



MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

महाराष्ट्र स्थावर संपदा नियामक प्राधिकरण

Circular No. 51 /2025

No. MahaRERA/Secy/File No. 27 / 603 /2025
Date: 18.11.2025

Sub: In the matter of recovery of interest or penalty or compensation ordered to be paid in the complaints filed under Section 31 of the Real Estate (Regulation and Development) Act, 2016.

Whereas, Sub-section (1) of Section 40 of the Act¹ read with Rule 3 of the Rules² enables, empowers and authorizes the Authority³ or the Adjudicating Officer as the case may be, to recover from a promoter or an allottee or a real estate agent, as the case may be, any interest or penalty or compensation as may be imposed in the same manner as is applicable in respect of land revenue as provided under the Maharashtra Land Revenue Code, 1966.

Whereas, Sub-section (2) of Section 40 of the Act read with Rule 4 of the Rules enables, empowers and authorizes the Authority or the Adjudicating Officer as the case may be, to enforce its orders or directions issued or passed by it in the same manner as if it were a decree or order made by the principal civil court of original jurisdiction in a suit.

And whereas, the Hon'ble Division Bench, Bombay High Court, in its order dated 06.10.2025, in Writ Petition No. 3565 of 2025, has held that execution of the orders passed by the Authority in matters concerning recovery of interest or penalty or compensation should be undertaken and carried out in the same manner as if such orders were a decree or order made by the principal civil court of original jurisdiction in a suit. The Hon'ble Division Bench, Bombay High Court has further held in that regard that the provisions of the Code of Civil Procedure, 1908 and in particular Order XXI Rule 41 thereof would apply for execution of the orders passed by the Authority.

Now therefore, in exercise of the powers conferred by the above-referred provisions of the Act and the Rules and in compliance of the order dated 06.10.2025, of the Hon'ble Division Bench, Bombay High Court passed in Writ Petition No. 3565 of 2025, the Authority in matters concerning recovery of interest or penalty or compensation hereby prescribes the following Standard Operating Procedure for implementation with immediate effect:

1. The Real Estate (Regulation and Development) Act, 2016.
2. The Maharashtra Real Estate (Regulation and Development) (Recovery of Interest, Penalty, Compensation, Fine Payable, Forms of Complaints and Appeals, etc) Rules, 2017.
3. The Maharashtra Real Estate Regulatory Authority.

MAHARERA HEADQUARTERS

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महारेरा मुख्यालय

हाउसफिन भवन, प्लॉट नं. सी-21, ई ब्लॉक, वांद्रे-कुर्ला-कॉम्प्लेक्स, वांद्रे (पूर्व), मुंबई - ४०००५१.
दूरध्वनी. क्रमांक. ०२२-६८१११६०० ई-मेल : helpdesk@maharera.mahaonline.gov.in

1. After expiry of the period of sixty (60) days from the date of passing of the order by the Authority in the complaint, the complainant (allottee / the judgement holder) shall file online, a non-compliance application (execution application) for recovery of the consideration amount paid with interest or interest for delayed possession or compensation, as the case may be;
2. Such non-compliance application shall be listed and schedule for hearing within four (4) weeks from the date of receipt of the said application;
3. On the listed date, if prima facie non-compliance is established and demonstrated, the respondent (judgement debtor) shall be called upon to comply with the order passed by the Authority and in this regard a reasonable period of time shall be granted and allowed for such compliance. The non-compliance application shall accordingly be adjourned for recording and verifying compliance;
4. On the adjourned date if the respondent fails to record compliance, an order shall be passed calling upon and directing the respondent to file an Affidavit disclosing and detailing all movable and immovable assets, including bank accounts and other investments, within a specified period as may be determined. The non-compliance application shall accordingly be adjourned for filing of the asset disclosure Affidavit;
5. On the adjourned date, if the respondent does not file the asset disclosure Affidavit as directed, an order shall be made for the attendance and examination of the respondent (judgement debtor) for production of any books or documents and the non-compliance application shall be adjourned accordingly;
6. In spite of the action taken as above, if the books and documents are not made available, the said fact shall be noted and recorded and the non-compliance application shall be heard on merits and disposed of in accordance with law. Subject to the merits of the case and in the facts and circumstances thereof, the order in the non-compliance case that would be passed shall incorporate the following directions and measures:
 - a. Imposition of penalty as may be deemed fit, proper and appropriate considering the severity and extent of non-compliance of the order of the Authority;
 - b. Issuance of Recovery Warrant (Revenue Recovery Certificate) for recovery of the amounts as directed and stipulated in the order passed by the Authority in the complaint filed before it. This Recovery Warrant shall be duly prepared and forwarded for attaching and auctioning of the movable and immovable properties including bank accounts of the respondent based on such records as are available

with the Authority, to the office of Collector concerned for necessary action and implementation;

- c. Invocation of the provisions of Sub-section 2 of Section 40 of the Act read with Rule 4 of the Rules, and reference and transmission of the matter to the principal civil court of original jurisdiction in a suit to ensure and secure compliance with the provision of Sub-rule (2) and Sub-rule (3) of Rule (1) of Order XXI of the Code Civil Procedure, 1908. The above procedure is required to be followed and implemented as the Authority does not have or maintain Civil Prison Premises for detention of judgement debtors.
7. Upon receipt of the particulars and details of movable and immovable assets of the respondent from the principal civil court of original jurisdiction in a suit, necessary amendments and modification to the Recovery Warrant shall be made and sent to the Collector concerned to attach and auction the said properties of the respondent for recovery of the amounts due and payable if any;
8. If the respondent complies with the directions stated in Clause Nos. 4 or 5 hereinabove, to hear on merits the non-compliance application and pass necessary orders in accordance with law. Subject to the merits of the case and in the facts and circumstances thereof, the orders in the non-compliance application that would be passed shall incorporate and include the directions and measures specified in point Nos. (a) and (b) of Clause 6 hereinabove; and
9. The IT Department, MahaRERA shall ensure and make necessary arrangements that the online system and digital infrastructure enables and facilitates compliance of the procedure prescribed herein.

This Circular prescribing the Standard Operating Procedure shall come in force with immediate effect.

(As approved by the Authority)


(Prakash Sabale)
Secretary / MahaRERA