
Intergovernmental Group of Experts on Consumer Law and Policy
(IGE Consumer)

3rd SESSION

9-10 July 2018

Room XVII, Palais des Nations, Geneva

Tuesday, 10 July 2018

Morning Session

Agenda Item 3d. Dispute resolution and redress

Contribution by

MahaRERA

India

This material has been reproduced in the language and form as it was provided. The views expressed are those of the author and do not necessarily reflect the views of UNCTAD.



MISSION POSSIBLE

Conciliation: A Unique Experiment of MahaRERA





Devendra Fadnavis
Chief Minister
Maharashtra



Mantralaya
Mumbai-400 032
26th April 2018

MESSAGE

I am happy to know that Mumbai Grahak Panchayat is brining out a booklet on 'Conciliation –A Unique Experiment by MahaRERA' to mark the completion of the maiden year.

Maharashtra was among the first states to notify rules, regulations and establish Maharashtra Real Estate Regulatory Authority also known as MahaRERA. This is also a first paperless, online system providing complete transparency from its very inception.

It is praiseworthy that Mumbai Grahak Panchayat has taken great efforts to strengthen the regulatory framework under Real Estate Act, 2016 (RERA). The massive consumer awareness programme undertaken by Mumbai Grahak Panchayat to explain how RERA brings transparency, fiscal discipline, accountability and also empowers home-buyers and enables them to make informed choices, thereby protecting consumer interest has helped in creating conducive atmosphere for its effective implementation in the State.

I hope that this booklet will inspire other State authorities to replicate Maharashtra model of conciliation Forum to effectively protect the interest of home buyers in their respective state.

On this occasion, I congratulate Mumbai Grahak Panchayat and all the other institutions who have been instrumental in developing regulatory framework for implementation of RERA in the State. I wish all the success in future initiatives of Mumbai Grahak Panachayat.

(Devendra Fadnavis)



MISSION POSSIBLE

Conciliation
A Unique Experiment of MahaRERA

Editor
VARSHA RAUT

Mumbai Grahak Panchayat

Grahak Bhavan, Sant Dnyaneshwar Marg,
(Behind Cooper Hospital) JVPD Scheme,
Juhu-Vile Parle (W.), Mumbai - 400 056

E-mail : mpanchayat@gmail.com

Website : www.mumbaigrahakpanchayat.org.

Tel : 91-022 2628 1839

© Mumbai Grahak Panchayat

Published by :

Mumbai Grahak Panchayat
Grahak Bhavan, Sant Dnyaneshwar Marg,
(Behind Cooper Hospital) JVPD Scheme,
Juhu-Vile Parle (W.), Mumbai - 400 056
E-mail : mpanchayat@gmail.com
Website : www.mumbaigrahaakpanchayat.org
Tel : 91-022 2628 1839

First Edition : 1st May 2018

Cover Page Design :

Shri. Rajendra Rane

Printed by :

Anand Limaye
India Printing Works
India Printing House
42, G.D. Ambekar Marg,
Wadala, Mumbai 400 031
Tel. : (022) 2412 2755/56
E-mail : anand@ipworks.in

Price : ₹ 100/-

Conciliation - A Unique Experiment



Dr. Ramdas Gujarathi

President – Mumbai Grahak Panchayat

On the occasion of the First Anniversary of the MahaRERA Act, I very heartily congratulate the Central as well as State Government for enacting and implementing this unique Act in the best interest of the consumers buying Real Estate with the help of their hard-earned life-time savings.

Another very unique feature is the establishment of the Conciliation Forum under this Act. Maharashtra is the First State in the country to establish Conciliation Forum comprising of the Conciliators as recommended by the strong organizations of Builders and Developers and our Mumbai Grahak Panchayat (MGP), as a leading consumer organization in India. Our Chairman Adv. Shirish Deshpande deserves to be complemented for pointing out the provision of Section 32 (g) of the RERA Act and for insisting on establishment of the Conciliation Forum to resolve disputes amicably without resorting to the lengthy legal procedures. Watchfulness is the rare quality of his personality.

I must complement MahaRera Chairman Mr. Gautam Chatterjee for realizing the importance and potential of the Conciliation Forum and agreeing to implement this



Conciliation Scheme with enthusiasm and imagination. After the establishment of Conciliation Forum, Mr. Gautam Chatterjee, arranged for a Training Session for all the Conciliators and provided them guidance and support for resolving the dispute in the interest of the aggrieved consumers. Because of this, as of now 31 cases have been resolved successfully at Mumbai and Pune. This is great achievement of newly formed Conciliation Forums.

As a President of MGP and as a member of the Core Committee for Conciliation, I put on record my sincere appreciation for the excellent work done by all the Conciliators. I very sincerely thank Shri. Gautam Chatterjee and Dr. Vasant Prabhu for their continuous involvement, guidance & support.

I put on record my sincere appreciation for the office-bearers of NARDECO, MCHI and CREDAI for their whole-hearted co-operation and unconditional support.

I congratulate and thank Adv. Shirish Deshpande for his total involvement and overall encouragement to all Conciliators on day-to-day basis.

I once again congratulate all the concerned persons and organisations.



MahaRERA Conciliations Forum First of Its Kind In India



Dr. Niranjan Hiranandani

National President, NAREDCO

Maharashtra has been the first State in India to take the initiative and implement Maharashtra Real Estate Regulatory Authority (MahaRERA) with 15000+ projects registered in the state. We congratulate Shri Gautam Chatterjee, IAS for his incredible Leadership Qualities, initiatives and remarkable efforts for striving complete online and transparent system at Maharashtra Real Estate Regulatory Authority and setting up the precedence for rest of the country.

NAREDCO is committed to work towards the agenda of Hon'ble Prime Minister

Shri Narendra Modi ji to achieve goal of Housing for All by 2022. We believe that the implementation of RERA will give the required boost to the sector and will create a level playing field for the stakeholders. We congratulate **Shri. Devendra Fadnavisji** for all the support towards the development of Real Estate Industry and to streamline approval process under Ease of doing Business and taking up the RERA implementation on the priority.

