

**Considering the provisions of Section 3 of the Real Estate (Regulation and Development) Act, 2016, as per Rule 44 (1) (i) of the Registration Rules, 1961, Regarding issuance of explanation in accordance with the Government Circular issued on September 20, 2019 for processing of document registration**

**Government of Maharashtra  
Department of Revenue and Forests  
Government Notification No. Stamp 2017/2453/C.No. 410/R 1 (Policy)**

Madam Cama Road, Hutatma Rajguru Chowk,

Mantralaya, Mumbai, Maharashtra 400032

Date : 13<sup>th</sup> August 2020

**Read :-**

1. Letter No. प्र.क्र.का.4/प्र.क्र.330/2017/908 dtd. 31st July, 2017 from Inspector General of Registration and Stamp Control, State of Maharashtra, Pune.
2. Department of Revenue and Forests, Government Circular No: Stamp-2017/2453 / C.No.410 / M-1 (Policy), dated 20th September 2019.
3. In front of Maharashtra Real Estate Regulatory Authority, Mumbai Source Complaint No.SC10002027 (Santosh Vs Sai Vintage Realtors) hearing before RERA Authority on March 11, 2020.
4. Letter No. 4 / Q.330 / 17 / RERA / 322/2020, dated 03 July, 2020 from Inspector General of Registration and Stamp Control, State of Maharashtra, Pune.

**Preface:-**

As per the request made by the Inspector General of Registration and Controller of Stamps, State of Maharashtra, Pune under reference no.1, "Except for projects exempted under sub-section (2) of section 3 of the Real Estate (Regulation and Development) Act 2016, The land, apartment or building in a project which has not been registered with the RERA Authority for the ongoing projects or the registration of purchase deeds is prohibited as per sub-section (1) of the said section or how? And so, the sub-rule (1) of (i) of rule 44 of the Registration Rules 1961 applies to the section of the said RERA Act or how?" In this regard the Government issued explanatory instruction in the government circular mentioned in reference no.2 above.

Meanwhile, Circular No. 25/2019 issued on October 11, 2019 by Maharashtra Real Estate Regulatory Authority, Mumbai and Source Complaint No. SC10002027 (Santosh Vs Sai Vintage Realtors) in the hearing, on the basis of the judgment given by the said authority dated 11 March 2020, the Inspector General of Registration and Controller of Stamps, State of Maharashtra requested the Government to issue

explanatory notice in accordance with the Government Circular reference No. 2 above was under consideration.

Government Circular : -

1. Maharashtra Real Estate Regulatory Authority, Mumbai issued Circular No. 25/2019 dated October 11, 2019 and Source Complaint No. SC10002027 (Santosh Vs Sai Vintage Realtors) in the case hearing, on the basis of the judgment given by the said authority on 11 March 2020, as per request by the Inspector General of Registration and Controller of Stamps, State of Maharashtra in accordance with the Government Circular reference No. 2 the following explanatory notice is being issued.

“Maharashtra Real Estate Regulatory Authority, Mumbai has been established through Real Estate (Regulation and Development) Act 2016 for regulation and control of real estate projects. The said authority is a competent authority under the RERA Act as per sub-rule 1 of (i) of rule 44 of the Registration Rules, 1961. Therefore, the said competent authority issued Circular No. 25 /2019 dated October 11, 2019 for the real estate relevant projects exempted from registration with the RERA Authority and for the registration of property transfer deeds and also, in the hearing held before the competent authority under sub-section (2) of section 3 of the RERA Act, the relevant real estate projects from the real estate was exempted from registration with the RERA authority by the judgments given by the said authority from time to time and also sub-rule 1 of (i) of rule 44 of the Registration Rules, 1961, shall not apply to the registration of transfer deed of property”.

Said Government circular are available on the Government of Maharashtra's website [www.maharashtra.gov.in](http://www.maharashtra.gov.in) code No. of the same is 202008131509230019. The said circular is being issued with digital signature attestation.

By order and in the name of the Governor of Maharashtra

Sd/-

**Pritamkumar Vasantrao Jawale**  
Desk Officer, Government of Maharashtra

1. Secretary of Hon'ble Governor of Maharashtra, Rajbhavan, Mumbai
2. Private Secretary of Speaker, Legislative Council, Vidhan Bhavan, Mumbai
3. Private Secretary of President, Legislative Assembly, Vidhan Bhavan, Mumbai
4. Additional Chief Secretary of Hon'ble Chief Minister, Mantralaya, Mumbai
5. Secretary of Hon'ble Deputy Chief Minister, Mantralaya, Mumbai
6. Private Secretary of Opposition Leader, Legislative Council/Legislative Assembly, Vidhan Bhavan, Mumbai

7. Private Secretary of all Hon'ble Ministers/State Ministers, Mantralaya, Mumbai
8. All Honorable Members of the Legislative Assembly / Legislative Council
9. Chief Secretary, Govt. of Maharashtra, Mantralaya, Mumbai
10. Hon'ble Additional Chief Secretary, Housing Department, Mantralaya, Mumbai
11. Hon'ble Accountant General - 1 & 2 (Mumbai/Nagpur), Govt. of Maharashtra
12. All Additional Chief Secretaries, Principal Secretaries, Secretaries, Mantralaya, Mumbai
13. All Divisional Commissioners
14. Inspector General of Registration and Controller of Stamps, Govt. of Maharashtra, Pune
15. Maharashtra Real Estate Regulatory Authority, Mumbai
16. All Collectors
17. Chief Executive Officer of all Zilla Parishads
18. All Planning Authorities
19. Additional Controller of Stamps, Principal Stamp Office, Mumbai
20. All District Treasury Officers
21. All Municipal Commissioners
22. All Municipalities / Municipal Councils/ Nagar Panchayats, Chief Officers
23. All Deputy Inspector Generals of Registration and Deputy Controller of Stamps (Divisional Offices)
24. Election Committee, Office -1, Revenue and Forest Department, Mantralaya, Mumbai