



MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

महाराष्ट्र स्थावर संपदा नियामक प्राधिकरण

Circular No :- 30 / 2021

No. MahaRERA,/Secyi File No.27 / 47 / 2021

Date: 18.5.2021.

Subject: Guidelines for determining the seniority of complaints filed before the MahaRERA.

And whereas, one of the functions of the MahaRERA is to establish the adjudicating mechanism for speedy redressal of disputes. Accordingly, as per the provisions of Section 31 of Real Estate (Regulation and Development) Act, 2016 any aggrieved person may file complaint with the MahaRERA for any violation or contravention of the provisions of the Real Estate (Regulation & Development) Act, 2016.

And whereas the Hon'ble Chairperson, MahaRERA, is empowered with the power of general superintendence and direction in the conduct of affairs of the Authority under Section 25 of Real Estate (Regulation and Development) Act, 2016 (RERA);

And whereas, the MahaRERA had issued Circular No. 09/2017 dated 24th July 2017, laying down SOP for handling the complaints against registered projects and Circular No. 18/2018 dated 17th July 2018 for handling online complaints filed under the MahaRERA registered projects. Accordingly, till date large numbers of online complaints have been filed before the MahaRERA, out of which majority of the complaints have already been decided.

And whereas, due to the persistent pandemic situation prevailing since March, 2020, the MahaRERA has adopted system of virtual hearings through Video Conferencing by issuing Circular No. 27/2020 dated 12th June 2020. The said process of virtual hearing may continue for further time considering the present pandemic situation. Though efforts have been made

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to hear as many online complaints as possible, nevertheless, it is observed that, the number of complaints has been increasing day by day.

And whereas at present, when a complaint is registered before the MahaRERA, it is scheduled for hearing before the concerned Bench of MahaRERA as per its seniority, which is decided as per the date of registration/filing of the online complaint before the MahaRERA.

And whereas as per Section 32 (g) of the Real Estate (Regulation and Development) Act, 2016, to facilitate amicable conciliation of disputes between promoters and the allottees through dispute settlement forums set up by the consumer and promoter associations, the MahaRERA has established MahaRERA Conciliation and Disputes Resolution Forum vide Circular No. 15/2018 dated 29-01-2018. The said Forum is functioning as on date, to ensure the speedy disposal of the complaints and also to promote the amicable and effective settlement of disputes arising between the allottees/promoter/ real estate agents as a part of which number of complaints have been referred to the MahaRERA Conciliation Forum. All complaints are to be referred for conciliation only after seeking consent of the parties in a hearing before the Authority.

And whereas, it is felt necessary to streamline the said process of disposal of the complaints filed before MahaRERA by clarifying the issue pertaining to the seniority of the complaints filed before the MahaRERA.

And whereas by this office Circular, it is brought to the notice of all concerned that if a complaint is referred to the MahaRERA Conciliation Forum for availing the possibility of amicable settlement and if the conciliation between the parties fails, in that event, the complaint will then referred back to the MahaRERA for hearing the same on merits and on receipt thereof, such complaints would be scheduled for hearing before the MahaRERA as per the original seniority of the said complaint and the

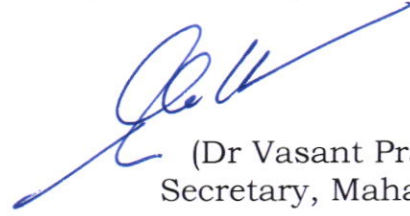
seniority of the complaint would be decided as per the date of registration/filing of the complaint before the MahaRERA.

Hence, even if a complaint is referred to the conciliation forum, the seniority of the said complaint will remain intact. The hearing/decision of such complaints shall be taken up strictly as per their seniority.

However, due to any unavoidable circumstances, if the seniority of any complaint has to be changed, in that event a proper/ reasoned justification should be submitted before the Hon'ble Chairperson/MahaRERA and only on the approval of the Hon'ble Chairperson/MahaRERA, the seniority of such complaints could be changed.

All legal staff/MahaRERA shall adhere to this guideline and shall comply with the same.

(As approved by the Hon'ble Chairperson, MahaRERA)



(Dr Vasant Prabhu)
Secretary, MahaRERA