MahaRERA has setup MahaRERA Conciliation Forum

under section 32 (g) of the Act which involves Developers Council as well as Consumer Forum. It is the first Forum in India setup by the MahaRERA authority for amicable solutions/settlement of Grievances between Home Buyers/ Prospective Purchasers and the Developers.

Conciliation is an alternate dispute resolution process and it has been widely accepted by different countries as an effective and efficient method for Redressal of grievances. The significance of conciliation is also that it is held in private, hence utmost confidentiality of terms and conditions pertaining to grievances and the mutually agreed terms towards the settlement and records pertaining to it are highly confidential and not available on any portal or any public forum. The cost it involves is negligible and the best thing is that BOTH THE PARTIES ARE WINNER.

After various Conciliation hearings, I have realised that there is communication gap between the Home Buyers and the Developers. Conciliation Forum has helped the parties to come forward and honestly express their concerns, doubts and desires and helps in building trust between both the parties.

I would also like to mention MahaRERA Secretary **Dr. Vasant Prabhuji** and Chairman - Mumbai Grahak Panchayat **Adv. Shirish Deshpande** who has been a great help and guiding force in the formulation and the success of this Forum. I am delighted to be a part of the Core Committee of the MahaRERA Conciliation Forum and wish all success to the Forum and the Members.



MahaRERA Conciliation Forum Win-Win for Consumers & Developers



Mr. Suhas Merchant

Chairman-RERA Committee, CREDAI-National

Among many ways of dispute resolution, the mutual and amicable conciliation of dispute is the best way

As per the section 32(g) of the RERA Act, the RERA Authority could take measures to facilitate the amicable conciliation of disputes through dispute settlement forum set up by the consumer or promoter associations. Accordingly, the MahaRERA Secretary has set up the Conciliation Forum from 01st Feb, 2018. The Forum constitute 18 members of developer associations namely CREDAI-Maharashtra, CREDAI-MCHI and NAREDCO and 15 members of Mumbai Grahak Panchayat (MGP).

Over 1,000 cases have been filed with MahaRERA since August 01. Currently, 10 Benches of the Conciliations Forum are operating from Mumbai and 5 from Pune. These forums are functioning as an Alternative Dispute Resolution system. (ADR)

These forums are essentially a way for builder and consumer to talk directly and try resolving the disagreements through intervention by the Conciliation Forum.

CREDAI-Maharashtra circulated “Frequently Asked Questions” in local language. Monthly newsletter published for developers. Arranged many programs to educate Developers and also published various articles in media to give information to consumers. This has benefited & given satisfaction to Promoters and Consumers.

It is a win-win situation for both the consumers and the developers as this saves both, time and money of the complainants and developers.

It is heartening to note that, through these forums, all cases referred are successfully resolved. CREDAI is committed for working of these forums and will give full support for its success.



Conciliator As A Catalyst



Mr. S. S. Hussain

I.A.S. (Retd.) C.E.O., CREDAI-MCHI

To,

Dear Shri Shirish Deshpande,

It is a very fitting and desirable release of an English Booklet on '**Conciliation - A Unique Experiment under MahaRERA**'.

Your idea of releasing this booklet is a very appropriate tribute to this unique experiment and efforts in developing the concept as well as the process in view of and as contemplated section 32 (g) of RERA Act.

The concept of Conciliation to facilitate amicable settlement of disputes between the two parties, the Promoter and Allottees; this in itself is a very positive and encouraging concept. The process is simple, as the dispute settlement Forum as set up by the MahaRERA Chairman, Shri. Gautam Chatterjee and your goodself deserve 'Congratulations and Gratitude' for developing this process "the Principle into Practice" with proper mechanism of Conciliation.

In this time and age, with experience of long litigations and its rising costs, people are looking for faster and better Grievance Redressal mechanism what better

opportunity than to showcase the great efforts as already set up on the occasion of its 1st Anniversary of MahaRERA i.e. on 1st May 2018.

I believe more than 46 cases have been applied for and around 31 cases have already been decided and 15 cases are in pipeline. Most of them have been passed with mutual consent. Since, the process is simple, fees is only Rs. 1,000/- and the persons sitting as the Conciliators are men and women of repute and respect, people are mutually and happily accepting the settlement terms. Actually, the Conciliators have just to sit and listen to the grievances of warring parties and see it through the mutual negotiation. There is no compulsion. No force. No orders are passed and the terms are mutually agreed and signed, by the parties, in the presence of Conciliators. Thus, it becomes the win-win situation of both of them and they happily leave the table while shaking hands. On the day of Press Release, I had in a lighter vein expressed that it is a sort of Love Marriage which is arranged and the Conciliators just work as catalysts without getting into disputes. Hence, it is a very great process, which is being positively accepted by both the parties.

Maharashtra as always, leads again adding a feather in its cap, which would definitely inspire other States to emulate the system of Conciliation as above.

All the Best for more fruitful, acceptable Settlements!

With Best Regards,

S. S. Hussain



MahaRERA CONCILIATION FORUM *THE WAY AHEAD*

Thoughts of MahaRERA



Mr. Gautam Chatterjee

Chairperson, MahaRERA

Let me, at the outset, heartily congratulate and thank all who have been instrumental in the successful completion of the maiden year of Maharashtra Real Estate Regulatory Authority, popularly known as MahaRERA. It is heartening to note that, on this auspicious occasion, Mumbai Grahak Panchayat (MGP) is publishing a booklet on **“Conciliation - A Unique Experiment of MahaRERA”**.

The proactive contribution of MGP in strengthening the regulatory framework under Real Estate (Regulation and Development) Act, 2016 (RERA) is well known. After enactment of this landmark legislation by the Parliament, MGP undertook massive consumer awareness programmes in Mumbai & Pune, wherein I had the opportunity to make presentations to thousands of home-buyers and consumers, explaining how RERA brings transparency, fiscal discipline, accountability and also empowers home-buyers and enables them to make informed choices, thereby protecting consumer interest.

