



MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

महाराष्ट्र स्थावर संपदा नियामक प्राधिकरण

No. MahaRERA /Secy / File No. 27 /2020

Date: 12th June, 2020.

Circular No :27/2020

Subject: Standard Operating Procedure for online hearings through video conferencing

Reference: (Please refer orders of MahaRERA from 20th March to 1st June 2020)

Whereas Coronavirus (COVID -19) continues to remain a major public health hazard across the world and in accordance with various advisories, it is important to undertake safety and precautionary measures to contain its spread, including social distancing, avoiding physical public gathering / meetings and leveraging technology to minimise physical human interface.

Accordingly, MahaRERA has, through the various orders referenced above, leveraged its digital platform to ensure non-stop online delivery of all its services (even during entire lockdown phase) including:

- Project Registration
- Agent Registrations
- Project Extensions / Corrections
- Filing of Complaints
- Project updates and so on

During the later stages of lockdown, MahaRERA also initiated the procedure for online hearings through video conferencing, of urgent matters, after urgency of the matter was established by the full bench of MahaRERA.

In the meantime, MahaRERA has been working to further enhance its complaint management IT application so that the entire complaint procedure including filing of complaints, reply by respondents, counter replies by both complainants and respondents, hearings, judgements etc. can be done online, from home, without any need to visit MahaRERA Office.

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MahaRERA, shall, henceforth, use online mode to re-start regular hearing of cases through video conferencing. The Standard Operating Procedure (SoP) for these online complaints and hearings are as attached in Annexure A.

With this initiative, all MahaRERA Services and Operations can be delivered digitally, without any need for physical visit by allottees / promoters / agents / Advocates etc. to MahaRERA offices. MahaRERA will thus be 100% digital with zero paper & zero footfalls.

Accordingly, MahaRERA expects no outside visitors to its office premises, without prior appointment. Online / e-meetings shall be encouraged for every interaction, including meetings for doubt clarifications. E-meetings can be scheduled with respective officials by dropping an email to them.

This order shall come into effect immediately and will be further reviewed, based on the status of Covid-19 pandemic.

(As approved by The Authority, MahaRERA.)

Sd/-
(Dr. Vasant Prabhu)
Secretary, MahaRERA

Annexure A – Standard Operating Procedure for Online hearings through Video Conferencing

I. Pending Complaints

Steps	Description
Step 1	<p>Complainant has already filed the complaint online and uploaded his / her documents. The complainant shall once again have the opportunity to upload any other document which he / she desires (Only relevant pages along with list of documents). He shall submit the written notes of argument/synopsis running into not more than 2-3 pages</p> <p>Physical Hardcopies of any document shall not be accepted. All submissions shall be online on documents upload.</p>
Step 2	<p>Respondent shall be able to view details of the complaint and all documents attached in his Login. Respondent shall upload his reply in a concise form, within next 15 days (Only relevant pages along with list of documents). He shall submit the written notes of argument/synopsis running not more than 2-3 pages.</p> <p>Physical Hardcopies of any document shall not be accepted. All submissions shall be online on documents upload.</p>
Step 3	<p>Throughout the hearing process, both the parties shall be able to peruse the pleadings and documents of each other and shall be able to upload any other document which they desire to upload. However only relevant pages along with list of documents should be uploaded and written notes of argument/synopsis running not more than 2-3 pages.</p> <p>Parties shall be able to upload any number of documents and maximum size per file is 1 MB.</p> <p>Once the complaint is closed for final order, the parties will not be able to upload any documents on the MahaRERA portal.</p>
Step 4	<p>Both the parties shall also upload on “documents-upload section”, the details of person / advocate arguing and attending their case including Name, Designation, email id, mobile number.</p>
Step 5	<p>The Legal wing along with IT Wing of MahaRERA shall schedule hearing date and communicate the link of Video Conferencing to the respective parties (complainant and respondent). Priority shall be given to matters that are oldest.</p> <p>The meeting number and password for each slot shall be generated and conveyed to the Parties/Advocates concerned well in advance which they shall not share with others except to intimate their adversary, as a matter of caution.</p>
Step 6	<p>Both Parties/Advocates shall be punctual to join the meeting on time and shall co-operate with the Authority to sum up their arguments within the time allotted to them. The Authority retains the right to close the hearing on expiry of the time period allotted to the case or to adjourn it, if the Authority deems it fit but such occasion should be very rare as the crises of the Covid-19 has imbibed on the minds of all that the public time is very valuable and it should not be wasted.</p>

