Technology Led Transformation of Real Estate Sector in Maharashtra

Case Study on Maharashtra Real Estate Regulatory Authority (MahaRERA)

2019
Contents
1. Overview 3
2. Context and Background 3
3. Problem 4
4. Real Estate (Regulation and Development) Act 5
5. Forums for Dispute Resolution 8
6. Solution 10
7. Way Forward 12
8. Conclusion 14
9. Teaching Notes 16
10. Abbreviations 21
1. Overview

Real Estate Sector in India has traditionally been plagued with numerous issues including opaque practices and information asymmetry. Real Estate Transactions were lopsided and heavily in favour of developers. Delays were rampant and homebuyers usually did not have a reliable forum to address their grievances.

In order to overcome these challenges, Maharashtra Real Estate Regulatory Authority (MahaRERA) was established under the Real Estate (Regulation and Development) Act, 2016, which leveraged technology to change the face of Real Estate Sector. MahaRERA is a 100% Digital Platform transforming the real estate sector in the State, promoting transparency, accountability, financial discipline, customer centricity and compliance.

This Case Study details a real life story wherein a beneficiary, with help of MahaRERA, overcame various roadblocks to realise his dream home. In this case study, some names and identifying details have been changed to protect the privacy of individuals.

2. Context and Background

We are sure everyone knows Anay Singh, as he represents the plight of every home buyer that you will find across the length and breadth of the country. Anay always had a dream of buying a house in Mumbai, as any other middle class family. Finally in 2009, Anay felt his dream coming true. He saw an advertisement in newspaper about a real estate project Dream Heights being constructed, just beyond Dahisar, which is in the periphery of Mumbai, in Thane District. The project was to have 400 apartments and several other amenities. The reason Anay was attracted towards this project was that it was being built by a group of eminent diamond traders and real estate developers who had formed a partnership firm for this project. Anay was sure that the real estate promoter would have sound financial and technical wherewithal to complete the project. Anay visited their office and was shown the plans, the location details and provided details of amenities in and around the project. Everything looked so right that he paid the booking amount to get a flat allotted to him. Anay also found that there were many like him who had booked for a dream house in the same project.

All the details of the real estate project were given to Anay only in a form of a brochure. Rest all the information like approved plan, commencement certificate, title report, etc. were never provided to Anay. These were just shown once to him at the sales office. Anay was so enamoured by the attractive brochure that he didn’t ask for the details. But there was a lack of transparency when it came to accessing such details on a regular basis to ascertain the
progress of further approvals from the authorities. Anay had to visit the promoter’s office multiple times and request them to provide the information, whenever needed.

The project commenced as planned and all the activities were going on smoothly. Anay used to visit the project site once in a month to see the project progress as there was no other way to know the status of the project unless one physically visited the site.

Till 2012, everything seemed to be fine. Progress of the project was fairly good and it seemed that the promised date of possession in 2015 would be met. Assured that his apartment would be ready, Anay and his family were preparing and making plans of their new life in their new home.

3. Problem

In 2013, during one of his site visits, Anay realised that the progress of construction has slowed down considerably. Anay tried to understand the reasons for the same with the promoter’s sales team but he never got any satisfactory answers. Over the time, he realised that there were some altercations going on amongst the promoters.

Over several visits, empty promises were provided to Anay and that too verbally. He was promised that things will be sorted out shortly and the construction of project will again commence. Days went by but there was no progress in the project. His dream of living in his own home was becoming unattainable with no hopes in sight.

In 2015, the project came to a complete standstill. The in-fight between the partners continued and there was no information whatsoever provided to Anay by their office. Anay
tried to meet the promoter but he was never allowed nor did the promoters take pains to come and meet him even once. With time, Anay also realised that there were lot of issues with the financials of the project. Money which was given by the buyers in the project was misused in the past 4 years and was unaccounted for.

Anay was left in the lurch, to deal with the information asymmetry, abuse and financial malpractice by the promoter firm, completely clueless whether the project will ever get completed and to grapple with finding a proper forum for redressal of his grievances. Some of the buyers even asked the sales team for a refund of their money but they were either evasive or vaguely indicated that the amount may be returned after deduction of various charges amounting to 30% of their amount. The other issue was that even if they were ready to take the 30% hit, they were not sure when the payment would be made. This was the time Anay and other home buyers tried to connect with each other, met and decided to form an association of allottees to take this matter collectively. They were now known as Dream Heights Owner’s Welfare Association. They knew that they had to be prepared to fight a long battle ahead.

