



MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

महाराष्ट्र स्थावर संपदा नियामक प्राधिकरण

No. MahRERA/Secy/Order/1047/2019

Date : 23rd October, 2019

MahaRERA Order No. 12

Ref : 1. Circular No.15/2018 dated 29th January, 2018 issued by MahaRERA for establishment of MahaRERA Conciliation and Dispute Resolution forum.

2. **MahaRERA order No. 06/2018 dated 29-11-2018** prescribing the Procedure for referring the complaints to MahaRERA Conciliation and Dispute Resolution Forum by MahaRERA.

Sub: Conversion of Applications filed before MahaRERA Conciliation and Dispute Resolution forum to Suo-Motu Complaints by MahaRERA.

AND WHEREAS, vide Circular No. 15 of 2018 dated 29-01-2018, the MahaRERA has established "**MahaRERA Conciliation and Dispute Resolution Forum**" for resolving disputes between the allottees and the promoters to facilitate the resolution of disputes amicably. Accordingly, new application was introduced by MahaRERA for filing online applications before the Maharashtra Conciliation and Dispute Resolution Forum.

AND WHEREAS, vide order No. 6 of 2018 dated 29-11-2018, MahaRERA has prescribed procedure for referring complaints to MahaRERA Conciliation and Dispute Resolution Forum by MahaRERA.

Whereas MahaRERA has been continuously working towards bridging the trust deficit between promoters and consumers, to bring about greater professionalism, accountability and commitment in the sector.

Whereas MahaRERA Conciliation Forum, from time to time, has conducted trainings, seminars and workshops for its members. One such "Seminar on Conciliation" was conducted on 29th -30th August 2019 to provide refresher training to all the empaneled conciliators, wherein, during the Feedback and interaction session, various participants, after detailed deliberation, provided suggestions to further strengthen the Conciliation Forum.

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वांद्रे (पूर्व), मुंबई ४०० ०५१

Therefore, based on the suggestions emerging out of the Seminar on Conciliation and in the spirit of MahaRERA's endeavor to rebuild trust, this order is being issued, applicable with immediate effect:

1. Conciliation application is filed by an allottee who has paid the fees of Rs. 1000 after the consent of the Promoter. As per different possibilities, the following procedure is prescribed for Conversion of such Application filed before MahaRERA Conciliation and Dispute Resolution forum to Suo-Motu Complaints by MahaRERA.

a. Non-attendance of parties for conciliation proceedings even after providing consent

If a conciliation application, wherein both parties have provided consent and the complainant has paid the fees, but other party does not appear for conciliation hearing then Conciliation bench with their observations, may decide to refer such case to MahaRERA. The Authority, on receiving such a case, shall take a decision and the said decision may include treating the said matter as a suo-motu complaint if it relates to the issue of general importance.

b. Unsuccessful Conciliation

If both parties remain present during hearing but in the event of unsuccessful conciliation due to lack of agreement on terms of conditions of settlement, then the conciliation bench may decide to refer such a case to the MahaRERA authority which shall take a decision that may include to take the matter as suo-motu complaint if it relates to the issue of general importance.

c. Successful Conciliation but not executed or not complied

In case of successful conciliation, wherein both the parties have resolved their dispute amicably but the compliance/execution of settlement agreement is delayed beyond the time mentioned in the settlement agreement then in that case the buyer may again approach the conciliation forum for non-compliance of settlement agreement in time.

The Forum shall hear such complaints and direct all parties to comply at earliest. At any point of time, the conciliation panel may also refer this request to Authority for suo-motu action by MahaRERA and MahaRERA may take up the said matter for further suo-motu action.

MahaRERA may take up such cases mentioned above at 1-a, 1-b, 1-c for the same fee of Rs. 1000/- which has been already paid by the buyer for the conciliation instead of paying Rs. 5000/- for filing complaint to MahaRERA on above grounds.

2. In Annexure (A): Model Form of Agreement in Maharashtra Real Estate (Regulation and Development) (Registration of real estate projects, Registration of real estate agents, rates of interest and disclosures on website) Amendment Rules, 2018,

- a. Rule 30 states that "Any dispute between parties shall be settled amicably. In case of failure to settle the dispute amicably, it shall be referred to the Authority as per the provisions of the Real Estate (Regulation and Development) Act, 2016, Rules and Regulations, thereunder."
- b. Such amicable settlement of dispute as referred in Rule 30, shall be conducted through MahaRERA Conciliation and Dispute Resolution Forum.

3. The Self Regulatory Organization (SRO) should initiate/communicate with their members to accept the Conciliation request initiated by the First Party. in order to solve the disputes at the basic level itself and to encourage the applicant/complainant to arrive at an early solution to their grievances by approaching Conciliation Forum.

By the approval of the Maharashtra Real Estate Regulatory Authority (MahaRERA)

महा-रेरा



Secretary
Maharashtra Real Estate Regulatory
Authority