It is during one of these awareness interaction sessions, Shri. Shirish Deshpande, Chairman, Mumbai Grahak

Panchayat highlighted the provisions of Sec 32 (g) of RERA to me. He suggested that I should take the initiative in facilitating creation of such a Conciliatory mechanism under MahaRERA, which can resolve consumer grievances in the Real Estate sector in an amicable manner, thereby creating a Win-Win situation for both home-buyers and promoters. As a Regulator for Maharashtra, I immediately realized the importance and the far reaching positive consequences of such a conciliatory mechanism under MahaRERA. In right earnest, I took up the matter with all the Promoters' organizations in Maharashtra like CREDAI, MCHI and NAREDCO. I am happy to acknowledge here that the representatives of all these Promoters' bodies responded very positively and offered their full co-operation and support to translate this idea into reality.

A series of meetings with representatives of MGP, CREDAI, MCHI and NAREDCO followed, under the aegis of MahaRERA. It was a pleasant achievement when we could bring all the four bodies on the same page of providing expeditious and simple solution to consumer grievances, in a congenial environment. The heartening thing was the very positive approach by all these four bodies, when we were finalizing the MahaRERA Conciliation Scheme. The culmination of the discussions led to the formal launch of the MahaRERA Conciliation Forum, with MahaRERA Secretary Dr. Vasant Prabhu being designated as the Chairperson of the Governing body of the forum.

MahaRERA took special efforts to ensure that the members of MGP, CREDAI, MCHI and NAREDCO and the designated conciliators go through a formal



training, by the experts in the field, regarding the skills required for effective Conciliation. Adv. Ajay Mehta, an experienced Trainer in Mediation & Conciliation, groomed these Conciliators over a two-day Training programme organized by MahaRERA. It was also necessary to acquaint the Conciliators with various provisions of RERA. My colleague Members of MahaRERA viz. Dr. Vijay Satbir Singh and Mr. Kapadnis along with me also extensively interacted with the Conciliators and discussed various provisions of RERA and the intent behind them.

The setting up of Conciliation Forum with Benches, both within and outside Mumbai, comprising a representative each from a consumer body and promoters' body, was a historic step taken by MahaRERA. Maharashtra, which was the first state in India to implement RERA on dot at the stroke of the midnight hour on 1st May 2017, added another feather to its cap by becoming the first and so-far the only state in India to have a Conciliation mechanism in place as provided under Section 32 (g) of RERA.

Today, we have 10 Conciliation Benches for MMRDA Region and 5 Benches for the Pune Region. Talks are at an advanced stage for setting up Forum at Nagpur too. Each Conciliation Bench in Mumbai and Pune consists of a representative from MGP and a representative from CREDAI, MCHI or NAREDCO. I must mention to the credit of all these four bodies viz, MGP, CREDAI, MCHI & NAREDCO that space constraint for Conciliation hearings was resolved in no time, by the participating bodies offering their own office premises and office infra-structure for this purpose. The initial results of

Conciliation hearings, as of date, have been fairly encouraging. Matters referred to the MahaRERA Conciliation Forum are getting amicably settled, to the complete satisfaction of both the sides, in maximum two and in some exceptional cases three sittings.

As on date, 69 conciliation requests have been received, out of which 46 conciliation cases have been taken up for hearing by the Conciliators. 31 cases have been disposed of with more than 90% of these cases having resulted in parties signing consent terms of mutual settlement. As more and more complaints get decided in the form of rulings of MahaRERA and such rulings come out in the public domain, I am sure, the percentage of cases where mutual settlement would happen in Conciliation would also significantly go up.

The response so far has underscored a fact that consumers, if given a choice, would not like to engage in legal battles, if their concerns are adequately addressed by the Promoters. Equally important is the positive attitude demonstrated by the Promoters against whom the conciliation matters were initiated by the consumers. But more than anything, I am very happy with the way the Conciliators from Mumbai & Pune are using their Conciliation skills to assure both parties before them that justice and fair play would prevail.

The best part of the Conciliation mechanism, which is now a globally recognized Alternate Dispute Resolution mechanism (ADR), is that it ensures finality of the terms mutually agreed upon by the parties without relying on technicalities of law. In most of the consumer grievances, the real issues are rarely legal

but most often, the issues are of misunderstanding, lack of communication, miscommunication and at times even egos. All such issues, if skillfully handled by Conciliators, will produce positive results.

In the absence of lawyers in the proceedings, the parties are encouraged to vent their grievances personally and the Conciliators play the role of bringing both the parties to mutually agreeable terms. I believe, the consumers who have benefitted find it difficult to believe that such a quick resolution to their long-pending dispute could have been ever possible under the normal litigation mechanism. What is more important, such mutually agreed settlements don't leave behind any taste of bitterness between the parties.

I am happy to see that Conciliation mechanism under MahaRERA has made a promising beginning. I would be happier to see more and more aggrieved consumers avail of the benefits of this MahaRERA Conciliation Forum. The details of the functioning of this Forum can be accessed from our website <https://maharera.mahaonline.gov.in>. The long-standing trust deficit, between the home-buyers and promoters, is thus gradually getting reduced in Maharashtra which, I am certain, will go a long way in protecting interest of consumers on one hand and creating a healthy, efficient and professional Real Estate sector on the other hand.

I do hope that the MahaRERA model of Conciliation Forum is adopted by other states, sooner than later.





MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

महाराष्ट्र स्थावर संपदा नियामक प्राधिकरण

No. MahaRERA/Secy/File No. 27/95 /2018

Date:- 29/01/2018

Circular No. 15/2018

Sub: MahaRERA Conciliation & Dispute Resolution Forum

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 as per Section 32 (g) of the Real Estate (Regulation and Development) Act, 2016, Maharashtra Real Estate Regulatory Authority must take measures to facilitate amicable conciliation of disputes between promoters and the allottees through dispute settlement forums set up by the consumer or promoter associations.