4. Real Estate (Regulation and Development) Act

In May 2016, while reading the newspaper, Anay found an article highlighting the enactment of Real Estate (Regulation and Development) Act 2016. The article mentioned that this act aims to transform real estate sector into a regulated sector, bringing greater transparency, accountability, financial discipline, speedy redressal and customer centricity.

Anay was sceptical on the efficacy of this Act and felt that this too would be like any other Act which would be mired in shoddy implementation. However, when Anay discussed within his Owner’s Welfare Association there was optimism and excitement but also a mixed feeling about this new turn of events. They found out that the implementation of the Act will begin, only after a year.

4.1 Maharashtra Real Estate Regulatory Authority (MahaRERA)
Very soon Anay got to know that as per the act, Government of Maharashtra had established the Maharashtra Real Estate Regulatory Authority (MahaRERA). MahaRERA was the first authority to have fully paperless, online and completely transparent office from day 1, i.e. 1st May 2017. As a first step, MahaRERA commenced all ongoing and new real estate projects registration. Real Estate Agents also had to get themselves registered with MahaRERA.

MahaRERA had a vision of having “Zero paper and Zero footfall” Office and had started implementing a 100% Digital Platform for all its services. There was a buzz in the newspapers that MahaRERA is setting an example for other States and paving the way for model implementation of RERA in India.

Anay kept getting updates on progress of MahaRERA in the newspapers. He read in the newspaper that Registration of ongoing projects was allowed only till 31st July 2017 and only 1270 projects were registered in Maharashtra by 20th July 2017. Anay started searching for his project online on the MahaRERA website but could not find it. He spoke with Ketan, a team member from MahaRERA, and was informed that all the projects which did not receive occupation certificate and are still under-construction are supposed to be registered with MahaRERA as on-going projects, up to the window period provided to them for registration till 31st July 2017. Ketan also asked Anay to have patience and keep checking for the project regularly.

Pleasantly, on 1st August 2017, when Anay visited the MahaRERA website maharera.mahaonline.gov.in, he found that more than 11000 projects and 8000 agents have been registered with MahaRERA. He also read that MahaRERA accounted for more than 90% of the real estate project registration in the country. In the month of July 2017, the registrations crossed the 10,000 mark. (Total Registrations for July 2017 - 10,602)
Finally, Anay was able to find his project registered with MahaRERA. The website provided all the details of the project like Intimation of Disapproval (IOD), Completion Certificate (CC), Title Report, Approved Plan, project completion date, amenities in the project, number of buildings, number of apartments, completion percentage of amenities, and current status of the project. This made things easy for a layman. All the information which required lot of requests and hard work to get was now available to Anay on click of a button. The helpless home buyer is now an empowered citizen with all the required information at his finger tip.

During one of his interactions with Ketan, Anay was told that MahaRERA is a 100% Digital platform. All of its G2C and G2B services were completely online including:

- Online Project Registration with tracking facility
- Online Agent Registration
- Online Project Updates
- Online Project Extensions
- Online Project Corrections
- Online Agent Renewal
- GIS based mapping
- Online Project Tracker
- Online Complaints management
- Online non-registered Information
- Online non-registered complaints
- Online Appeals
- Online Adjudication
- Real-time Statistics
- Online Conciliations
5. Forums for Dispute Resolution

Anay then spoke to Ketan to enquire about the forums for dispute resolution under MahaRERA. Ketan informed that MahaRERA has four forums for Dispute Resolution:

Forums for Dispute Resolution

1. MahaRERA (Maharashtra Real Estate Regulatory Authority)
2. Adjudication
3. Appellate Tribunal
4. Conciliation Forum

Anay decided to file a complaint to MahaRERA through the online complaints module. On browsing MahaRERA website, Anay realised that complaints module was available to general public and they can file a complaint against any registered project. Anay could easily navigate
through the screens, fill the application form and make the payment online for filing the complaint.

Anay had some apprehensions about the complaint and discussed with Ketan. Anay informed that their case is complex and a resolution may not come out soon. To which Ketan assured that as per the act, Authority has to take all measures to ensure that resolution has to be provided within 60 days of the person filing a complaint. And if delayed the authority has to provide a justification for the delay.

