



MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
Slum Rehabilitation Authority (SRA) Building, 'A' Wing, Prof. Anant Kanekar
Road, Bandra (East), Mumbai 400 051.

No. MahaRERA/Secy/File No. 27/143/2017

Date: July 24, 2017

Circular No: 09 /2017

Subject: Standard Operating Procedure (S O P) for handling complaints

Whereas, the Chairperson, MahaRERA is vested with the powers of general superintendence and directions in the conduct of affairs of the Authority under section 25 of the Real Estate (Regulation and Development) Act, 2016 (RERA).

Whereas, Rule 6 of the Maharashtra Real Estate (Regulation and Development) (Recovery of Interest, Penalty, Compensation, Fine payable, Forms of Complaints and Appeal, etc.) Rules, 2017 read with Section 31 of RERA details the manner of filing complaints with MahaRERA and the manner of holding an enquiry by MahaRERA.

Therefore, it was felt necessary to lay down a standard operating procedure (SOP) for handling the complaints filed with MahaRERA.

This SOP shall be followed with immediate effect.

Standard Operating Procedure for handling complaints against registered projects is annexed to this Circular as Part A and for Source Information on projects, which ought to have been registered but have not registered is annexed as Part B.

PART A

Standard Operating Procedure (S O P) for handling complaints against registered projects:-

Steps	Description	Details
Step 1	Complainant files complaint online through MahaRERA portal- https://maharera.mahaonline.gov.in/Login/Login	Complaints can only be filed against registered projects by aggrieved persons having interest in the said registered project.
Step 2	Once complaint is received online, it is assigned automatically by the software to Chairperson, Member 1 and Member 2 respectively	Chairperson, Member 1 and Member 2 shall each be assigned a legal officer. Incase if a person seeks compensation, then as per sections 12,14, 18 and 19 of the Real Estate (Regulation and Development) Act, 2016, the case can be transferred to the adjudicating officer for hearing — If there are numerous complaints based on same facts and for same relief received against the same promoter, then these complaints can be clubbed and assigned to any one bench for hearing
Step 3	An email will be sent to the complainant notifying him/her about receipt of his/her complaint	The draft email is enclosed as Annexure 1. Along with the email, checklist (Annexure 2) shall also be sent

		to the complainant.
Step 4:	Complainant shall submit one hard copy of documents to the concerned MahaRERA office (Mumbai, Nagpur or Pune) along with declaration that copy of the Complaint has been duly served upon the respondent, within 45 days of filing of online complaint	The complaint shall be deemed to be received, only after these documents are received from the complainant. The authority shall endeavor to hear and dispose of the complaint within 60 days, thereafter.
Step 5:	Complaint-related documents (hard copies) will be received on the 2 nd floor of MahaRERA Mumbai office. Locations for Nagpur and Pune office to be decided in due course	The documents required to be submitted, along with the checklist, will be verified by the concerned receiving clerk. The person who accepts the documents shall put up the same before Legal Advisor, MahaRERA for further assignment.
Step 6:	First hearing date will be scheduled and communicated to the parties (complainant and respondent) by legal wing of MahaRERA	<ul style="list-style-type: none"> - Notice of hearing to parties (complainant and respondent) shall be issued. (Annexure 4) - Hearings shall be scheduled with staggered timings, starting from 10.30 am.
Step 7:	After hearing, Ruling of the authority shall be uploaded and mailed to the parties	<ul style="list-style-type: none"> - The orders shall be uploaded online against the respective registered projects

Step 8	In case, hearing is adjourned, step 6 and 7 shall be repeated	
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PART B

Source Information on projects, which ought to have been registered but have not registered

For project, which ought to be registered but have not been registered, the Authority shall request information from citizens in following manner:

- Citizens shall be requested to email, details of the said projects to MahaRERA email id : sourcedetails@maharera.mahaonline.gov.in
- Information shall be requested in Format as in Annexure 5
- On the basis of information received, Authority shall undertake necessary action

By the Approval of Chairperson/MahaRERA


(Dr. Vasant Prabhu)
Secretary/MahaRERA

Annexure 1: Acknowledgement of Complaint

No. _____ Office of
Maharashtra Real Estate Regulatory Authority
Date: _____

To

.....

