

**REPORT
OF
HIGH LEVEL COMMITTEE
CONSTITUTED BY
GOVERNMENT OF UTTAR PRADESH
VIDE ORDER NO 1337-77-4-18-
142N/08
DATED 18th JUNE 2018
TO
REDRESS THE ISSUES OF HOME-
BUYERS AND AFFECTED PARTIES
OF
NOIDA, GREATER NOIDA
& YAMUNA EXPRESSWAY AUTHORITY**

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High Level Committee to redress the issues of Home Buyers and Affected Parties of Noida, Greater Noida and Yamuna Expressway Authority

As enclosed

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1. Background:

- 1.1. About 7-8 Lakh flats had been planned to be built in Noida and Greater Noida (District- Gautam Budh Nagar of Uttar Pradesh). The construction of many of these flats started during 2007-2015. These flats, which were at quite affordable prices and well situated in the National Capital Region (NCR), attracted the homebuyers especially the middle class, who booked their homes in the multi-stories projects of different developers.
- 1.2. Land was acquired from farmers by the respective Authorities upon payment of applicable compensations to land owner/farmers. The Authorities of Noida, Greater Noida and Yamuna Expressway (hereinafter collectively and individually referred to as "**Authorities**") then allotted the acquired land to different developers. The original land owners/farmers were not satisfied with the process followed and also compensation awarded by the Authorities, started agitation and filed various court cases including a few petitions before Hon'ble High Court of Allahabad and Hon'ble Supreme Court of India (hereinafter individually or collectively referred to as "**Court**"). Some cases were also filed in the Hon'ble National Green Tribunal (NGT). The Court in some of these cases directed the Authorities to maintain the *status-quo* till further orders. The construction of the projects was stopped / delayed due to litigations and agitations initiated by land owners/farmers. It also affected the home buyers, who stopped paying their dues to developers especially under Construction Linked Plans.
- 1.3. The Hon'ble Supreme Court in 2015 disposed off the Appeal filed by Authorities and directed them to pay additional compensation to land owners/farmers. In order to comply with the Court's orders, Authorities demanded additional payments from the allottees/developers. The developers in all cases passed on the additional burden of payment to the homebuyers.
- 1.4. During the deliberations with various stakeholders, it transpired that some of the developers have diverted the funds received from home buyers to other under construction projects. Few builders, because of the market competitionsold their projects at very low prices (presumably lower than even the cost of construction) which made the projects economically unviable.



- 1.5. The prolonged suspension /slowing down of construction work due to agitations and litigations and diversion of funds by the developers resulted in default in payment of dues (including interest and penalty) to Authorities and various Financial Institutions including Banks. The homebuyers and banks filed the cases before Court against a few Developers such as Amrapali, Jaypee, 3C, Unitech etc. which are still at various stages of adjudication.
- 1.6. Around 3 Lacs homebuyers are affected due to non-delivery of booked flats in these stalled projects despite making substantial part-payment for the same. In order to redress the situation and facilitate cash flow, Government of Uttar Pradesh (State Government) had introduced the Project Settlement Policy (PSP) in 2016 for a 6 month period. The policy sought to address issues of delay in delivery of flats and completion of projects due to Farmers' Agitation, Courts' Stay Order on construction and issues related to land acquisition and physical possession of allotted land. The delay in completion of projects had created a vicious cycle, wherein the home buyers were not being delivered their flats, which resulted in non-payment of the balance amount by the home buyers, which in turn resulted in shortage of funds with the developers for completing the projects and non-payment of dues to the Authority. Further, due to outstanding payment issues, the developers were declared as defaulters, which prevented builders in getting funding from financial institutions.
- 1.7. PSP was introduced by the State Government with the objective of resolving the concerned issues without causing any loss/damage to Authorities and to recover the dues through some alternative mechanism. It is pertinent to mention here that even though there were few applications from the builders for availing benefits under the PSP, most of the applications could not be processed as clarifications were sought from the State Government regarding the calculation of the 'premium' amount.



1.8. Further, a Committee of Group of Ministers (GoM) was constituted by State Government, which has recommended for reintroduction of the PSP along with a uniform Zero Period Policy for the Authorities and permission to induct co-developers in stalled projects.

1.9. In February 2018, the Reserve Bank of India issued a Revised Framework on Resolution of Stressed Assets which has adversely affected the flow of credit to the housing sector especially the stalled projects of Noida, Greater Noida and Yamuna Expressway Authority. The Notification restricts Banks from considering funding of the stalled projects for completion as it classifies the additional funding also as Non-Performing Assets (NPA).