One of the key factors which led Anay to file a complaint was that the online filing procedure was simple, the cost was minimal and there was no requirement to hire any lawyer to represent the case in front of MahaRERA. Anay was able to file a complaint including making the fees payment within an hours’ time. Anay received acknowledgement over mail and was guided on next steps. Within one week, Anay received an email from MahaRERA that his hearing was fixed.

Anay was curious to know about the other forums which Ketan had mentioned. He requested Ketan to explain what the other forums are. Ketan informed Anay that there are presently two other forums, viz. Adjudication and Appellate Tribunal. He also explained that MahaRERA is in consultation with Consumer forum and Developer’s forum to be the first Real Estate Regulatory Authority in the country to initiate section 32 of the Act. Section 32 (G) of the Act promotes creation of alternate dispute resolution mechanism.

Any application for adjudication proceeding has to be done online through the complaints module. If the complaint pertains to seeking compensation under any of the sections 12, 14, 16 or 18, the adjudicating officer hears such matters. Adjudication process deals mainly with interest and compensation to be awarded to people who would like to exit from the project and want full refunds.

Ketan explained that Appellate Tribunal comes into picture when any of parties which is aggrieved by the order of MahaRERA / Adjudication wants to file an appeal against the order passed by the Authority. The complete appeal process is also done online.

Further, Ketan apprehend on the functioning of Conciliation Forum: In accordance with Section 32 (g) of the Real Estate (Regulation and Development) Act 2016 MahaRERA has established Conciliation and Dispute Resolution Forum that shall facilitate resolution of disputes amicably, thereby saving cost and time of litigation to parties and State, promoting greater public satisfaction with legal system and dispute resolution.

The objectives of the MahaRERA Conciliation and Dispute Resolution Forum is as follows:

- Constitute/establish panel of eminent Conciliators representing the two stakeholder groups, Developers and Consumers.
• To follow Conciliation rules emanating from best features of common and civil law systems after extensive consultation with practitioners
• To promote and popularize the amicable and effective settlement of disputes arising with reference to Real Estate (Regulation and Development) Act 2016, with various Alternate Dispute Resolution (ADR) mechanism.
• To popularize conciliation as an effective dispute resolution mechanism with moderate cost (cost effective) and speedy settlement of commercial disputes.

Adjudication process is in accordance with Section 71 of the Act. The Adjudicating officers, who are or have been District Judges, are appointed by MahaRERA, in consultation with the Government of Maharashtra. They adjudge compensation under Sections 12, 14, 18 and 19 of the Act while deciding online complaints which have been filed through MahaRERA, in accordance with Rule 7 of the Maharashtra Real Estate (Regulation & Development) (Recovery of Interest, Penalty, Fine Payable, Forms of Complaints and Appeal etc.) Rules, 2017.

Online appeals are filed under Section 44 of the Act with the Maharashtra Real Estate Appellate Tribunal, against direction or order or decision of MahaRERA or Adjudicating Officers. Till date, out of 955 appeals filed, 230 have been disposed of.

6. Solution

On the scheduled hearing date, Anay found that many allottees in his project had also filed individual online complaints to MahaRERA with of course the same prayer of restarting the stalled work and taking the unfinished project to completion. The Chairperson, MahaRERA had clubbed all the complaints filed in the project and he heard the matters together. Anay, the individual complainants and the association members were present during the hearing. The respondent partners of the LLP firm appeared through their respective advocates. Anay and his association members had also hired the services of a representative who was not a lawyer but an expert on housing related matters, for ease of articulation of their grievances.

The advocates for the Respondents stated that the construction work in the project has been stalled for close to three years due to certain internal disputes between the Respondents and that arbitration proceedings are pending for the same in the High Court. They further explained that the work in the project cannot start unless the disputes are settled in the pending arbitration proceedings. On hearing this, the complainants had a sinking feeling. The Dream Heights Owners Association representative explained that the internal disputes between the Respondents has adversely affected the project so far and urged MahaRERA to intervene so that the dispute between the Respondents are resolved and project work is restarted at the earliest.
During the course of the further hearings held in December, 2017 and January, 2018, one of the partners who was respondent number 5, in the complaints, reluctantly agreed to initiate take-over of the said project, by acquiring the stakes of the other two partners, i.e. Respondent No. 2 and 6, putting in the required further liquidity/investment in the said projects and attempting to complete the project in a time bound manner. The other Respondents stated that they may be willing to consider the same and resolve the dispute outside the pending arbitration, provided they were paid their dues. Anay and association members stated that they were agreeable to the proposal of the respondents of resolving their dispute pending before arbitration out of court, the respondent No. 5 taking over the project and getting the same completed, provided they were assured possession of their completed apartments, within a reasonable time period.

