



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 purpose 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

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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.

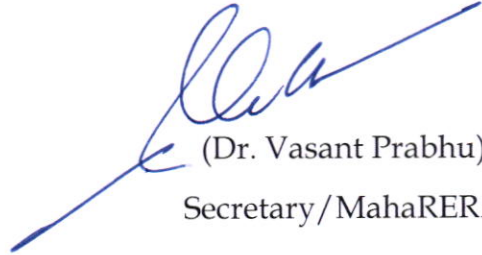
And whereas, it is therefore necessary to alter the practice of giving the nomenclature "*suo motu*" to the regulatory matters adversarial in nature and accordingly the following directions are issued: -

- 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