2. Constitution of High Level Committee:

2.1. With a view to addressing the issues of home buyers and affected parties of Noida, Greater Noida and Yamuna Expressway, a High Level Committee was constituted by State Government vide office order dated 18th June, 2018 (**Annex-I**) under the chairpersonship of Secretary, Ministry of Housing and Urban Affairs (MoHUA).

2.2. The mandate of the Committee is to identify the problems being faced by the home buyers and make recommendations to redress the same and bring relief to them. The Committee deliberated on the issues of stalled housing projects in Authority area with respective stakeholders such as representative bodies of the Developers, representative bodies of the Home Buyers, affected Private Developers, Banks, Co-developers and concerned Authorities etc. to have a holistic view of the problem.

3. Meetings and of the Committee:

The Committee organised a series of consultations with all the stakeholders jointly as well as individually with groups of affected developers, Authorities, Banks and co-developers which are summarised as below:

3.1. The Committee in its **First Meeting** held on 25th June, 2018 met representative bodies of the Developers i.e. Confederation of Real Estate Developers' Association of India (**CREDAI**) and National Real Estate Development Council (**NAREDCO**). The Minutes of the Meeting are at **Annex II**.



- 3.2. The Committee in its **Second Meeting** held on 10th July, 2018 met individual Homebuyers and their representative bodies i.e. [Noida Extension Flat Owners Welfare Association, Noida Extension Flat Owners and Members Association and representative bodies of Developers (CREDAI and NAREDCO), Ministry of Corporate Affairs and Department of Financial Services. The Minutes of the Meeting are at **Annex III**.
- 3.3. Chairman of the Committee and the Secretary, MoHUA along with the CEOs of Authorities and CMD NBCC (India) Ltd. ("**NBCC**") met a few Promoters / Builders of Amrapali Group, Jaypee Infratech Limited, 3 C Group of Companies and Unitech Limited on 18th July, 2018.
- 3.4. Chairman of the Committee and the Secretary, MoHUA along with the CEOs of Authorities and CMD NBCC met few co-developers i.e. Galaxy Group, India Infoline Finance Limited, Kanodia Business Private Limited and ATS Infrastructure Limited on 25th July 2018.
- 3.5. The Committee in its **Third Meeting** held on 3rd August, 2018 examined all the suggestions, issues raised in the earlier deliberations in order to formulate the draft recommendations of the Committee. During the meeting, a presentation was made summarising the issues raised and suggestions made before the Committee in all its earlier meetings. The Minutes of the Meeting are at **Annex IV**.
4. **Summary of the deliberations held with Representative Bodies of Developers and Home Buyers:**

The issues raised by stakeholders and suggestions received during the consultation process are mentioned below:

- 4.1 One of the main issues is related to the **land allotment dues** as the allotted land to the builders is on lease from three Authorities, wherein cost of allotted lands along with interest is being paid by builders to the concerned Authorities.



The Judgment of Hon'ble Allahabad High Court wherein Authorities were asked to pay the additional compensation @64% to the farmers / land-owners, was passed upon the developers along with interest and penal interest. The issue is the difference in quantum and calculation of dues, interest and penal interest on account of additional compensation among the three Authorities. As **completion certificate** has not been issued for various projects in NOIDA and Greater Noida due to pending land dues, financial institutions seem to be reluctant to lend additional funds. It was suggested that the *force-majeure* situation (Stay of Court/ NGT / National Company Law Tribunal/ Authority Order, Agitation by farmers etc.) should be considered while calculating the dues.

4.2 The second issue is regarding **introduction of co-developers**. As per the present terms of lease deed (executed between Developers and Authorities), Developers are not allowed to bring any co-developer. This leads to a lack of flexibility in liquidating the stalled projects especially the projects wherein no construction work has started, to raise fund to clear dues and complete stalled projects. It was recommended by CREDAI that if builders are allowed to sell the surplus vacant land parcels, it will allow them to pay the dues of the respective Authorities and facilitate the process of obtaining Completion Certificate. It was also suggested by the industry association to establish a Stressed Assets Fund through Special Purpose Vehicle (SPV) as one of the solutions to ease the existing situation.

4.3 Another issue relates to the **rate of interest and penal interest and the methodology for calculation of "Zero Period"** by Authorities. It was stated by industry representative that Greater Noida Authority has raised the demand since 2013 despite the fact that Authorities themselves had challenged the Judgment passed by Hon'ble High Court in 2012 (judgment was related to farmer compensation for 35 villages) before Hon'ble Supreme Court of India, which was finally decided in 2015.

It was suggested to implement the recommendations of GoM of State Government as a way forward in this situation which would allow the entry of co-developer on stalled projects.