Dream Heights Owners association took an appointment with the Chairperson separately and collectively informed him that they would want to stay with the project and may even give up their claims of compensatory delayed interest, as their first priority was to see their project completed. When the matter was fixed for further hearing, Anay gathered that the Chairperson had had many deliberations with the respondent partners, outside the court, to prevail upon them to resolve their internal dispute. During the hearing, the respondent No. 5 produced documents to show that the other respondents have settled their internal disputes, withdrawn their arbitration proceedings and the said project has now been handed over to Respondent No 5 who will now manage and implement the project with a new partner.

With the clear assurance from Respondent No. 5 and his new partner to restart and complete the project before December 2019, the owners association signed mutual consent terms and handed over the same to MahaRERA. MahaRERA passed orders on 9th February 2018, disposing of all the complaints on the basis of their mutually signed consent terms. Soon thereafter, the promoters updated their webpage using the MahaRERA online update/correction module and incorporating all the changed parameters of the project which were mutually agreed between the home-buyer members of the Dream Heights Owners Association and the promoter.

Today, as we are in the first quarter of the year 2019, Anay is so happy that his Dream Heights project is back on track. The webpage of Dream Heights project on the MahaRERA website is giving him complete update of the progress of work and he is fully confident that he will have his griha pravesh before the year ends. It makes Anay proud that he is a stakeholder in a MahaRERA registered project which has got numerous awards from not only media houses like Construction Week and CNBC Awaaz but also the National e-Governance award for Excellence in Citizen Centric Delivery. Anay has also been told that MahaRERA’s most innovative and hugely successful venture of implementing Conciliation Forum for resolving disputes between real estate developers and home buyers has won accolades from United Nations Conference on Trade and Development (UNCTAD).

Source of Funds
Anay was worried about the money paid by him for the project. Ketan explained to him that projects are made on book, built and sell model and the Act has the provision to monitor the amount collected from the home buyers and used in any of the project. As the Act aims to bring financial discipline, the accounts of the projects are to be monitored by a Chartered Accountant. 70% of the money collected from the buyers as sale proceeds by the promoter has to be kept in a RERA designated bank account. Also the designated bank account has to be audited by a statutory auditor annually.

While explaining the other funding sources of any real estate project, Ketan further clarified that if the project promoter takes project loan from any financial institution by creating mortgages in the project, then such details are also required to be put out by the promoter in the public domain in the form of encumbrances certificate. He however added that in Anay’s case the promoter is sourcing his funds from the buyer’s money and the promoter’s own money. Therefore he has put out a Certificate of No Encumbrances in the designated upload section of the MahaRERA Portal.

Anay is now quite confident that the future home buyers will not have to face the rough and tough time he faced, till MahaRERA came to his rescue.

7. Way Forward

MahaRERA is transforming the real estate sector in Maharashtra. It has successfully leveraged technology to transform the entire landscape of Real Estate Sector in Maharashtra.

7.1 Impact

The impact of MahaRERA is as follows:

✓ **Citizens:** More than 20 Lakh Homes accommodating 1 Crore citizens of Maharashtra are registered and being monitored through MahaRERA IT solution

✓ **Financial Investments:** About 8 Lakh Cr of investment is being tracked through MahaRERA online
✓ **Industry:** Over 20000 real estate project businesses registered and monitored through MahaRERA and nearly 4000 projects are completed. Over 19000+ real estate agents are also registered and monitored through MahaRERA