With this objective MahaRERA Conciliation and Dispute Resolution Forum hereinafter referred as 'The Forum' has been formed to facilitate resolution of disputes amicably, thereby saving cost and time of litigation to parties and State. The Forum consists representatives of Mumbai Grahak Panchayat, a leading Consumer body and the promoters' association representatives from CREDAI, MCHI, CREDAI-Pune Metro & NARECO

The objectives of the Forum shall be as follows:

- Constitute/establish panel of eminent Conciliators representing consumers' association and promoters' associations
- To promote and popularize the amicable and effective settlement of disputes arising with reference to Real Estate (Resolution and Development) Act, 2016, under various Alternate Dispute Resolution mechanism.
- To popularize conciliation as an effective dispute resolution mechanism with moderate cost (cost effective) and speedy settlement of commercial disputes.
- To Co-ordinate/assist ADR proceedings by establishing facilities and providing administrating services.

Slum Rehabilitation Authority (SRA) Building,
'A' Wing, Prof. AnantKanekar Road,
Bandra (East), Mumbai 400 051
Tel : 022-26590036

झोपडपट्टी पुनर्वसन प्राधिकरण इमारत,
ए विंग, प्रो.अनंत काणेकर मार्ग,
बान्द्रे (पूर्व), मुंबई ४०० ०५१
दूरध्वनी ०२२-२६५९००३६

MahaRERA Conciliation & Dispute Resolution Forum (The Forum)

The Core Committee has been established to guide and monitor the functioning of the Forum. The Core Committee will be headed by the Secretary, MahaRERA and 2 representatives each of Mumbai Grahak Panchayat, NAREDCO, MCHI and CREDAI. MahaRERA will provide administrative as well as financial support to the Forum.

The Secretary/MahaRERA will be the chairperson and shall have the powers of general superintendence, in addition to presiding over the meetings of the Core Committee and exercise and discharge such administrative powers and functions of the Forum as may be needed from time to time.

Composition of Conciliation Bench

Initially, there will be 10 Conciliation Benches set up for Mumbai Metropolitan Region (MMR) and 5 Benches for Pune Region. Each Bench will have one Conciliator of MGP and one from either NAREDCO or MCHI or CREDAI. NAREDCO, MCHI & CREDAI have agreed to forego any honorarium from the Forum. Conciliators from MGP will be given an honorarium of Rs.5000/- per case heard by them.

Location of the Benches

In Mumbai Metropolitan Region, the Conciliation Benches will be functional, for time being, from offices of MahaRERA (Bandra – East) (only on Saturdays), MGP's Grahak Bhavan at JVPD Scheme, Vile Parle (West); NAREDCO office in Powai & Thane (West), MCHI & NAREDCO offices in Churchgate and Thane (West). In Pune, Conciliation Benches will operate from MahaRERA office located in Aundh, Pune.

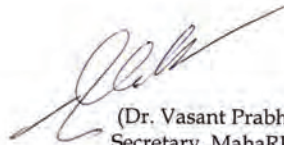
Procedure for Conciliation

Only Disputes between promoters and allottees which are under purview of Real Estate (Development and Regulation) Act, 2016, Rules and Regulations made thereunder shall be admissible by the Forum.

- The Party initiating the Conciliation will file his/her on-line application and the same will be automatically emailed to the other side party.
- The other side party has to convey his consent for Conciliation within 7 days.

- On receipt of the consent from the other side party, the first party shall make payment of Fees (Rs. 1000/- plus GST).
- Thereafter, the matter will be referred to the appropriate Conciliation Bench and the Parties will be intimated the Date, Time and Venue of the Hearing.
- Both parties are expected to be present in person or through their authorized representatives.
- Both the Conciliators will facilitate resolution of dispute between the parties in an informal and amicable manner.
- If the parties agree to any settlement, the Consent Agreement will be drawn, which will be signed by the Parties concerned and the Conciliators.
- The settlement agreement arrived with the consensus of the parties shall be binding on both the parties. If compliance to the settlement order is not done, due cognizance of the non-compliance will be taken into account in the future proceedings of MahaRERA, if the aggrieved parties approaches MahaRERA.
- In case, the Parties fail to reach an amicable settlement, the Conciliation process will stand terminated and the Parties concerned will be at liberty to pursue their dispute before MahaRERA Dispute Redressal mechanism or before any other Court or forum.
- The online application for applying in the Conciliation Forum will commence from **1st February 2018**.

As approved by the Authority

A handwritten signature in black ink, appearing to be 'Dr. Vasant Prabhu', is written over a light blue circular stamp. The stamp contains the text 'MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY' around the perimeter and 'SECRETARY' in the center.

(Dr. Vasant Prabhu)
Secretary, MahaRERA



Conciliation Forum

An Introduction

The Government of India has enacted the Real Estate (Regulation and Development) Act 2016 and all the sections of the Act shall come into force with effect from May 1, 2017. Under this Act, Government of Maharashtra established Maharashtra Real Estate Regulatory Authority (MahaRERA), vide Notification No. 23 dated 8 March 2017, for regulation and promotion of real estate sector in the State of Maharashtra, with its headquarters at Mumbai.

The MahaRERA authority provided citizens the complaints filing service, as per the Act, wherein any aggrieved person may file a complaint with the Authority or the adjudicating officer, as the case may be, with respect to any registered real estate project, for any violation or contravention of the provisions of this Act or the rules and regulations made there under. The authority has been swift in handling complaints and delivering verdicts. But it was observed that many complaints were finally withdrawn after the complainant and respondent reached an agreement.

As per Section 32 (g) of the Real Estate (Regulation and Development) Act 2016, **Maharashtra Real Estate Regulatory Authority** must take measures to facilitate amicable conciliation of disputes between

the promoters and the allottees through dispute settlement forums set up by the consumer or promoter associations.

With this objective, it was proposed to establish MahaRERA 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.

Under the mechanism of the Forum, if the parties don't reach a consensus, the allottee(s) will have the possibility to lodge a formal complaint against the builder via MahaRERA Complaints Portal.

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

- Constitute / establish panel of eminent Conciliators representing different stakeholder groups.
- 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.
- To co-ordinate/assist ADR proceedings by establishing facilities and providing administrating services.
- Finally providing the best platform for ADR.