4.4 The representatives of Home Buyers/RWA/Apartment Owners Association (AOA) raised the issue relating to extra payment. In most cases, upto 95% of the payment was made by the home-buyers to the developers and at this stage, it is not possible for home buyers to pay any extra amount except the remaining balance dues. It was suggested by representatives of Home Buyers that as a way ahead, unsold inventory of the projects may be sold to NBCC to complete the pending work in order to give possession to home buyers. The issue relating to charges imposed by the builders on homebuyers on account of farmer compensations and other charges at the time of possession was also raised. It was suggested to make recovery from the personal assets of builders concerned.

5. Summary of the deliberations held with the individual affected developers:

5.1. As informed by Amrapali Group and corroborated by Authorities, they have a total number of 45,276 flats, out of which 40,223 flats are sold and 5,023 flats are unsold. Out of 40,223 flats, which have been sold 8,933 flats are occupied and the balance 31,290 are unoccupied. Out of these 31,290 unoccupied flats, 23,290 are near completion and remaining 8,000 units are at different levels and in nascent stage. In those projects which are near completion stage, most of the home buyers have on an average paid 60-80% and in 8,000 units, home buyers have paid around 10-30% of the total payment. Amrapali has not taken any advance amount from 5,023 unsold flats. The main reason for the delay in delivery of the projects (as stated by the promoters) is the delay in possession of allotted land due to agitations, stay order(s) granted by the Hon'ble Court(s). Rs. 4,281 Cr. are required to complete the incomplete houses of which Rs. 3,954 Cr. is receivable from home buyers' and Rs. 1,922 Cr. is expected receivable from unsold inventories in these projects.

5.2. As informed by Three C Group of Companies and concurred by Authorities, they have 7 residential projects with an area of 109 acres in Noida & 165 acres in Yamuna Expressway Authority as per the details given below.

- Residential projects in Noida are equal to 109 Acres with approx. 10,000 dwellings units out of which 5,500 have been completed. Work is in progress

in 2,000 housing units and around 2,500 are affected (stalled) due to lack of cash flow in its stalled projects. The total receivable from homebuyers is approx. Rs. 1,700 Cr. as future receivable (before deduction of customers' penalty/compensation due to delay in possession). Cost of completion of their projects is Rs.550 Cr. with bank dues of Rs.70 Cr. The main reason behind the delay in completion of projects is issues related to land acquisition, farmers' agitation and litigation, NGT (Okhla Bird Sanctuary), which resulted in cash flow problem.

- Out of 165 acres of land in Yamuna Expressway Authority, only 100 acres were launched which could not be completed due to land acquisition and possession issues. Project in balance 65 acres could not be launched.

As a way forward, it was suggested by the promoters that the waiver of interest levied on the unutilised land shall help to resolve the issues.

5.3. As informed by Jaypee Infratech Limited and Jaiprakash Associates Ltd. and corroborated by Authorities, they have a total of 30 projects with an area of 1,152 acres in Noida and 24 projects with 450 acres in Greater Noida and 19 projects with 3,500 acres of land in Yamuna Expressway Authority. The total number of affected homebuyers in Jaypee Infratech Ltd. is approximately 30,000 in Noida, out of which 11,000 home buyers have been given/being given possession and 19,000 units are at different stages of construction. The plan proposed by the developer is to deliver about 500 units every month and complete all the projects within a span of 3 years. Balance amount to be received on completion of the projects from homebuyers is Rs. 4,300 Cr. and investment requirement is Rs. 8,700 Cr. to complete all the projects. The other strategy proposed by the developer is to monetise the F.A.R. of 10 million square feet and selling of Cement factory at Rewa, Madhya Pradesh which would bring in Rs. 1,200 Cr. The main reason behind the existing situation is frozen land price (2008-09 price).

It was stated that the amount to be received from sale of assets and/or settlement of land liabilities will be utilized exclusively for the completion of stalled housing projects. The issue of F.A.R. by the Yamuna Expressway Authority also needs to be



resolved as the same has already been decided by Arbitrator and now has been challenged before Civil Court by the Yamuna Expressway Authority.

5.4. As informed by Unitech Limited and corroborated by Authorities, they have 3 projects with an area of 450 acres in Noida and affected number of home buyers is 5,923 with a total receivable of Rs. 2,885 Cr. (Rs.1,166 Cr. from sold inventory, Rs 919 Cr. from unsold inventory and Rs 800 Cr. from unused land). In Greater Noida, 252 acres of land has been allotted by Authorities, upon which 3,077 units were constructed; out of which 2,988 units are sold. In both these places, 80-90% of the structures have been completed and within 6 months remaining work would be completed. Total amount payable to authorities is Rs.6,000 Cr. with an additional interest component of 26%. The total loan taken from LIC India is Rs. 200 Cr. which becomes Rs.350 Cr. with interest. It also came out from the deliberations that proper implementation of PSP will enable developers to deliver the pending projects.