**Impacting numerous stakeholders through Minimum Government Maximum Governance**

- **Citizens**: More than 20 Lakh families with 1 Crore citizens of Maharashtra are registered and being monitored through MahaRERA
  - **Financial Investments**: About 8 Lakh Cr investment flowing through MahaRERA online
  - **Professionals and Labor**: About 20 Lakh professionals and labour job roles being defined by MahaRERA including labour, architects, engineers, Chartered Accountants
  - **Unprecedented Service Levels**: By a dedicated staff of just 40 people the following service levels are being achieved:
    - 16 days: average time for application process against 30 days provided by the Act
    - 54 days: Resolution of Complaints against 60 days provided by the Act
  - **GDP Contribution**: 8% is the total contribution of the Real Estate Sector to the GDP of India

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**7.2 Replication**

MahaRERA Digital Solution can easily be replicated in other States of India. MahaRERA is often quoted by the Central Government as model RERA Implementer. MahaRERA is also a part of all the Central Government meetings and Committees formed for implementation of RERA
throughout India. Various States have visited Maharashtra to understand and follow the system.

8. Conclusion

MahaRERA, with the help of technology, is transforming the real estate sector in Maharashtra, leading it into an era of greater transparency and professionalism, wherein all stakeholders’ interests are protected and trust and confidence is established. When there was no regulation, problems like forgery and cheating, late delivery of homes, information asymmetry etc., arose. MAHARENA is trying to achieve three main objectives:

- **Bringing in complete transparency in the system:** Now every project that gets started in Maharashtra has to be registered with MahaRERA and the promoter of the project has to make disclosure about all the mandatory clauses, and additional clauses, if any that he may further want to add. All this information is available in the public domain.
- **Ensuring completion of on-going projects:** All the builders working on ‘on-going’ real estate projects which do not have the occupancy or completion certificate from the Competent Authority have to register themselves with RERA. The prime objective in registering a project is to ensure the same gets completed and buyers get their homes.
- **Building trust between the builder and customers:** There is a huge trust deficit between the builders and customers. MahaRERA is trying to bridge that gap through discipline, accountability and conciliation forum. The conciliation forum is where both the parties involved sit across the table and resolve their differences. Representatives of Promoter’s body and Consumer’s body act as facilitators and 15 benches have been created for that purpose in Mumbai and Pune. The success rate in this process is close to 90 percent. The idea is that the matter should not linger on in the court but get resolved by reaching a mutual understanding.

All the MahaRERA registered projects have been put up on Google Maps so that a person looking out for a home can look at all the options before making an informed choice. The credentials of the builder can also be seen in the public domain. Information like how many flats sold, the amenities that the builder is providing in a project are available for all to see. These things help a consumer to decide on a project he is interested in. Before this Act, people were dependent on word-of-mouth publicity. Now everything is available online. *This transparency is a game changer.*

MahaRERA has tried to implement the Act in its letter and spirit and taken it forward for the well-being of the customers. Till date, out of 6487 online complaints filed with MahaRERA,

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4224 have been disposed of and all the rulings by MahaRERA/judgements by Adjudicating Officers, delivered in these cases, are accessible and downloadable in the MahaRERA website maharera.mahaonline.gov.in. Even all replies to RTI applications have been posted on the MahaRERA website and are available in the public domain.

Aligned with the principle of Minimum Government and Maximum Governance, MahaRERA is setting an example for India to emulate. In line with the tenets of Minimum Government, Maximum Governance, the focus of the Government through MahaRERA has been that of a facilitator. In addition, MahaRERA abides by the following facets of Minimum Government, Maximum Governance, thereby ensuring highest levels of quality e-Governance interventions:

- Simplification of procedures
- Identification and repeal of obsolete/archaic laws/rules
- Identification and shortening of various forms
- Leveraging technology to bring in transparency in public interface and
- Robust public grievance redressal system
9. **Teaching Notes**

**Learning Objectives**

- As-Is situation analysis and identification of pain points in the existing regulatory structure of real estate and their resolution
- Importance of innovation and technology to bring transparency and proper accountability
- **Learning Notes on the RERA Act (Real Estate - Regulation and Development Act 2016)**

The Real Estate (Regulation and Development) Act, 2016 is an Act of the Parliament of India which seeks to protect home-buyers as well as help boost investments in the real estate industry. The Act establishes Real Estate Regulatory Authority (RERA) in each State for regulation of the real estate sector and also acts as an adjudicating body for speedy dispute redressal. The bill was passed by the Rajya Sabha on 10 March 2016 and by the Lok Sabha on 15 March 2016. The Act came into force on 1 May 2016 with 59 of 92 sections notified. Remaining provisions came into force on 1 May 2017. The Central and State Governments are liable to notify the Rules under the Act within a statutory period of six months.

