



MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

महाराष्ट्र स्थावर संपदा नियामक प्राधिकरण

Date : 03/06/ 2022

Order No. 30 / 2022

No. MahaRERA/Secy/File No. 27/ 136 /2022

Sub: - Submission of proforma of the allotment letter and agreement for sale at the time of registration of a real estate project in compliance of Clause (g) of Sub-section 2 of Section 4 of the Real Estate (Regulation and Development) Act, 2016.

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) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) 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 (Regulations) to carry out the purposes of the Act.

And whereas, under Section 34 of the Act, one of the function of the Authority is to register and regulate real estate projects and real estate agents registered under the Act.

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 consider necessary.

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, Sub-rule (1) of Rule 10 of the Rules states that for the purpose of Sub-section 2 of Section 13 of the Act, the agreement for sale shall be in conformity with the provisions of the Act, the Rules and Regulations made thereunder and shall be in accordance with the model form of agreement at Annexure 'A'.

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, वाट्रे- कुर्ला कॉम्प्लेक्स, वाट्रे (पूर्व), मुंबई - ४०० ०५१.

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

And whereas, Sub-rule (2) of Rule 10 of the Rules states that any application letter, allotment letter or any other document signed by the allottee, in respect of the apartment, plot or building, prior to the execution and registration of the agreement for sale for such apartment, plot or building, as the case may be, shall not be construed to limit the rights and interests of the allottee under the agreement for sale under the Act or the Rules and Regulations made there under.

And whereas, Clause (g) of Sub-section 2 of Section 4 of the Act mandates every promoter to upload along with the application made to MahaRERA for registration of a real estate project, the proforma of the allotment letter, agreement for sale and the conveyance deed proposed to be signed with the allottees.

And whereas, considering the provisions of the Act the Rules and Regulations made thereunder as well as the salutary purpose of the Act, MahaRERA, had constituted a committee under the Chairmanship of Member -1, MahaRERA with representatives from Self-Regulatory Organization of promoters and Mumbai Grahak Panchayat as its Members in order to formulate and finalize a model allotment letter.

And whereas, the committee after due deliberations, having considered the suggestion and objections received from stakeholders as well as the provisions of the Act, the Rules and Regulations made thereunder has finalized the model allotment letter.

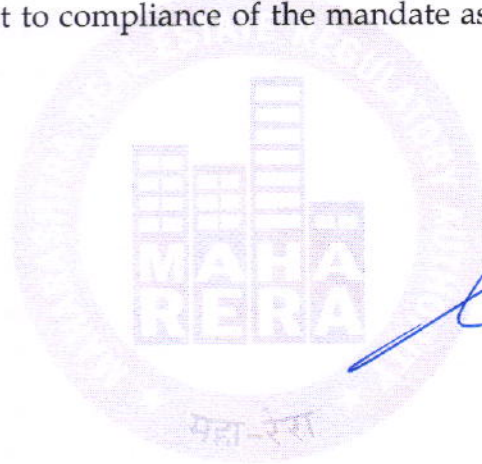
And whereas, the Authority in its meeting held on **27.05.2022** has approved the model allotment letter.

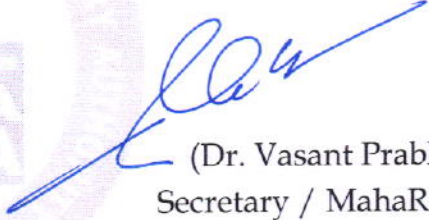
And whereas, in view of the approval accorded by the Authority to the model allotment letter in its meeting held on **27.05.2022**, the following directions are issued: -

- (a) The proforma of the allotment letter proposed to be signed by the promoters with the allottees shall be in accordance with model allotment letter as approved by the Authority, the copy where of is annexed hereto as Annexure '1'.
- (b) The Table in Clause 9 of the allotment letter prescribes the minimum period (number of days) within which the booking can be cancelled and the upper limit of the percentage of the amount to be deducted in case the allottee desires to cancel the booking. The promoter may if the promoter so chooses increase the number of days within which the booking can be cancelled as well as decrease the percentage of the amount to be deducted in the event of cancellation of the booking, in the allotment letter prescribed .
- (c) Promoters shall henceforth upload the allotment letter, as at Annexure '1' hereto or the amended form of the allotment letter as mentioned at (b) above when applying for registration of a real estate project.

- (d) Promoters shall also upload as is being presently done, the proforma of the agreement for sale proposed to be signed with the allottees that may be as per the model form of agreement at Annexure A of Rule 10 of the Rules or the proforma of the agreement for sale as may be modified and adapted by promoters on case to case basis having regard to the facts and circumstances of each case.
- (e) In the event there are any deviations / modifications in the proforma of the agreement for sale as proposed by promoters and the model form of agreement at Annexure A of Rule 10 of the Rules, then such deviations / modifications shall be highlighted in different colour and accordingly be uploaded while seeking registration of the real estate project so as to enable proper and speedy verification of the proforma of the agreement for sale as uploaded.
- (f) Non-compliance of the above or if the deviations / modifications proposed by promoters in the proforma of the agreement for sale as uploaded is / are contrary to the provisions of the Act, the Rules and Regulations made thereunder, then the application of the promoter for registration of the real estate project shall be liable to be rejected subject to compliance of the mandate as provided in the proviso to Section 5 of the Act.

By order of the Authority




(Dr. Vasant Prabhu)
Secretary / MahaRERA

ANNEXURE '1'

MODEL FORM OF ALLOTMENT LETTER

- Note:** - i) For compliance of the provisions of clause (g) of sub-section (2) of section 4 of the Real Estate (Regulation and Development) Act, 2016 (the Act), the proforma of the allotment letter to be uploaded along with the application for registration of the real estate project shall be as per this model form of allotment letter.
- ii) It shall be mandatory to issue allotment letter in this format whenever a sum not more than 10% (ten per cent) of the cost of the apartment, plot or building as the case may be, is collected as deposit or advance.

No.

Date:

To,
Mr/Mrs./Ms.
R/o
(Address)
Telephone/Mobile number
Pan Card No.:
Aadhar Card No.:
Email ID:

Sub: Your request for allotment of flat / commercial premises / plot in the project known as _____, having MahaRERA Registration No _____.

Sir/Madam,

1. Allotment of the said unit:

This has reference to your request referred at the above subject. In that regard, I/ we have the pleasure to inform that you have been allotted a _____ BHK flat/villa/bungalow/ commercial premises bearing No. _____ admeasuring RERA Carpet area _____ sq. mtrs equivalent to _____ sq.ft. situated on _____ floor in Building _____ / Tower _____ /Block _____ /Wing _____ in the project known as _____, having MahaRERA Registration No. _____, hereinafter referred to as "the said unit", being developed on land bearing C. S. No(s) _____ /CTS No(s) _____/Final Plot No(s) _____/Survey No(s) _____, Hissa No(s) _____/Gat No(s) _____/Khasra No(s) _____ / Plot No(s) _____ lying and being at