6. Summary of the Deliberations held with the Co-Developers:

6.1. In order to understand the prospects of co-developers especially in case of stalled projects of Amrapali Group and Jaypee Group, a few prospective co-developers including Galaxy Group, ATS Infrastructure Limited, India Infoline Finance Limited (IIFL) and Kanodia Business Private Limited (KBPL) were called for a meeting on 25th July 2018. During the deliberations, it came out that there are basically 3 types of stalled projects in the affected area:

Category A: wherein only finishing work is pending,

Category B: wherein major construction work is pending and

Category C: no construction or minor construction work was carried out.

6.2. KBPL informed that they have been approached by Jaypee Group to take up the stalled projects and they have initiated construction work in one of the loan free projects located at Greater Noida Expressway for which Project Management Consultancy charge will be levied at the rate of 15%.

6.3. Galaxy Group and ATS Infrastructure Limited informed that they are in discussion with Amrapali Group to start work in the stalled projects as co-developers.



6.4. IIFL informed that initial discussions with Amrapali Group were initiated to finance the stalled projects at Noida and they neither have any expertise to construct any project nor intend to do so.

7. Summary of the deliberations held with Noida, Greater Noida and Yamuna Expressway Authorities:

7.1. GoM set up by State Government has recommended for 100% waiver of interest in cases, where more than 30% of land has been affected by court order and 50% waiver of interest, where less than 30% of land has been affected. It was suggested by the Authorities that the quantum of waiver of interest may be reviewed by the Committee. Further, the recommendation of GoM regarding two year time extension to all projects without payment of any charges may also be reviewed.

7.2. The notification dated 12th February, 2018 of Reserve Bank of India may be amended so as to enable Banks to fund the stalled projects for completion.

7.3. Mitigation plan for stalled projects may be worked out on case-to-case basis.

7.4. Nationalized banks are not providing additional finance to the builders. However, some Non- Banking Financial Companies (like India Bulls etc.) are lending finance to the developers at higher rates.

7.5. As per the audit conducted by NOIDA, approximately 2/3rd of audited projects are viable and these projects may get revived in case last mile fundings extended to them by Banks.

7.6. In many cases, Completion Certificates cannot be issued to Projects because of dues pending to the Authorities by the builders.

8. Summary of the deliberations held the Banks (ICICI/SBI/HDFC/ BoB):

8.1. Reserve Bank of India (RBI) guidelines (dated 12th February, 2018 on "**Revised Framework for Resolution of Stressed Assets**") constrain the Banks from lending to the incomplete / stalled Housing Projects by declaring them as NPAs. It

was suggested that specific guidelines focusing on housing sector, which may enable Banks to consider enhanced last mile financing for completion of the projects without classifying the borrower as NPA, may be formulated.

8.2. Allow builders to sell their surplus / vacant land parcels to clear their debts. A new completion date may be allotted for the ongoing pending projects and RBI should be requested to ensure financial credit flow for such projects.

8.3. In order to restrict multiple sale of same property / flat to minimise adverse impact on home-buyers and financial institutions, norms may be formulated by making registration of 'Agreement to Sale' mandatory.

8.4. Concept of Stress Fund implementation through 'Last-In First-Out (LIFO) model' to build the confidence of investor, to put money for project completion.

9. Observations with respect to NBCC:

9.1. NBCC may come forward and take up the vacant land parcels in NOIDA and especially in Greater NOIDA to develop the housing projects, wherein majority of vacant land parcels are available.

10. Brief about Hon'ble Supreme Court Proceeding:

10.1. The Chairman of the Committee and Secretary, MoHUA and CMD, NBCC appeared before Hon'ble Supreme Court on 02.08.2018 in the case of Amrapali Group (CWP 940/2017). The Hon'ble Supreme Court in this regard observed as follows:

"We also place on record the appreciation to the offer made by the Chairman, NBCC, and also by Mr. Mishra, Chairman of the Committee. Let them make an endeavour to form policy and to solve problems of other group of companies also. However, the matters are pending in the Court, they have to apprise this Court of their proposals and only thereafter to take steps in this regard."



10.2. Hon'ble Supreme Court also directed the CMD, NBCC to study and work out the details for the stalled projects of Amrapali Group in Noida and Greater Noida, within a period of 30 days.