The Act contemplates that within 6 months of the RERA Act being enforced, State Governments shall make rules for carrying out the provisions of the Act. The said Rules are to be notified by some of the State Government.

As late as on 31 October 2016, Central Government released the Real Estate (Regulation and Development) (General) Rules 2016, vide Notification by the Ministry of Housing & Urban Poverty Alleviation (HUPA). The Rules so issued by the Central Government are applicable to the five Union Territories without Legislature, viz., Andaman & Nicobar Islands, Dadra & Nagar Haveli, Daman & Diu, Lakshadweep, and Chandigarh. The Rules have been issued after the prior release of Draft for comments.

As of 1 September 2018, Arunachal Pradesh, Mizoram, Meghalaya, Sikkim and Nagaland have not notified the Rules. In the case of five North-Eastern States, the RERA Act is facing certain constitutional challenges as the land in those States are community owned. West Bengal notified a similar law called the West Bengal Housing Industry Regulatory Act 2017, which came into effect from 1 June 2018. However, as of November 2018, many of the States have not implemented the law in its true letter and spirit and failed to notify a Permanent Regulator, Appellate Authority or a website.

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## Implementing States

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Suggested Questions & Analysis

a) What are the key points to be kept in mind while replicating the MahaRERA model in other States?

b) To take up the number of registrations on the MahaRERA portal, what are the top three key features/ application solutions that you can highlight to a common man?

c) Group Discussion and Role Play Activity
Divide the participants in groups of 4 -5 and discuss the case on following aspects. Each group should take one aspect:

1. Discuss the impact of having no proper forum for grievance redressal for consumers in light of the platform provided by MahaRERA as described in the Case
2. What should be the next steps taken by the project to expand the overall reach and accessibility? Organise open brainstorming session regarding how this project can be evolved in Maharashtra, what additional features may be added? Each group should present their findings in a short 5-10 minutes presentation afterwards.

Role Play Activity
Make two groups of participants. The first group should represent Dream Heights Owners Association led by Anay, and the other group should represent Team MahaRERA. Let the two groups enact the issues as highlighted in the case study.
➢ Group Dream Heights Owners Association should raise issues of lack of financial discipline, in-fighting among partners and concern over timely completion of housing projects
➢ Group MahaRERA should highlight solutions such as assurance of accountability, transparency and paperless resolution of grievances

The objective of this exercise is to highlight expectations of stakeholders and the readiness of Government in meeting them. It is a role play type of exercise which offers plenty of flexibility in the way services can be further augmented.

Summary- Key lessons learnt (15 minutes). Each participant shall write down a summary in not more than 500 words highlighting key learnings from the case.

Annexure

UI/Template

The software for MahaRERA web portal has been developed by MahaOnline (a joint venture of Govt. of Maharashtra and TCS) from their own sources. They are running this portal on a revenue model. Therefore all the IPR are owned by MahaOnline. Any state that wants to replicate the forms and interface can approach MahaRERA which puts them in touch with MahaOnline for further assistance. Telangana has taken the services of MahaOnline to replicate the MahaRERA model. Other stakeholders can also avail of this services for replication.
## Abbreviations

<table>
<thead>
<tr>
<th>Abbreviations</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>ADR</td>
<td>Alternate Dispute Resolution</td>
</tr>
<tr>
<td>CC</td>
<td>Completion Certificate</td>
</tr>
<tr>
<td>G2B</td>
<td>Government to Business</td>
</tr>
<tr>
<td>G2C</td>
<td>Government to Citizen</td>
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<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
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<tr>
<td>HUPA</td>
<td>Housing &amp; Urban Poverty Alleviation</td>
</tr>
<tr>
<td>IOD</td>
<td>Intimation of Disapproval</td>
</tr>
<tr>
<td>LLP</td>
<td>Limited Liability Partnership</td>
</tr>
<tr>
<td>OC</td>
<td>Occupation Certificate</td>
</tr>
<tr>
<td>RERA</td>
<td>Real Estate Regulatory Authority</td>
</tr>
<tr>
<td>UNCTAD</td>
<td>United Nations Conference on Trade and Development</td>
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