered.



(Dr. Vasant Prabhu)  
Secretary/MahaRERA

**FORM I**  
**BEFORE**

**THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY**

Regulatory Filing No.

(To be filled by the Office)

**IN THE MATTER OF**

(Gist of the purpose of the submission / application / plea / Representation)

**AND**

**IN THE MATTER OF**

(Name and full address of the person / stakeholder / applicant and name and full address of any person whose interest could be affected)

Affidavit verifying the submission / application / plea / representation

I, ..... son of .....aged.....residing at  
..... do solemnly affirm and say as follows:

1. I am the person / stakeholder / applicant / person interested etc., or I am a Director/Secretary/Partner/authorised representative of ..... the person / stakeholder / applicant / person interested in the above matter and am duly authorised and competent to make this affidavit.
2. The statements made in paragraphs ..... of the submission / application / plea / representation are true to my knowledge and belief and statements made in paragraphs ..... to ..... are based on information and I believe them to be true.
3. I say that there are no proceedings pending in any court of law/ tribunal or arbitrator or any other authority, wherein the person / stakeholder /applicant / person interested are a party and where issues arising and/or reliefs sought are identical or similar to the issues arising in the matter pending before the MahaRERA.

Solemnly affirmed at ..... on this .... day of .....that the contents of the above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

(\_\_\_\_\_)

Identified before me

(Signature)

Mumbai

Dated



## FORM II

### THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

No.

Subject:

In the matter of:

Dear Sir/Madam,

I am directed to refer to your submission / application / plea / representation dated [ ] filed on [ ] on the above subject and to inform you that on scrutiny, the following defects have been found:

1. The submission / application / plea / representation is not in Form I of the MahaRERA Practice Direction Order No. 29 of 2022.
2. The submission / application / plea / representation does not mention:
  - (a) the statutory provisions under which the submission / application / plea / representation is being filed before the MahaRERA;
  - (b) reasons why the MahaRERA has jurisdiction to try, entertain and dispose of the same;
  - (c) whether the submission / application / plea / representation is filed within the time limit prescribed in the Limitation Act, 1963, and if not, the period of delay and whether the person / stakeholder / applicant / person interested is seeking condonation of delay;
  - (d) ..... (any other reasons)
3. The name, description and address of the parties have not been furnished in the cause title.
4. The following necessary parties have not been impleaded:
  - (i)
  - (ii)

5. The submission / application / plea / representation has not been duly signed.
6. The submission / application / plea / representation has not been verified through an affidavit.
7. The affidavit is not in Form I of the MahaRERA Practice Direction Order No. 29/ 2022.
8. The affidavit has not been signed and sworn before the competent authority. The copies of the submission / application / plea / representation are not complete in all respects.
9. The copies of the documents are not legible.
10. English translation of the documents and other material contained in a language other than English/Marathi, has not been filed.
11. The letter of authorisation has not been filed/ not properly executed.
12. The prescribed fee for the submission / application / plea / representation has not been paid.
13. The index of documents has not been filed.
14. The pagination of the documents has not been done properly.
15. The letter of authorisation has not been filed.
16. Please login to e-Filing website for complete details

You are requested to rectify the defects within two (2) weeks of issue of this letter, failing which the submission / application / plea / representation shall be deemed to have been rejected.

Yours faithfully,

(\_\_\_\_\_)