11. Recommendations:

The Committee, after considering all the suggestions and the recommendations given by the GoM, Judgements given by the Hon'ble Courts, existing Policy Frameworks, issues/notes submitted by Housing Sector Industry Associations, suggestions offered by Home Buyers, Bankers etc. makes the following recommendations. The recommendations in respect of cases, which are being considered in the Hon'ble Supreme Court or any Hon'ble Court/Tribunal may be implemented with the leave of the Court.

11.1. Reserve Bank of India has issued a circular related to "**Revised Framework for Resolution of Stressed Assets**" on 12th February 2018. The circular provides certain conditions to the Banks for additional funding in incomplete housing projects. The challenge with respect to the stalled projects, which need additional funding (last mile finance) for completion, is that these loans get classified as NPAs in the light of the extant RBI guidelines. This has dried up funding whereas it is quite critical.

Therefore, it is recommended that specific guidelines be issued by RBI, for the Real Estate and Construction Sector, in order to enable Banks to consider enhanced funding to the Projects under implementation (Real Estate projects).

(Action: Department of Financial Services)

11.2. Many projects in Noida / Greater Noida/ Yamuna Expressway Authority are almost complete but can not be handed over to the home buyers because of some minor pending construction work. At this stage, the investor/financer do not put in their money as there is no clarity on return of their invested money. Therefore in absence of last mile funding, projects get stuck. This adversely affects the Home Buyers.



Therefore, it is recommended that the last mile funding of projects may be permitted. For this, the concept of 'Last-In First-Out (LIFO) model', where the investor who puts in his money at the last stage to complete the stalled projects exits first, should be permitted. Accordingly, necessary guidelines/circular may be issued by the Department of Financial Services.

(Action: Department of Financial Services)

11.3. There is a need for a proper policy, which may give implementable solution in terms of completion of stalled projects under the jurisdiction of all three authorities i.e. Noida, Greater Noida and Yamuna Expressway Authority.

It is recommended that in order to resolve the long pending issue of stalled projects and to help the Home Buyers, the Project Settlement Policy (PSP) may be reintroduced by State Government of Uttar Pradesh with certain modifications including terms such as:

(1) For Zero Period Policy, in case project had been stalled for a stay order from any Court / NGT order or Authority had delayed possession/lease deed execution or in case the land had not been acquired/ resumed by the Authority at the time of handover or in case actual construction on the site could not be started by the allottee due to the absence of any approach road whatsoever to the plot, the affected period may be declared as a 'zero period' by the Authority concerned.

However, the Authorities shall ensure that during the overlapping period (*i.e. litigation pending before 2 or more different courts in same time period*), the developers do not get duplicate benefits under the proposed **ZERO PERIOD POLICY**.

Calculation may be made in following manner, so that only the genuine cases get benefit under PSP:

Affected Land area out of total allotted Land to Developer (in %)	Percentage of Waiver to be considered
More than 30%	100%
More than 20%and upto 30%	50%
More than 10% to upto 20%	25%
upto 10%	Proportionate

- (2) The projects, which got affected by the orders of NGT (during the period 2013 & 2015); and Period of 77 days for which, there was complete ban on construction has already been declared Zero Period; and further, penal interest has been waived off whole period of two years; there is a justification for granting one year of time extension because works continued, however completion certificates were not allowed to be given. It is recommended accordingly.
- (3) PSP may be made valid for the period of 6 months only and during the said period, the interested developer(s) has to apply before concerned Authority along with all the requisite documents. **The interested developer has to give written undertaking to complete such stalled projects within the period of 3 years (for which the benefits are being taken under PSP) and if any developer fails to complete such projects, the benefits given should be taken back.** Authorities may be directed to reach out to Developers/Builders to avail the benefits of this special dispensation.
- (4) The State Government had appointed a High-level Committee under the chairmanship of then Chairman, Greater Noida to advise on the issue of "calculation of premium amount paid by the allottee". This is required to calculate the quantum of land that can be retained by the allottee considering the payments already made by him. The Committee had submitted the report long back. However, the State Government is yet to take a view on the report so that the applications received under PSP could be finalized. The State Government may take the view urgently.



(5) The PSP should include provision to introduce co-developers to complete the stalled projects, wherein the vacant land parcels are available. The modalities for involvement of co-developers in such stalled projects may be worked out, which are stuck due to non-availability of funds with the original allottee/developers.

11.4. In the meetings of Committee, it was pointed out that a few developers sell the same property/flat to multiple home buyers. This amounts to cheating the home buyers and it also restricts the Banks from giving home loans in such projects.

Therefore, in order to secure the interest of Home Buyers and to avoid multiple sale of any property, the "Agreement to Sale" deeds may be registered in the office of concerned Sub-registrar. The committee recommends that the registration fee of "Agreement to Sale" may be kept very low/nominal, in order to encourage stakeholders to get registration of "Agreement to Sale".

