



MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

महाराष्ट्र स्थावर संपदा नियामक प्राधिकरण

Date : 30/07/2021

Circular No. 36/2021

MahaRERA/Secy/File No. 27 / 152 /2021

Sub : In the matter of "Garage", "covered parking space" and "open parking areas"

Whereas, under Section 25 of the Real Estate (Regulation and Development) Act, 2016 (the Act) the Chairperson, MahaRERA is vested with the powers of the general superintendence and directions in the conduct of the affairs of the Authority (MahaRERA).

And whereas, the word "garage" is defined under clause (y) of Section 2 of the Act.

And whereas, the word "covered parking space" is defined under clause (j) of sub-rule (1) of Rule 2 of the Maharashtra Real Estate (Regulation and Development) (Registration of real estate projects, Registration of real estate agents, rates of interests and disclosures on website) Rules, 2017 (the Rules).

And whereas, the word "common areas" is defined to mean and include all that is more specifically spelt out in sub-clauses (i) to (viii) of clause (n) of Section 2 of the Act.

And whereas "open parking areas" is more specifically included in sub-clause(iii) of clause (n) of Section 2 of the Act and forms part of the common areas of a real estate project.

MAHARERA HEADQUARTERS

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महारेरा मुख्यालय

हाऊसफिन भवन प्लॉट नं. सी-२१ ई-ब्लॉक, वॉट्रे- कुर्ला कॉम्प्लेक्स, वॉट्रे (पूर्व), मुंबई - ४०० ०५१.

फोन नं.: ०२२ - ६८ १११ ६०० • ई मेल : helpdesk@maharera.mahaonline.gov.in

And whereas, it has been brought to the notice of MahaRERA that promoters sell/allot open parking area for monetary consideration.

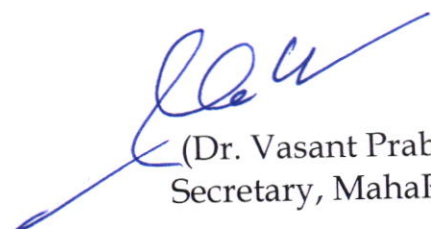
And whereas, that there have been disputes on the exact location of the parking space vis a vis the apartment.

In view of the above, it is therefore, felt necessary to issue this circular clarifying the following:

- i. Open parking areas are provided free of FSI;
- ii. Promoters are not entitled to sell / allot open parking areas for monetary consideration;
- iii. Open parking areas, garage and covered parking space should be specifically marked and numbered at the real estate project site in accordance and as per approved / sanctioned plans and tagged to the apartment to which it is allotted; and
- iv. Garage and /or covered parking space when sold/allotted for monetary consideration, the type, numbers and size as well as the place where such garage or covered parking space is situated should be mentioned in the Agreement for Sale being entered into and the plan showing the exact location / allotment along with the particulars as aforesaid should be annexed to the Agreement for Sale.

The above directions shall come into effect from the date of issue of this circular. All concerned shall adhere and comply with the above directions, failure to comply with the above directions shall be considered as violations of the provisions of the Act, Rules and Regulations made thereunder and further action in terms of the provisions of the Act, shall be taken.

(As Approved by Hon'ble Chairperson, MahaRERA)


(Dr. Vasant Prabhu)
Secretary, MahaRERA