



# MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

## महाराष्ट्र स्थावर संपदा नियामक प्राधिकरण

Date : 08/09/2021

Order No. 23 /2021

No. MahaRERA/Secy/File No. 27/189/2021

### Sub: Hearing of Complaint filed before the Authority

Whereas, the Maharashtra Real Estate (Regulation and Development) Act, 2016 (the Act) was enacted so as to establish the Real Estate Regulation Authority having amongst others, one of its objectives as being to establish an adjudicating mechanism for speedy dispute redressal.

And whereas, Government of Maharashtra vide Notification No.23 dated 08.03.2017 has established the Maharashtra Real Estate Regulatory Authority (MahaRERA) with a view to achieve the objectives of the Act.

And whereas, Section 31 of the Act, enables any aggrieved person to file a complaint with MahaRERA, for any violation or contravention of the provisions of the Act or the rules and regulations made thereunder.

And whereas, sub-section (2) of Section 38 of the Act states that MahaRERA shall be guided by the principles of natural justice and subject to the other provisions of the Act and the rules made thereunder, MahaRERA shall have powers to regulate its own procedure.

And whereas, Rule 6 of the Maharashtra Real Estate (Regulation and Development) (Recovery of Interest, Penalty, Compensation, Fine payable, Forms of Complaint and appeal, etc.) Rules 2017, (the Rules) stipulates the procedure that MahaRERA should follow, for the purpose of deciding complaints and the manner of holding of inquiry by MahaRERA in the complaints as filed.

And whereas, considering Rule 6 of the Rules the Standard Operating Procedure for handling complaints was framed and circulated/issued vide

### **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](mailto:helpdesk@maharera.mahaonline.gov.in)

### **महारेरा मुख्यालय**

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

फोन नं.: ०२२ - ६८ १११ ६०० • ई मेल : [helpdesk@maharera.mahaonline.gov.in](mailto:helpdesk@maharera.mahaonline.gov.in)

Circular No. 9/2017 dated 24.07.2017, which was subsequently revised vide Circular No. 18/2018 and thereafter in view of COVID-19 (Corona Virus) Pandemic, the Standard Operating Procedure for online hearings through video conferencing was framed and circulated /issued vide Circular No. 27/2020 dated 12.06.2020.

And whereas, in spite of Rule 6 of the Rules, providing the procedure that MahaRERA should follow for deciding complaints and the above-referred Standard Operating Procedure being in place, it is noticed that the objective of the Act of having an adjudicating mechanism for speedy dispute redressal is not achieved in letter and spirit.

And whereas, it is further noticed that there is another factor that retards /slows down the adjudication mechanism in speedy dispute redressal namely that documents on which parties rely upon/ place reliance in a complaint as filed is/ are not uploaded /not made available to the adjudicating machinery.

And whereas, considering that coronavirus (COVID-19) continues to remain a major public health hazard it is necessary to reiterate the mode of hearing of complaints.

And whereas, in view of the above it has now become necessary for MahaRERA to lay down procedure in the matter of grant of adjournments when complaints are listed for hearings before the respective Bench of MahaRERA as well as in the matter of submission of documents on which parties rely upon/ place reliance in the complaints as filed and the mode of hearing of complaints:

**1) Adjournments:**

- (a) No adjournment shall be granted more than two times to a party.
- (b) No adjournment shall be granted at the request of the party except where there is/ are compelling circumstances or where circumstances are beyond the control of the party.

- (c) The fact that the legal practitioner is engaged in another court shall not be a ground for adjournment.
- (d) Where the illness of a legal practitioner is put forward as a ground for adjournment, no adjournment shall be granted unless the party applying for adjournment is able to satisfactorily explain that it could not have engaged another legal practitioner in time.
- (e) Excuses such as (i) "I have been briefed in the matter recently/ yesterday/ in the morning" or (ii) "I am not prepared/ready with the arguments in the matter" or for such other reasons, shall be no grounds for adjournment.
- (f) Where sufficient cause is not shown for grant of adjournment, hearing of the complaints shall be proceeded with.

2) **Submission of Convenience Document set:**

- (a) In addition to the Complainant and Respondent filing / uploading his/her complaint /reply/written submission/ written arguments/rejoinders/ synopsis as the case may be and uploading the documents on which reliance is placed in the matter, a hard copy of a "**Convenience Document**" shall also be submitted. This would be a set consisting of not more than 20 pages, ie only the relevant pages of the documents required / necessary for deciding the issues raised in the complaints alongwith the copy of the complaint / reply / written submission / written arguments / rejoinders / synopsis shall be submitted at the head office of MahaRERA situated at 6th and 7th floor, House Fin Bhavan, Plot No. C-21, E-Block, Bandra- Kurla Complex, Bandra (East), Mumbai- 400051.
- (b) The first document, in the "**Convenience Document**" set, shall be the Vakalatnama or the Authority Letter indicating that the complainant has authorized the person named in the said document to plead his/her case.

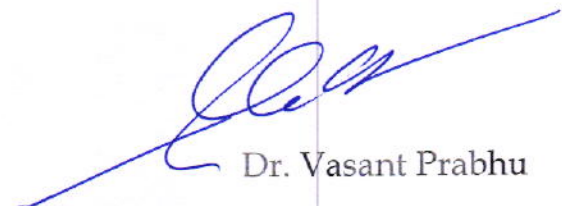
- (c) The above shall be applicable to all complaints ie old complaints filed as well as new complaints when filed.
- (d) Hard copies of the “**Convenience Document**” set shall be indexed and paginated and submitted at the address given in 2(a), at least 1 week before the complaint is listed for hearing.
- (e) The “**Convenience Document**” shall be referred to by the party in person, chartered accountant, company secretary, cost accountant, legal practitioner/ counsel while relying on documents, during arguments.
- (f) The last two lines in the column “Description” at “Step 1” and “Step 2” under the column “Steps” at “Annexure A - Standard Operating Procedure for online hearing through video conferencing” in Circular No. 27/2020 dated 12<sup>th</sup> June 2020 shall be replaced with what is stated in Clause 2(a) above.

3) **Mode of Hearing of Complaints:**

- (a) Hearing of Complaints shall continue online through video conferencing.
- (b) Only in cases where the respective bench of MahaRERA is of the opinion that in a given complaint, physical hearing is necessary for the purposes of deciding the said complaint, then in that event, hearing of such complaint/s shall be taken up in physical hearing subject to all concerned ie. the parties appearing in person and / or the authorized representative representing the parties in the complaints following the Covid 19 norms as prescribed by Government of India/ State of Maharashtra.

The above order shall come into force with immediate effect.

(By Order of the Authority.)

  
Dr. Vasant Prabhu  
Secretary / MahaRERA