(Action: Government of Uttar Pradesh)

11.5. Presently, there is only one Real Estate Regulatory Authority in the state of Uttar Pradesh. Real Estate (Regulation & Development) Act, 2016 provides that more than one Authorities can be set up, if the need be in a State. Considering the size of the State and the quantum of home-buyers issue, it is recommended to establish one more Real Estate Regulatory Authority in Noida/Greater Noida, which would help in redressing the issue of home-buyers of the Noida, Greater Noida, Ghaziabad Yamuna Expressway Authority and the other nearby urban areas in the National Capital Region (NCR).

(Action: Government of Uttar Pradesh)

11.6. State of Uttar Pradesh may formulate a policy to permit the affected home buyers to get the title deed registered at the rate prevailing at the time of committed date of the completion of the project by the developer, as an incentive to the home buyers to encourage registration of properties.

(Action: Government of Uttar Pradesh)

11.7. In order to readdress the issue of stalled project, wherein Developers/Allottees are not taking enough steps to mitigate the issue, the Authorities may come up with a policy



for taking over their unused land/FAR of stalled projects, wherein third party interest has not been created. Authorities may be allowed to bring in other developers as substitute to get such works completed.

(Action: Noida, Greater Noida and Yamuna Expressway Authorities)

11.8. There is no common solution to all stalled projects. The nature and extent of problem varies from case-to-case; hence, it will require flexible and innovative approach to solve the home buyers' problems comprehensively. Therefore, Authorities may continue to explore project wise mitigation plans and implement the same within their jurisdictional areas, as is being done currently.

(Action: Noida, Greater Noida and Yamuna Expressway Authorities)

11.9. The Authorities may prepare a panel of lawyers to assist the home buyers in pursuing their cases at RERA at reasonable fee.

(Action: Noida, Greater Noida and Yamuna Expressway Authorities)

11.10. The Hon'ble Supreme Court has directed vide order dated 2nd August, 2018 that NBCC has to conduct survey and furnish the proposal before Hon'ble Supreme Court of India for the stalled projects of Amrapali Group.

Similarly, it is recommended that NBCC may conduct the survey of the stalled projects of other developers in Noida and Greater Noida and take up a few selected viable projects to complete the same. The Authorities shall provide their full assistance to NBCC to carry out this exercise.

For all the cases which are *sub-judice*, the permission shall be taken from the Hon'ble Court before any action is initiated in this regard.

(Action: NBCC along with Noida, Greater Noida and Yamuna Expressway Authorities)



उत्तर प्रदेश शासन
 औद्योगिक विकास अनुभाग 4
 संख्या 1337/11-4 18 142एन/08
 लखनऊ दिनांक 18 जून, 2018

कार्यालय-ज्ञाप

नौएडा/गैडर नौएडा एवं यमुना एक्सप्रेस वे औद्योगिक विकास प्राधिकरण में लगभग तीन लाख मीटर स्क्वार्/प्रमाणित पथों की समस्याओं के समाधान हेतु एतद्वारा एक संयुक्त स्वयंसेवक समिति गठित की जाती है जिसका स्वरूप निम्नवत् है-

1	सचिव, उत्तर प्रदेश एवं शहरी विकास मंत्रालय, भारत सरकार, नई दिल्ली	अध्यक्ष
2	प्रमुख सचिव, आवास एवं शहरी नियोजन विभाग, उपप्रशासन	सदस्य
3	अध्यक्ष एवं मुख्य कार्यपालक अधिकारी, नौएडा	सदस्य
4	अध्यक्ष एवं सीएमडीएम (व्यवस्था प्रोजेक्ट से संबंधित अग्रणी बैंक)	सदस्य
5	सचिव, आवास एवं औद्योगिक विकास विभाग, उपप्रशासन	सदस्य
		संयोजक

2. उक्त समिति अपना कार्य तत्काल प्रभाव से प्रारम्भ करेगी तथा समस्याओं को निम्नलिखित क्रम में समाधान हेतु सुझाव संस्तुति दिनांक 15.07.2018 तक औद्योगिक विकास विभाग को उपलब्ध करायेगी।

