

ORDER PASSED IN THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY MEETING HELD ON  
WEDNESDAY, 02<sup>ND</sup> AUGUST 2017 IN REGARD TO ONLINE APPLICATIONS RECEIVED  
ON 1<sup>ST</sup> AND 2<sup>ND</sup> AUGUST 2017 FOR REGISTRATION FOR ONGOING PROJECTS

Order Case No. 02

2<sup>nd</sup> August, 2017

In accordance with the provisions of proviso to Section 3 (1) of the Real Estate (Regulation and Development) Act, 2016, it is mandatory on the part of the Promotor to make application for registration of ongoing projects within a period of three months from the date of commencement of Real Estate (Regulation and Development) Act, 2016.

In pursuance of the provisions of the Act, around 11,000 applications have been received online for registration of Projects till 31<sup>st</sup> July 2017. To discuss the issue of levying compensation / penalty in respect of applications received late i.e. after 31<sup>st</sup> July 2017, a meeting of MahaREA was held on Wednesday, 2<sup>nd</sup> August 2017. The following were present for the Authority meeting :-

- 1) Shri Gautam Chatterjee, Chairperson, MahaRERA
- 2) Dr. Vijay Satbir Singh, Member, MahaRERA
- 3) Shri Bhalchandra Kapadnis, Member, MahaRERA

The provisions under Section 3 and 59 of the Real Estate (Regulation and Development ) Act, 2016 were discussed at length in the meeting. Difficulties, applicants might have faced, i.e. whose projects are in remote areas in the State, non-availability of the infrastructure for online submission, technical facility and digital banking or net banking, etc. were also discussed at length.

In the meeting it was suggested that (1) There is no question of any further extension of window period of three months for registration of on going projects (2) The defaulters have to be given a chance to hear them individually or collectively, however, which is not possible because the defaulters are in large numbers and are from various parts of the State and moreover it will delay the registration of the projects (3) Instead, to minimize their hardship, a notice should be issued on Email, to the Promotors, who have sent their application on 1<sup>st</sup> and 2<sup>nd</sup> August 2017 asking them to pay, online, the penalty for late registration (4) The Authority shall meet again to discuss action to be taken on registration applications received after 2<sup>nd</sup> August 2017.

After the detailed discussion and taking into consideration the facts and present position the



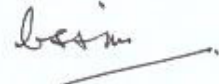
MahaRERA has decided as follows :

1. All applications received after 31<sup>st</sup> July 2017 for the registration of Project have violated proviso of Section 3 (1) of Real Estate (Regulation and Development) Act 2016. The applications for registration of ongoing projects were to be submitted before 31<sup>st</sup> July 2017 i.e. within the period of 3 months from the date of commencement of the Act.
2. MahaRERA has decided to keep the process of registration of ongoing projects open.
3. However, applications received on 1<sup>st</sup> and 2<sup>nd</sup> August 2017 have defaulted in making the application in time. Therefore, on this ground their applications <sup>are</sup> liable to be rejected under section 5 (1)(b) of the Act.
4. The Authority has decided that it may not be appropriate to outright reject the applications. Therefore, in exercise of the powers vested under section 59 of the Real Estate (Regulation and Development) Act, 2016, MahaRERA has decided that it is better to give one more opportunity by charging Rs. 50,000/- (Rupees fifty thousand only) as penalty payable within seven days of the receipt of this letter by making online payment.
5. If the Promotor does not agree to pay the penalty, his application shall be further processed as per the provisions of Section 5(b) of the Real Estate (Regulation and Development) Act 2016.



( Bhalchandra Kapadnis )

Member



( Dr. Vijay Satbir Singh )

Member



( Gautam Chatterjee )

Chairperson