Step 7	In oral arguments only the points which require elaboration/explanation may be touched upon, to finish the matter in time.
Step 8	Parties be informed that if they fail to attend the matter as scheduled, the orders according to law shall be passed. They shall be precluded from making grievance of it. However, they can complain in regard to the quality or audibility of feed, if any on the helpline number, provided in email, of the Authority only during the proceeding or immediately after its conclusion failing which no grievance in regard to it will be entertained thereafter. All hearings conducted via Video Conferencing proceed as if the Advocates are appearing before the Authority in person. Therefore, Advocates/Parties are reminded to comply with all rules of hearing.
Step 9	<p>Both the parties should ensure the following technical requirements during the hearing:</p> <ul style="list-style-type: none"> - Internet connection of 2 Mbps from any service provider (Broadband/FTTH/4G etc). - Laptop/Desktop with camera working in Windows (recommended) or suitable Smart Phone. - The laptop or phone used should ideally be identifiable by the name of the Advocate joining the meeting. - Wired Earphone/Headphones with good quality Microphone. <p>The Video Conferencing shall be held through Cisco Webex Meetings or any other as informed in the notice of meeting. The parties are required to download the respective software on their laptop / smart phones and test the same before the hearing.</p> <p>In the notice to the participants, the Authority will share the Meeting ID and Password for the Video Conferencing and the Parties/Advocates concerned may connect to the Video Conference Room using the Meeting ID and Password shared with them, They shall ensure that their camera is in a stable position and focused at their eye level and there is sufficient light on the Parties/Advocates, They shall not sit too far from or too close to the camera. On the screen, the face should not be blurred or dark but must be clearly identifiable.</p> <p>The Parties/Advocates shall maintain discipline by speaking one at a time in order to experience a good conference during multiparty hearing and keep microphone on mute and unmute only to speak. Only the Speaker's microphone should be unmuted at any given time.</p> <p>Persons whose presence is not necessary or those who disturb or otherwise impede the smooth conduct of proceedings or violate the etiquette will be removed without notice or warning. Persons removed will not be able to re-join. No complaint will be entertained against removal.</p> <p>It is said that only the Advocate/duly authorized person/party in person will address the Authority. The hosts and co-hosts are authorized to mute/unmute any of the participants.</p>
Step 10	It is stressed that the recording of the VC hearing proceeding/hearing in video, audio and/or any other form is strictly prohibited.
Step 11	<p>Both parties should join the Video Conference 15 mins before the hearing time. They should test the audio & visual input and upload the Preciepe (As in Annexure B) online. After submission of Preciepes by both parties, the hearing shall commence.</p> <p>The Roznama shall take into account the Preciepes and shall be digitally signed by the Presiding Chairman / Member or their legal assistant. It shall also be in digital form and shall be uploaded on the portal</p>
Step 12	Lastly, The order will be uploaded immediately on the MahaRERA portal after it is typed and signed. The same can be accessed by both the parties.

II. New Complaints

Steps	Description
Step 1	Complainant to file complaint online through MahaRERA portal as per MahaRERA Circular no 18/2018 dated 17 th July 2018.
Step 2	Respondent on getting the intimation of the complaint shall file the reply on line along with the documents on which he relies upon, within 15 days of such notice/complaint, unless time is extended by the Authority. If no reply is filed in time, the complaint shall proceed according to law.
Step 3	Thereafter within 7 days both the parties shall file their notes of written arguments (synopsis) and their oral argument will be heard on the date scheduled for hearing. Pleadings and synopsis should be less than 3 pages due to space constraint.
Step 4	Further steps relating to the pending complaints shall be followed.

III. Matters for Miscellaneous Applications / Prayers

Legal Assistants shall spare one day in a week to deal with such matters and they shall be moderate in number.

Annexure – B: Format for Preciepe of Complainant / Respondent

(Select which is applicable)

----- Complainant/s

Vs.

----- Respondent/s

Complaint Number:

I Mr./Ms. ----- am participating in the hearing of the complaint and the audio and visual quality of video conferencing is good and satisfactory.

Date:

Signature

Place:

(Complainant/Respondent)