अनूप ठाकुर पाण्डेय
 उत्तर प्रदेश सचिव/अवस्थापना
 एवं औद्योगिक विकास आयुक्त

संख्या 1337(1)/11-4 18 तददिनांक

प्रतिनिधि निम्नलिखित को सूचनाएं एवं प्रेषित।

1. समिति के अध्यक्ष एवं सदस्यों (किमांक 4 एवं 5 के सदस्यों को आदेश की प्रती सूचना कार्यपालक अधिकारी, नौएडा के माध्यम से)।
2. अध्यक्ष, उत्तर प्रदेश/गैडर/यमुना एक्सप्रेस वे प्राधिकरण
3. मुख्य कार्यपालक अधिकारी, नौएडा/गैडर नौएडा/यमुना एक्सप्रेस वे प्राधिकरण
4. निजी सचिव, मातृश्री औद्योगिक विकास विभाग।
5. निजी सचिव, उत्तर प्रदेश सचिव/अवस्थापना एवं औद्योगिक विकास आयुक्त/सचिव/विश्वक समित अवस्थापना एवं औद्योगिक विकास विभाग, उपप्रशासन।

आज्ञा से,
 (सीताराम यादव)
 संयुक्त सचिव।

No. O-17024/114/2018-HUA (EFS 9045551)
Government of India
Ministry of Housing & Urban Affairs
(Housing Section)

Nirman Bhawan, New Delhi
Dated June 28th, 2018.

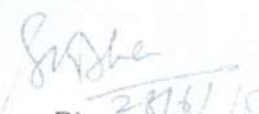
Office Memorandum

Subject: Minutes of the first meeting of the High Level Committee to redress the issues of home-buyers and affected parties held on 25 June, 2018 - regarding.

The undersigned is directed to refer to the first meeting of the High Level Committee constituted by Government of Uttar Pradesh held on 25 June, 2018 under the chairmanship of Secretary, Ministry of Housing and Urban Affairs and to forward herewith the minutes of the meeting for further necessary action.

2. This issues with the approval of the competent authority.

Encl: as stated.


(Sanjeet Kumar Bhagat)
Under Secretary to the Govt. of India
Tel.No. 2306 2910


To

1. Shri Nitin Gokarn, Principal Secretary, Housing and Urban Planning Department, Government of Uttar Pradesh, Room No. 324, Babu Bhavan, Secretariate, Lucknow-226001, Tel: 0522-2237161.
2. Shri Anup Kumar Mittal, Chairman & Managing Director, National Building Construction Corporation (NBCC), NBCC Bhawan, Lodhi Road, New Delhi - 03, Tel: 2436 7314 - 17, 2436 7573, Fax: 2436 6995.
3. Shri Alok Tandon, Chairman & Chief Executive Officer, New Okhla Industrial Development Authority (NOIDA), Administrative Complex, Sector-6, Noida - 201301, District- Gautam Budh Nagar, Uttar Pradesh, Fax: 91- 120- 2422210-317.
4. Shri Partha Sarthi Sen Sharma, Chief Executive Officer (CEO), Greater NOIDA Authority, Plot No. 01, Knowledge Park-04, Greater Noida, Gautam Budh Nagar, Uttar Pradesh 201308, +91-120 2336030 (tel) +91-120 2336031 (tel), +91-120 233-6002, 233-6006 (fax), Email: ceo@gnida.in, authority@gnida.in (email).

5. Shri Arun Vir Singh, Chief Executive Officer (CEO), Yamuna Expressway Industrial Development Authority, First Floor, Commercial Complex, P-2, Sector- Omega I, Greater Noida, Gautam Budh Nagar, Uttar Pradesh, PIN: 201308, Tel: +91.120.2395153/7/8, 2395152, 2395157 Fax: +91.120.2395150
6. Shri M. P. Agarwal, Secretary, Infrastructural and Industrial Development Department, Government of Uttar Pradesh, Shri Lal Bahadur Shastri Bhawan, Sarojini Naidu Marg, Lucknow- 226 001, Tel: 0522 – 2239524.
7. Shri Vaijnath M.G., Chief General Manager, State Bank of India, Email: CGM.re@sbi.co.in (cc: chairman@sbi.co.in)
8. Shri Vikas Rana, ICICI Bank, Email: vikas.rana@icicibank.com
9. Shri Sunil Ramchandani, ICICI Bank, Email: ramchandani@icicibank.com
10. Shri Rakesh Bhatia, General Manager, Bank of Baroda, Email: zm.nz@bankofbaroda.com
11. Shri Sanjay Joshi, General Manager, HDFC Bank, Email: sanjayj@hdfc.com.
12. Shri Geetamber Anand, Chairman, CREDAI, 703, Ansal Bhawan, 16, K G Marg, New Delhi – 110 001, Tel: 011 – 4312 6262 / 6200, Fax: 4312 6212.
13. Shri Manoj Gaur, Vice President, Confederation of Real Estate Developers' Association of India (CREDAI), 703, Ansal Bhawan, 16, K.G. Marg, New Delhi-01. Tel: 011-43126262 Fax : 43126212 (M): 9810121225.
14. Shri Pankaj Goyal, Confederation of Real Estate Developers' Association of India (CREDAI), 703, Ansal Bhawan, 16, K.G. Marg, New Delhi-01. Tel: 011-43126262 Fax : 43126212 (M): 9891766678
15. Shri Rajiv Talwar, Chairman & CEO DLF Ltd. NAREDCO, First Floor, 8, Community Centre, East of Kailash, New Delhi-110065, Fax No. 26225796, Email: naredco@naredco.in
16. Brigadier R. R. Singh, D.G. NAREDCO First Floor, 8, Community Centre, East of Kailash, New Delhi-110065. Fax No. 26225796, Email: naredco@naredco.in