Conciliation Procedure

- 1) Only Disputes between promoters and allottees which are under purview of Real Estate (Development and Regulation) Act 2016, Rules and Regulations made thereunder shall be admissible by the Forum.
- 2) The procedure for online application and subsequent closure shall be as prescribed.
 - The allottee needs to register on the conciliation forum application portal, by entering his login credentials.
 - After successful login, he/she needs to complete the conciliation request form for raising his/her request.
 - The other party will be intimated regarding the request through both SMS and e-Mail. After getting the request they need to click on the confirmation link.
 - After the confirmation is received, the payment option will be made available against the conciliation request for the allottee.
 - After successful payment, a conciliation bench



will be allocated based upon availability. Same will be intimated to both the parties via SMS & e-mail.

- In case of successful conciliation, after the conciliation hearing the parties will be required to sign a conciliation agreement, which will be uploaded for closing the request.

3) Role of conciliator.

- The conciliators shall assist the parties in an independent and impartial manner in their attempt to reach an amicable settlement of their dispute.
- The conciliators shall be guided by principles of objectivity, fairness and justice, giving consideration to, among other things, the rights and obligations of the parties, the usages of the trade concerned and the circumstances surrounding the dispute, including any previous business practices between the parties.
- The conciliators may conduct the conciliation proceedings in such a manner as they consider appropriate, taking into account the circumstances of the case, the wishes the parties may express, including any request by a party that the conciliators hear oral statements, and the need for a speedy settlement of the dispute.
- The conciliators may, at any stage of the conciliation proceedings, make proposals for a settlement of the dispute. Such proposals need not be writing and need not be accompanied by

a statement of the reasons therefor.

4) Settlement of Disputes-

- If the parties reach agreement on a settlement of the dispute, they may draw up and sign Terms of Settlement.
- When the parties sign the settlement agreement, it shall be final and binding on the parties and persons claiming under them respectively.
- The conciliators shall authenticate the settlement agreement and furnish a copy thereof to each of the parties.

5) Non-Compliance - The parties concerned shall comply with the terms of settlement. Non-compliance of the terms by either party shall give the other party right to approach the MahaRERA. In case of further complaint to MAHARERA by the parties in the same subject, MAHARERA authority shall take cognizance of any such agreed terms of Conciliation.

6) Resort to arbitral or judicial proceedings.—The parties shall not initiate, during the conciliation proceedings, any arbitral or judicial proceedings in respect of a dispute that is the subject-matter of the conciliation proceedings except that a party may initiate arbitral or judicial proceedings where, in his opinion, such proceedings are necessary for preserving his rights.



MahaRERA Conciliation

Success Stories

Developer Agrees To Refund Amount with Interest + Compensation

Mrs. Trupti Amit Khinvsara paid Rs,23,32,800/- to the Developer in Pune on 11.02.2013 for a project in Pimpri – Chinchwad area & the Agreement for Sale was executed on 04.09.2013. The Date of possession was not mentioned in sale Agreement. Till date there are no developments seen on site. So no assurance about Possession of Flat. Mrs Khinvsara approached Conciliation Forum demanding either Interest on amount paid by her till date or return of the entire amount paid with interest and compensation.

Settlement :

The Conciliators heard both the parties in person and persuaded the Developer to pay double the investment cost i.e. Rs. 46,65,600/- which will include interest plus compensation to solve the issue as the project is still incomplete & having some technical issues. Both parties Agreed. Settlement reached and concluded happily by both parties in less than two months.

The Settlement reached in two sittings in the span of just two weeks.

Bench : Mr. Anil Pharande, CREDAI (Pune)
Ms. Kalpita Ranade, MGP (Pune)



Developer Agrees to Refund Amount with Interest and also offers to pay EMI

Mr. Vishwanath had approached the Conciliation Forum for settling his dispute with the builder. He had booked a flat in 2012 with Agreement for Sale registered in September 2015. He also arranged for Bank Loan for this purpose. He was promised possession of the flat in March 2016.

By this time Mr. Vishwanath had already paid Rs 1 crore 50 lakhs to the builder. However, there was no progress in the construction for the past two years & builder could not hand over the flat to Mr. Vishwanath as promised. Meantime, the Bank had started recovering EMI of Rs 1.10 lakhs per month. He therefore wanted his money back from the builder with interest. Mr. Vishwanath, approached MahaRERA Conciliation. The builder was called by us to put up his case. He was initially reluctant to pay & could not explain the reasons for delay.

After about 2 / 3 rounds of discussions / negotiations, the builder agreed to refund the entire amount with interest calculated @ SBI MCLR+2% which came to 10.33% p.a. This money was agreed to be refunded by the builder on or before September 2018. What was an icing on the cake was, the builder was persuaded by us to pay Mr. Vishwanath's EMI of Rs 1.10 lakhs per month to the Bank till Sept 2018 with an understanding that the said amount of EMIs to be paid by the Builder shall be adjusted in the final payment by the builder to Mr. Vishwanath.

Both the parties agreed to this arrangement & a settlement agreement was signed to this effect. The entire settlement came through in less than one & a half month.

Bench : Dr. Niranjan Hiranandani NAREDCO
Ms. Smita Jamdar, MGP (Mumbai)



Developer Goes an Extra Mile to Arrange School Admission besides Alternate Accommodation

Mr. D'souza (name change) had booked a flat- his dream house – in Thane by making 100% payment. But the Promoter was not willing to hand over possession before re-opening of the school. This had created a great inconvenience and frustration for Mr. David, as he had to shift his son's school (who was in 9th std) from Ulhasnagar to Thane.

Closing the conciliation of this consumer was a great moment for us because at the end of the day, Mr. David was offered :

1. Alternate temporary accommodation in the same project, till giving the possession of the actual flat booked by him.
2. Soft possession of his own flat by May end.
3. Help from the promoter to get an admission for Mr. David's son in the nearby school of his choice.

Giving alternate accommodation and soft possession was not something great, but the way urgent phone calls were made by the Developer in front of us to arrange for the school admission was really remarkable!

The settlement was reached in less than two months.

