



MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

महाराष्ट्र स्थावर संपदा नियामक प्राधिकरण

Order No. 54 /2024

No. MahaRERA/Secy/File No. 27/207/2024

Date: 29.04.2024

Subject: In the matter of parking areas in real estate projects namely 'garages', 'covered parking spaces' and 'open parking areas'.

Whereas, considering certain disputes brought to the notice of the Authority in the matter of parking areas namely garages, covered parking spaces and open parking areas (hereinafter collectively referred to as "parking") booked / allotted, MahaRERA by Circular No. 36/2021, dated 30.07.2021, had issued certain clarifications and directions as more specifically enumerated therein:

And whereas, it was made clear in above-referred MahaRERA Circular, that all concerned shall adhere and comply with the directions as enumerated therein and it was further stated in the said MahaRERA Circular, that further action in terms of the Act, the Rules and the Regulations would be taken in the event of failure on the part of promoters to comply with the said directions.

And whereas, inspite of issuance of the above-referred MahaRERA Circular, certain further issues has come to the notice of the Authority mainly with respect to the size of the parking provided at the real estate project site, such as (illustration not exhaustive) 'beam of the building obstructs parking of vehicle', 'vehicles cannot be parked in the parking', 'no space for exit from the vehicle', 'vehicle door cannot be opened for exit', 'maneuvering space not adequate' and so on.

In view of the above the following further directions are issued:

- i) the number, type and size as well as the place where parking is booked / allotted by / to an allottee should be mentioned in the allotment letter and the agreement for sale being entered into by promoters with allottees and the parking layout plan as approved by the planning authority showing the particulars as above should be annexed to the allotment letter / agreement for sale;
- ii) the word 'size' used herein means:
 - a) length x breadth for open parking areas for each vehicle to be parked;
 - b) length x breadth x vertical clearance for garages, covered parking spaces provided at basement, podium, stilts and mechanized parking arrangement for each vehicle to be parked;

MAHARERA HEADQUARTERS

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महारेरा मुख्यालय

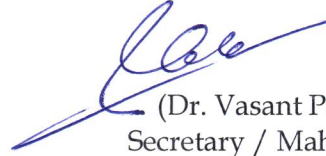
हाउसफिन भवन, प्लॉट नं. सी-21, ई ब्लॉक, वांद्रे-कुर्ला-कॉम्प्लेक्स, वांद्रे (पूर्व), मुंबई - ४०००५१.

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

- iii) the relevant clauses regarding parking, in the proforma of the allotment letter and the agreement for sale shall therefore stand modified and substituted as more specifically enumerated in Annexure annexed hereto;
- iv) the clauses to be incorporated in the manner as stated in the Annexure annexed hereto shall be considered as non-negotiable clauses and the Authority shall take such action as enumerated in MahaRERA Order No. 38/2022, dated 13.12.2022, if the same are not incorporated in the proforma of the allotment letter and the agreement for sale or in the allotment letter issued or in the agreement for sale executed between the promoter and the allottees or if the same are subsequently modified;
- v) this Order supplements the clarifications and directions issued under MahaRERA Circular bearing No. 36/2021, dated 30.07.2021, and for any common areas the directions issued under this Order shall prevail and be followed.

This order shall come into force with immediate effect.

(As approved by the Authority)


(Dr. Vasant Prabhu)
Secretary / MahaRERA

Annexure

In Annexure 1 attached to MahaRERA Order No. 35/2022 dated 12.08.2022 bearing No. MahaRERA/Secy/File No. 27/221/2022, the existing clause 2 shall be modified and substituted by the following clause:

"2. Allotment of garage / covered parking space:

Further I/ we have the pleasure to inform you that you have been allotted along with the said unit, garage/covered car parking space at _____ level basement /podium /stilt / mechanical car parking unit bearing No. _____ admeasuring _____ sq. ft. having _____ ft. length x _____ ft. breath x _____ ft. vertical clearance on the terms and conditions as shall be enumerated in the agreement for sale to be entered into between ourselves and yourselves.

OR

2. Allotment of open car parking:

Further I/We have the pleasure to inform you that you have been allotted an open car parking bearing No. _____ having _____ ft. length x _____ ft. breadth without consideration."

In the Model Form of Agreement provided at Annexure 'A' 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, clauses 1(a)(ii) and 1 (a)(iii) shall be modified and substituted by the following:

"1(a)(ii) The Allottee hereby agrees to purchase from the Promoter and the Promoter hereby agrees to sell to the Allottee, garage /covered car parking space at _____ level basement / podium / stilt / mechanical car parking unit bearing No. _____

admeasuring _____ sq. ft. having _____ ft. length x _____ ft. breadth x _____ ft. vertical clearance.

1(a)(ii) The Allottee has requested the Promoter for allotment of an open car parking space and the Promoter agrees to allot to the Allottee an open car parking space without consideration bearing No. _____ admeasuring _____ sq. ft. having _____ ft. length x _____ ft. breadth."