



MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

महाराष्ट्र स्थावर संपदा नियामक प्राधिकरण

Circular No. 44/2023

No. MahaRERA/Secy/File No. 27/921/2023

Date: 09/06/2023

Sub:- In the matter of execution of Warrants issued by the Maharashtra Real Estate Regulatory Authority.

Whereas, the 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) (Recovery of Interest, Penalty, Compensation, Fine Payable, Forms of Complaint and Appeal, etc) Rules, 2017 (the Rules) to carry out the purposes 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, 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, Section 40 of the Act, mandates that if a promoter or an allottee or a real estate agent, as the case may be, fails to pay any interest or penalty or compensation imposed on him, by the adjudicating officer or the Regulatory Authority or the Appellate Authority as the case may be, under the Act or the Rules and Regulations made thereunder, it shall be recoverable from such promoter or allottee or real estate agent, in such manner as may be prescribed as an arrears of land revenue.

MAHARERA HEADQUARTERS

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

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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

And whereas, Rule 3 of the Rules provides that any interest or penalty or compensation imposed on a promoter or an allottee or a real estate agent shall be recoverable under section 40 of the Act, from such promoter or allottee or real estate agent, as the case may be, in the same manner as applicable in respect of land revenue as provided in the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), (the Code).

And whereas, one of the objectives of the Act is speedy dispute redressal.

And whereas, under Section 34 (g) of the Act, one of the functions of the Authority is to ensure compliance of its regulations or orders or directions made in exercise of its powers under the Act.

And whereas, the Government of Maharashtra has notified the Maharashtra Realisation of Land Revenue Rules, 1967 (the MLRC Rules) for the purpose of carrying into effect the provisions of the Code.

And whereas, Rule 17 of the MLRC Rules prescribes the procedure for recovering sums recoverable as arrears of land revenue.

And whereas, Revenue and Forest Department, Government of Maharashtra has prescribed the Standard Operating Procedure vide Circulars in the matter of recovery of land revenue as well as recovery of other amounts as arrears of land revenue.

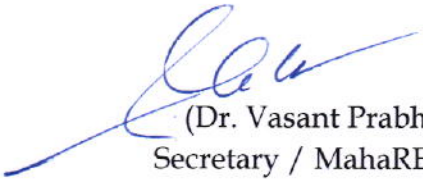
And whereas, it is necessary that the warrants issued by MahaRERA in the matter of recovery of any interest, or penalty or compensation from any promoter or allottee or real estate agent should be recovered expeditiously and in the manner as prescribed in the Standard Operating Procedure vide Circulars issued by the Revenue and Forest Department, Government of Maharashtra.

And whereas, expeditious compliance of the above by the office of the respective Collectors shall achieve not only the objectives of the Act, namely speedy dispute redressal as well as ensure compliance of the regulations, orders and directions made by the Authority in exercise of the powers of the Authority under the Act.

In view of the above the Collectors and the office of the respective Collectors shall ensure that the warrants issued by MahaRERA shall be acted upon / enforced / executed expeditiously and in the manner as prescribed in the Standard Operating Procedure vide Circulars issued by the Revenue and Forest Department, Government of Maharashtra and submit compliance report to MahaRERA every quarterly of the status of the warrants issued by MahaRERA till date including the stage / level of execution of the warrants.

This Circular shall come into force with immediate effect.

(Issued with the approval of the Authority)


(Dr. Vasant Prabhu)
Secretary / MahaRERA