Bench : Mr. Rajan Bandelkar, NAREDCO

Dr. Archana Sabnis, MGP (Mumbai)



Developer Agrees to Refund Amount with Interest & Also Registration Fees

Mr. Samikant Chinderkar was an aggrieved consumer, who had paid almost 95% of the consideration to the Promoter but was not given possession on the promised date. He approached the Conciliation Forum for the refund.

We can proudly say that with conciliation, we not only were able to give 100% refund, but he was also given interest on the amount paid by him @ 9 % p.a. Out of the total amount, 1st Pay Order was paid immediately by the Promoter to take care of Mr. Chinderkar's loan installment. Rest of the amount is to be paid within 3 months by Pay Order.

The Promoter also agreed to carry out the process for refund of registration charges. His legal department would be taking all necessary steps including obtaining signatures of the consumer for the same. The promoter further promised that in case the consumer fails to get the refund within a year, the promoter shall refund the registration charges from his own pocket.

The settlement was reached in less than one and a half month.

Bench : Mr. Rajan Bandelkar, NAREDCO

Dr. Archana Sabnis, MGP (Mumbai)



58 Pages

MUMBAI.MIRROR.COM

MUMBAI, FRIDAY, MARCH 9, 2018

LOCAL.FAST.

MumbaiMirror

FORECAST | Temp Colaba Max 31 Min 23 | Santacruz Max 30.9 Min 20 | CLEAR SKIES

Senior 33351 | Nifty 10242 | Gold 50504 | Silver 38830 | Dollar 65.41 | Euro 80.59 | GBP 90.35

City MumbaiMirror

Friday, March 9, 2018

14

First RERA conciliation hearings from March 10

17 complaints will be heard by MahaRERA benches in Mumbai, Pune; most cases relate to delayed possession and refunds

1 Satish Nandgaonkar
@timesgroup.com

The first-ever conciliation forum set up under the Real Estate (Regulation & Development) Act (RERA) in the country will start its hearings from March 10 in an attempt to resolve disputes between developers and home buyers through dialogue and conciliation process.

Maharashtra is the first state to implement such a conciliation forum as an alternate dispute resolution platform under the aegis of Maharashtra Real Estate Regulatory Authority (MahaRERA). The forum has been set up as per the mandate of Section 32 (g) of RERA which advocates measures to facilitate amicable conciliation through dispute settlement forums set up by the consumer or promoter associations. "After we announced the Conciliation Forum, we received 76 complaints from home buyers online.

Our software automatically sends a notification to the developer concerned, and only after their consent, the complainant has to pay the Rs 1,000 fee. So, we received 22 consents from both parties, but only 17 of them paid. So, first set of 17 complaints will be heard by our benches in Mumbai and Pune," MahaRERA Secretary and Chairperson of the MahaRERA Conciliation Forum, Vasant Prabhu, told *Mumbai Mirror* on Thursday.

MahaRERA had set up the forum with a core committee which has representatives from developer associations like National Real Estate Development Council (NAREDCO), CRDAI-MCHI, and consumer rights body Mumbai Grahak Panchayat (MGPI) which would supervise the working of the forum. It had appointed 33 conciliators which included five members from CRDAI Pune, eight from CRDAI Mumbai, five from NAREDCO, 10 consumer activists from MGPI Mumbai, and five from



PICTURE FOR REPRESENTATIVE PURPOSES ONLY

MGPI Pune division.

"Four benches will sit in Mumbai and four benches will sit in Pune on Saturday. MGPI has given us their office to conduct the hearing, and NAREDCO President Niranjan Hirnanandani has given his Powai office, while Pune hearings will be conducted at CRDAI Pune office. We hope that this experiment being done for the first time in the country succeeds and we expect about 40% dis-

be the conciliators who will hear the first cases in Mumbai. "Most of the complaints are of delayed possession, and home buyers either seeking a refund of their investments or then seeking interest on the delayed period. Since this is a mutual process, no lawyers will be present, and it depends on the skills of the conciliators to keep the proceedings amicable. We have set up a 45-day time-frame for resolving a dispute," Deshpande said.

"Most home buyers complain that they don't get to meet or communicate with the developer or that they write 10 letters, but there is no response from the developer. Here, they will get a chance to speak directly with the developer or the authorised representative with conciliators helping their dialogue," he said.

Presently, home buyers have to pay a fee of Rs 5000 when they file a complaint with MahaRERA and often have to take the assistance of a lawyer since RERA is a new act.

307 Pages

MUMBAI, TUESDAY, MARCH 13, 2018

MUMBAI, TUESDAY, MARCH 13, 2018

LOCAL, FAST.

MumbaiMirror

FORECAST | TEMP: Colaba: Max 32.2 Min 23.8 | Santa Cruz: Max 36.4 Min 18.6 | CLEAR SKIES | Sensex 33053.08 | Nifty 1054.20 | Gold 8050 | Silver 5077 | Dollar 64.93 | Euro 80.63 | GBP 83.97

City MumbaiMirror

Tuesday, March 13, 2018 8

RERA forum resolves 4 city disputes on Day 1

Some of the complaints were settled in 45 minutes, by benches chaired by industry reps

Satish Nandgaonkar
@timesgroup.com
TWEETS @MumbaiMirror

The Maharashtra Real Estate Regulatory Authority (MaharERA) succeeded in resolving six of the 16 disputes heard by the conciliation forum in its first ever hearings held on Saturday. Four of the cases were settled in Mumbai, and two in Pune, officials said.

This is the first time complaints by home buyers over delayed possession have been settled in a span of 45 minutes—by benches chaired by representatives from developers' bodies and consumer rights organisations, through an out-of-court conciliation process.

Niranjan Hiranandani, National Real Estate Development Council (NAREDCO) president and CEO of Hiranandani Communities, was part of the first two benches along with his NAREDCO colleague and vice president Rajan Bandekar.

"It is a win-win situation for the home buyers and the developers. In a span of three hours, we managed to settle four out of the five cases," Hiranandani said.

Hiranandani had offered his Powai office to conduct the hearing for complaints from the eastern suburbs, while Mumbai Grahak Panchayat had set up two benches in their Vile Parle office for complaints from the western suburbs. Hiranandani and Bandekar, along with Smita Jamdar

and Dr Archana Sabnis from MGIP, managed to bring about conciliation in four cases.

