



Compendium of Innovative Practices

***Maharashtra Real Estate
Regulatory Authority
(MahaRERA)***

2026

Innovative Practice 1: Execution and Registration of Agreements through appointment of a Fit & Proper Person

Background

MahaRERA regularly passes reasoned orders, after due hearing, directing execution and registration of Agreements for Sale or Deeds of Cancellation between promoters and allottees. However, in several cases, despite clear directions of the Authority, parties fail or refuse to cooperate in executing or registering the requisite documents. Such non-cooperation creates serious challenges in implementation of orders, delays final resolution of disputes, and undermines the efficacy of regulatory adjudication.

Judicial Guidance

The Hon'ble Division Bench of the Bombay High Court, vide judgment dated **06.10.2025** in **Writ Petition (L) No. 18256 of 2025**, addressed this enforcement gap. The Court held that where parties default in complying with orders concerning execution of documents, the Regulatory Authority is empowered to appoint a *fit and proper person* to execute and register such documents on behalf of the defaulting party. The Hon'ble Court further directed that Registrars of Assurances shall register documents so executed, in compliance with specific directions issued by the Authority.

This judgment provided clear judicial guidance to ensure that statutory orders are not rendered infructuous due to deliberate non-cooperation by parties.

Innovative Practice Adopted by MahaRERA

In compliance with the aforesaid judgment, MahaRERA has devised and institutionalised a **Standard Operating Procedure (SOP)** for execution and registration of documents through a fit and proper person appointed by the Authority. This mechanism ensures certainty, finality, and enforceability of MahaRERA's orders, without forcing parties into further litigation.

Standard Operating Procedure (SOP)

1. **Appointment of Fit and Proper Person:** In complaints where relief is sought directing the respondent (promoter or allottee) to execute and register an Agreement for Sale or Deed of Cancellation, the Authority shall, upon default in compliance, appoint a fit and proper person from the Authority to execute and register the concerned document on behalf of the defaulting party.
2. **Directions to Registrar of Assurances:** The order shall specifically direct the concerned Registrar of Assurances to register the document executed by the appointed fit and proper person, treating such execution as valid and lawful compliance with the Authority's directions.

3. **Applicability to Pending Matters:** This procedure shall apply not only to future cases but also to **pending non-compliance applications** awaiting hearing and final disposal, thereby enabling effective closure of long-pending disputes.

Impact

This innovation significantly strengthens MahaRERA's enforcement framework by ensuring that adjudicatory orders attain logical and practical finality. It prevents misuse of procedural delays, protects the rights of compliant stakeholders, and reinforces confidence in the Authority's ability to deliver effective and timely justice.