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ALIBAG
KARJAT-KHALAPUR-KHOPOLI

Ref. No. MCHI/PRES/22-23/166

Date: 22/4/2022

To,
Shri Hardeep Singh Puri
Hon'ble Minister of Housing and Urban Affairs.
Government of India.
New Delhi.

Sub: Implementation/Interpretation of RERA guidelines for agreement which are registered under MOFA agreement.

Respected Sir,

We are grateful and thankful to you for successfully implementing RERA across various states of the country and bringing the entire nation under unified regulation.

The primary intent of the regulation is to provide protection to the consumer from erroneous developer, who do not even complete the projects and siphon off the hard earned money of flat purchasers.

Developers who are into business after implementation of RERA are diligent and ethical in developing the projects as promised to the flat purchasers.

Despite of several hurdles faced by the industry, such as delay in procuring various approval due to red tape, Covid etc., the developers are offering possession to the flat purchaser within the date of possession declared while registering the project under RERA.

However, for the agreements which were executed prior to date of notification of RERA, and since the projects were not completed, those projects were registered under RERA, with the date of possession mentioned as per the requirements of the RERA. However, there are certain flat purchasers who are taking undue advantage of a situation that agreement is executed prior to date of implementation of RERA, and which mentions different date then that mentioned in the registration of RERA. They are filing applications under RERA, and demanding interest and compensation from the date of possession as per the agreement which were executed when RERA was not in force.

Sir, we request that Allottee, can be paid interest and compensation from the date of possession mentioned in the registration of the project under RERA, for the agreements which were executed prior to date of notification of RERA, by authority operating under provisions of RERA.

If the Allottee wants to have relief under the agreement in accordance with the terms and conditions of the agreement, specifically with reference to claim arising out of date of possession, then it should be sought from civil court, under whose jurisdiction the agreement executed prior to date of implementation of RERA is executed. If allottee wants relief under RERA, from authority operating under RERA, for agreements executed prior to date of implementation of RERA, then the same can be awarded under RERA, only after the date of possession, as declared while registering the project under RERA has expired.

Maharashtra Chamber of Housing Industry

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RERA is a beneficial legislation to ensure delivery of the apartment to flat purchaser, and for that has to be interpreted in interest of, primarily for flat purchasers, but also for developers, to ensure that all the projects get completed and therefore while safeguarding interest of flat purchasers, and without sacrificing the interest of flat purchasers, the law should be interpreted and clarified to protect also the developers upto an extent the project can be completed in time. Above clarification sought falls squarely on aforesaid parameters.

Thanking you,

Yours faithfully,
For CREDAI-MCHI



Boman Irani
President



Dhaval Ajmera
Hon. Secretary