

**UPDATE ON MANDATORY FACILITIES/AMENITIES TO BE
PROVIDED BY PROMOTER IN THE REAL ESTATE
PROJECT**

INTRODUCTION :

Order No.57 of 2024 dated 30th July, 2024 issued by the Maharashtra Real Estate Regulatory Authority (“**MahaRERA**”) has made it mandatory for the Promoters of real estate project to include detailed information about the facilities and amenities in the future proforma and the Agreement for Sale to be executed with the Allottees. This Order shall come into force with immediate effect and is applicable to all on-going and future projects.

**MANDATORY INCLUSIONS IN MODEL FORM OF AGREEMENT FOR
SALE**

1. Facilities/amenities provided in the common areas, within the building, within the layout and/or common area of the layout along with proposed date of handover for use of amenities such as swimming pool, tennis court, badminton court, theaters, club house, gymnasium, table tennis area, squash court, giant chess area, garden, senior citizen zone, jogging track, juice bar, children play area, among others etc;
2. Details and specifications of the lifts such as type, total number of lift, speed and carrying capacity;
3. Details of amenities to be provided by utilizing FSI or free of FSI;
4. Size and location of the amenities/facilities in form of open space (RG/PG);
5. If the project is constructed in phase wise manner then Promoter to provide phase wise and date-specific information;
6. Proposed date of obtaining Occupancy Certificate; and
7. Date of handing over of the amenities to the common organization.

KEY HIGHLIGHTS OF THE ORDER

- ❖ This Order of mandatory disclosure regarding details of amenities of the housing projects is made part of non-negotiable clauses for Agreement for Sale and the Promoter will not be at liberty to alter the same.
- ❖ It is mandatory for the Promoter to make sure that the details of facilities and amenities are in consonance with list mentioned in registration Form-A and in Table B of Form 1- Architect Certificate.
- ❖ In case if there is any major revisions, changes, shifting or corrections in the amenities, facilities or common areas then consent of at least 2/3rd Allottee/or federation of organisation under provision of Section 14(2) of RERA for change in amenities will be required thus preventing the promoter from unilaterally changing the amenities and specifications and thereby safeguarding the interest of all homebuyers.

Efforts have been made by MahaRERA to take strict action against the Promoter if the details mentioned in the Annexure"1" are not provided in the proforma of the agreement for sale and in the agreement for sale to be executed between the promoter and the allottees or if the same is/are modified then the Agreement for Sale shall be considered as void ab initio and not binding upon the Allottee and shall be liable to summary rejection as enumerated in MahaRERA Order No.38/2022 dated 13/12/2022 therefore avoiding any malpractices by the Promoter and securing the rights of the allottees in the project.