.....

Sub: Your complaint No. --- dated.....

Sir / Madam

With reference to above subject, you are hereby informed that your aforesaid complaint dated..... against is registered by this authority vide Complaint No..... You are requested to serve copy/copies of complaint along with all documents to each Respondent individually through Registered Post Acknowledgement Due (RPAD)/ Speed Post and to submit one set of hard copies along with your declaration stating that the copy / copies of Complaint has been duly served upon the Respondent / Respondents, within forty-five days from the date of receipt of this letter. Kindly ensure the required compliances as per the attached checklist. On receipt of hard copies and declaration in respect of service of your Complaint, the matter will be listed for hearing before the Hon'ble Maharashtra Real Estate Regulatory Authority.

You are requested to submit the hard copies along with your declaration in respect of service to Respondent in the office of MahaRERA at.....

Please note that the stipulated period of sixty days for disposal of complaint will start from the date on which you will submit the hard copies of complaint along with declaration of service in our office. When matter will be listed for hearing the scheduled date of hearing will be communicated to you through E-mail.

Please note that, in the event of your failure to comply with the aforesaid directions, the complaint will be put up before the Hon'ble Authority for appropriate order.

Yours faithfully,

Legal Advisor,

MahaRERA

NOTE:Please ensure that along with hard copies of complaint the list of documents is duly enclosed and the copies of documents submitted by you are legible.

Annexure 2: Checklist for Complainant

Date:

Kindly ensure the following compliances:

- 1) 1 Hard copy with index for the documents attached
- 2) Declaration in respect of due service to the respondent in attached format in Annexure 3
- 3) Copies are legible and appropriately paged
- 4) Each page of complaint and enclosures bears signature of the Complainant
- 5) If complaint is filed through advocate, then the vakalatnama should bear appropriate court fees stamp and it should be duly signed with address and contact information
- 6) All the documents enclosed to the complaint should be self-certified Xerox copies

Note: You are requested to note that checklist is provided for your convenience. You should enclose all the required documents so as to enable the Authority to hear the complaint expeditiously.

Annexure 3

DECLARATION

I, _____ the complainant in Complaint bearing No: _____ do hereby state and declare that I have served the copy/copies of complaint along with all annexures to the Respondent/Respondents to the Complaint.

Hence this declaration.

Complainant

Annexure 4: Notice of Hearing

No. Office of Maharashtra Real Estate
Regulatory Authority,
Date:

To

(All Respondents and Complainants)

.....

Sub: Complaint No.....filed by Shri / Smt

Sir/Madam,

Whereas the Complainant/s above named has / have filed the complaint against respondents for the relief prayed therein. The Complainant/s has / have submitted the declaration dated..... to this office stating that the copy of complaint has been duly served upon respondents.

You are hereby requested to remain present either in person / authorized representative / Advocate in the office ofon -----at----- for hearing along with your detailed reply.

Please note that on your failure to remain present for the hearing on the date and time mentioned hereinabove, the matter will proceed further and appropriate decision will be taken by the Authority on the basis of available documents and evidence on record.

Yours faithfully,

Legal Advisor

MahaRERA

Annexure 5:

Request for source information with respect to un-registered project.

Citizens are requested to forward information on un-registered project which ought to have been registered but have not registered, to following email id: sourcedetails@maharera.mahaonline.gov.in. You are kindly requested to provide as much information as possible, enabling MahaRERA to take appropriate measures in expeditious manner. Your support in this matter will be highly appreciated.

Citizens are requested to provide following details, as far as possible:

Details:

- 1) Name of the Promoter:
- 2) Contact details (Mobile Number/ email-id):
- 3) Name of Project:
- 4) Address of the Project:
- 5) Whether the building is occupied by allottees: Yes/No
- 6) Facts of the case:
- 7) Supporting Documents for proof of contravention.

Kindly note, your personal details shall not be disclosed to anyone and your identity shall be confidential. Thanking you for your support.

Legal Advisor

MahaRERA