The complaints were filed by home buyers Vishwanathan N, David Allappat, Afrah Khan, and Samir Chindarkar. The developers who participated included Pankaj Chawla, Acme Housing India Pvt Ltd, L&T Realty, and Panchatva Realty. Two cases heard by benches with representatives from Credai Pune, and MGIP, Pune, were also resolved.

One of the four complaints resolved related to Emerald Isle in Powai



"I am not saying this is panacea for every kind of dispute, but I think 90 per cent of the cases that are before MahaRERA could be resolved if the intention is right"

—Niranjan Hiranandani, NAREDCO president; CEO, Hiranandani Communities

Speaking to *Mirror*, Bandekar said the lack of trust between the developer and the home buyer with a face-to-face dialogue. The process does not involve a decision; it is a win-win or a loss-lose for both parties.

Hiranandani said "I am not saying this is panacea for every kind of dispute, but I think 90 per cent of the cases that are before MahaRERA could be resolved if the intention is right. Is-

ues where there is an impossibility of a payment, where the project itself is in a difficulty could be an exception to this. Unless the project itself is lifted out of difficulties, it cannot be resolved in a conciliation platform. We hope to resolve 40 to 50 percent of the cases this way."

"In one case, a home buyer wanted early possession for his son's education and wanted to move from Ulhasnagar to Thane. The developer not only agreed to give possession by May 31, but said he would arrange for alternative accommodation if it is not ready," Sabnis said.

"In a legal hearing before MahaRERA, even if there is a favourable order, the other party can go in appeal, and further appeal to the high court, and it becomes a never-ending process. Here, because they consented and signed consent terms, it is not appealable. In both cases which were resolved, the home buyers went home very happy, and seeing their happy faces gave us a sense of satisfaction."

नवभारत

एक राष्ट्र, विचारधारा, भाव, और समन्वित कार्यवाही

3 | 1 फरवरी 2018 | मुंबई

नवभारत

1934 से

ग्राहकों व विकासकों का विवाद सुलझाने

कंसिलेशन फोरम का गठन नरेडको, क्रेडाई-एमसीचआई, एमजीपी की संयुक्त पहल

सूर्यप्रकाश मिश्र
मुंबई. विकासकों एवं ग्राहकों के बीच होने वाले विभिन्न विवादों का आपसी सहमति से निपटारा करने हेतु महाराष्ट्र के अंतर्गत कंसिलेशन फोरम का गठन किया गया है। महाराष्ट्र के सचिव डॉ. वसंत प्रभु ने यहां गरवारे विमखाना में आयोजित प्रवक्तार वार्ता में बताया कि नरेडको, क्रेडाई-एमसीचआई एवं मुंबई ग्राहक पंचायत की संयुक्त पहल से इस कंसिलेशन फोरम का शुरुआत हो रही है।



डॉ. वसंत प्रभु ने कहा कि ग्राहक व बिल्डरों के बीच होने वाले विवादों को समझौते के तहत सुलझाने से जहाँ ग्राहकों के हितों की रक्षा होगी वहीं विकासकों व ग्राहकों के बीच विकास भी बढ़ेगा। कंसिलेशन फोरम की शुरुआत 1 फरवरी से होगी।

ऐतिहासिक पहल- निरंजन हीरानंदानी

नरेडको के राष्ट्रीय अध्यक्ष डॉ. निरंजन हीरानंदानी ने कंसिलेशन फोरम को ऐतिहासिक बताते हुए कहा कि जिस तरह महाराष्ट्र की सबसे पहले शुरुआत महाराष्ट्र से हुई उसी तरह इस महत्वपूर्ण फोरम की शुरुआत भी यहीं से होने जा रही है, इसके लिए मुख्यमंत्री देवेंद्र फडणवीस, महाराष्ट्र के अध्यक्ष गौतम चटर्जी, डॉ. वसंत प्रभु का बहुत बड़ा योगदान है। नरेडको के राष्ट्रीय अध्यक्ष डॉ. हीरानंदानी ने कहा कि महाराष्ट्र में शतप्रतिशत ऑन लाइन सिस्टम तैयार करने वाला महाराष्ट्र पहला राज्य है, इस तरह ग्राहकों के हित में अनेक निर्णय लिए जा रहे हैं।

इस अवसर पर कंसिलेशन फोरम के बारे में विस्तृत जानकारी दी गई। इस दौरान नरेडको के राष्ट्रीय अध्यक्ष डॉ. निरंजन हीरानंदानी, उपाध्यक्ष राजन बन्देलकर, क्रेडाई के रजनीकांत अचमरा, मुंबई ग्राहक पंचायत के एड. शिरीष देशपांडे, एमसीचआई क्रेडाई के सीईओ सैयद हुसैन राजेश प्रजापति, अशोक मोहनानी, मुकेश मेहता सहित संगठनों के लोग उपस्थित थे।



Sakal Times

WEDNESDAY JANUARY 31, 2018

Sakal Times

sakaaltimes.com

5

5 conciliation forums will be set up in city under RERA

ST CORRESPONDENT
reporters@sakaaltimes.com

Pune: The Confederation of Real Estate Developers Associations of India (CREDAI) Maharashtra, CREDAI-MCHI (Maharashtra Chamber of Housing Industry), CREDAI-Pune Metro and National Real Estate Development Council (NAREDCO) along with the Mumbai Grahak Panchayat, have come together to initiate Conciliation forums under the Real Estate (Regulation and Development) act (RERA) to solve disputes with the mutual consent of the developer and the customer without approaching the courts.

The forum, which will initially have benches in Mumbai Metropolitan Region (MMR), Mumbai and Pune, will come into force from February 1. MMR will have 10 of these conciliation benches and Pune will have five of them. Each of these benches will consist of one representative each from the consumers and developers sides. The members of these benches were finalised keeping in mind their experience, expertise and willingness, claims CREDAI.

"80 per cent of the issues that were received by the earlier grievance cells

of CREDAI was resolved. These cells were resolving 30-35 cases each year: Maharashtra is the first state to see such a forum being formed. We are sure it will be even more efficient at handling grievances and we can see 300 to 500 cases being handled through them," said Ranjit Naiknavare, secretary of CREDAI.

Suhas Merchant, Chairman-state, CREDAI, said, "Many of the complaints that the customers have can actually be resolved outside the court without undergoing the tedious process. From February 1, any complainant can be lodged on the MahaRERA website and register a request for redressal. If in 7 days, the other party gives consent, the case will be brought to the benches for resolution."

The bench, however, is

not a judicial body. "It is being formed using the provisions of Section 32 (g) of the RERA Act," said Merchant. He also said that for a complaint to be brought before these benches, the project which the complaint is related to must be a project registered under RERA. Only complaints made after February 1 will be considered for conciliation and an ongoing case in a judicial forum must be first withdrawn to be brought to the bench.

"This will let the consumers speak up without any pressure or fear. Mutual communication will help identify the problems better. It is an experiment for now but we're sure it will be successful and help the customers a lot," said Shirish Mulekar of the Mumbai Grahak Parishad.

HIGHLIGHTS

- The developer/buyer has to respond to the complaint within seven days from the date of the complaint.
- The complainant has to pay a fee of Rs 1,000.
- If the other party against whom the complaint has been filed does not respond within the stipulated time period, the complainant can go to MahaRERA or court after 45 days since it takes 45 days to complete the entire process.
- There will not be any legal process involved here. Builders cannot file complaints against each other.

List Of MahaRERA Conciliators

No.	Name of Conciliators	Institution
1	Mr. Rohit Gera	CREDAI Pune
2	Mr. Anil Pharande	CREDAI Pune
3	Mr. Manish Jain	CREDAI Pune
4	Mr. Amar Manjrekar	CREDAI Pune
5	Mr. I.P. Inmadar	CREDAI Pune
6	Mr. Rajnikant S. Ajmera	CREDAI Mumbai
7	Mr. Pravin H. Doshi	CREDAI Mumbai
8	Mr. Mohan M. Deshmukh	CREDAI Mumbai
9	Mr. Paras Gundecha	CREDAI Mumbai
10	Mr. Chaitanya N. Parekh	CREDAI Mumbai
11	Mr. Praful M. Shah	CREDAI Mumbai
12	Mr. Rajesh Prajapati	CREDAI Mumbai
13	Mr. Ashit Shah	CREDAI Mumbai
14	Dr. Niranjana Hiranandani	NAREDCO
15	Mr. Rajan N. Bandelkar	NAREDCO
16	Mr. Mukesh Mehta	NAREDCO
17	Mr. Ashok Mohanani	NAREDCO
18	Mr. Vijay Wadhwa	NAREDCO
19	Mrs. Varsha Raut	Mumbai Grahak Panchayat
20	Mrs. Anita Khanolkar	Mumbai Grahak Panchayat
21	Mrs. (Dr) Archana Sabnis	Mumbai Grahak Panchayat
22	Mrs. Smita Jamdar	Mumbai Grahak Panchayat
23	Mrs. Sharmila Ranade	Mumbai Grahak Panchayat
24	Mr. Subhash Soudagar	Mumbai Grahak Panchayat

25	Mr. Ajit V. Shenoy	Mumbai Grahak Panchayat
26	Mr. Uday Karnik	Mumbai Grahak Panchayat
27	Mr. Rajan D. Samel	Mumbai Grahak Panchayat
28	Mr. Prakash Modak	Mumbai Grahak Panchayat
29	Mrs. Tanuja Rahane	MGP, Pune Division
30	Mrs. Kalpita Ranade	MGP, Pune Division
31	Mr. Shirish Mulekar	MGP, Pune Division
32	Mr. Sanjeev Kulkarni	MGP, Pune Division
33	Mr. Keshav Barve	MGP, Pune Division



REAL ESTATE CONSUMER RIGHTS

1. Right to Affordable home
2. Right to Legal Home
3. Right to Safe & Sustainable home
4. Right to true n full information about the property
5. Right to fair terms of contract
6. Right to make payments by cheques only
7. Right to timely possession of home
8. Right to receive automatic penalty/ compensation for delayed delivery
9. Right to defect-free home
10. Right to speedy, inexpensive and simple redressal of grievance
11. Right to timely formation of co-op society or company or any other organization of apartment buyers
12. Right to timely conveyance of property in favour of the society
13. Right of protection against arbitrary and unilateral termination of contract



RERA Awareness Meetings by MGP



Adv. Shirish Deshpande & MahaRERA Chairman
Mr. Gautam Chatterjee addressing Awareness Meetings



Consumer Awareness Meetings



कारदा घ्या समजावून... मुंबई ग्राहक पंचायत आणि महाराष्ट्र टाऊन्समनच्या आयोजित 'रेरा कायद्यात दडलंय काय?' विषयावरील सार्वजनिक जाणिवेची 'महारेरा'चे अध्यक्ष गौतम चॅटर्जी यांची मार्गदर्शक बैठक. सार्वजनिक भेदात प्रतिकार द्यायचा.



Varsha Raut of MGP interviews MahaRERA Chairman Mr. Gautam Chatterjee



Mumbai Grahak Panchayat

1. Largest Voluntary Consumer Organization of Asia with membership of 35,000 families
2. Unique Grocery Distribution System of 'Collective Buying' on 'No Loss- No Profit' basis.
3. Significant contribution in revision of UN Guidelines for Consumer Protection (UNGCP)
4. Instrumental in setting up over-sight mechanism at Geneva for effective implementation of UNGCP.
5. Significant contribution in framing RERA Act & Rules
6. Instrumental in initiating Conciliation mechanism under RERA with active support of MahaRERA.
7. Global Recognition as a Role Model for promoting Sustainable Consumption and Sustainable consumer organization
8. Various activities of consumer education through Print & Electronic media.
9. Recipient of National Award of Government of India for Outstanding Contribution for Consumer Protection.

MahaRERA launches India's first Conciliation Forum under RERA at Mumbai & Pune