Copy to:

1. Sr. PPS to Secretary, Ministry of Housing and Urban Affairs.
2. PPS to Additional Secretary (Housing), Ministry of Housing and Urban Affairs.
3. PS to Economic Adviser (Housing), Ministry of Housing and Urban Affairs.
4. Deputy Secretary (Housing), MoHUA


(Sanjeet Kumar Bhagat)
Under Secretary to the Govt. of India
Tel.No. 2306 2910

Minutes of the Meeting of High Level Committee constituted to address the issues of home-buyers and other affected parties of NOIDA, Greater NOIDA and Yamuna Expressway held on 25 June, 2018, Room No. 123-C, Nirman Bhawan, New Delhi under the chairmanship of Secretary, Ministry of Housing and Urban Affairs, Government of India

The list of participants is at Annexure.

2. The Chairman welcomed all the members and invitees and briefly explained the purpose of convening the meeting, i.e. understanding the issues responsible for delayed or non-delivery of housing units to the home buyers in NOIDA, Greater NOIDA and Yamuna Expressway areas and to understand the viewpoint of all the affected parties including the builders/promoters, local authorities, bankers etc with a view to finding a way forward for bringing succour and relief to home buyers and other affected parties. He observed that representatives of home buyers as well as Department of Financial Services should also be invited to attend the next meeting.

3. Thereafter, the Chairman invited the representatives of CREDAI, banks and Development Authorities to outline the issues and problems facing them and their suggestions to overcome them.

- Shri Manoj Gaur, Vice President, CREDAI informed the Committee that lands were allotted to the builders by NOIDA / Greater NOIDA / Yamuna Expressway Authority and cost of said allotted lands along with interest is being paid by builders to them. He further informed that as per the judgment of Hon'ble Allahabad High Court, NOIDA Authority was asked to pay the additional compensation @ 64% to the farmers / land-owners which burden has been transferred to the builders along with interest as well. He highlighted the differences in calculating the apportionment of land dues amongst the all three authorities. He further added that financial institutions are reluctant to lend funds since completion certificate has not been issued for various projects in NOIDA as the land dues are still payable. Further, he requested the Committee to consider the delay while calculating penalty related to delay in completion of projects by the builders which could be described as *force majeure* (Court / NGT / NCLT/ Authority Order, agitation by farmers etc.).

The Chairman requested Vice President, CREDAI to submit a detailed note on these issues and possible solutions whereby all parties may turn out to be winners.

- Shri Pankaj Goel, Secretary, CREDAI-NCR added that as per the terms of the bid document, before completion of the project, substitution of builders is not allowed as regards the undeveloped land parcels and this is a hindrance in liquidating the project and raising funds to pay pending dues of constructed dwelling units. In this regard, he recommended that if the builders are allowed to sell the surplus / vacant land parcels, they will be able to pay the authorities' debts and obtain the completion certificate for their projects.

The Chairman requested him to submit a note as to how this could be done under the rules.

- Shri Atul Rai, Chairman, CREDAI emphasized the need of establishment of a Stressed Assets Fund through Special Purpose Vehicle (SPV) involving all the stakeholders including home-buyers.

- Representative from State Bank of India (SBI) submitted that due to lack of credibility of builders and failure of big developers, the focus of buyers has now shifted from under construction projects to completed projects. He suggested that clarifications from Reserve Bank of India (RBI) may be solicited in respect of RBI guidelines in order that there is no impact on credit history of buyers in case of default due to *force majeure*. Further, he added that builders may be allowed to sell their surplus / vacant land parcels to clear their debts. He also suggested that completion certificate should be given tower-wise as it will address the liquidity position of the builders. It was also recommended that a new completion date may be allotted for the ongoing pending projects and RBI may be requested to ensure financial credit flow for pending projects and also the RBI guidelines should incorporate a special dispensation with regard to the real estate sector as far as NPA classification norms are concerned. Further, he recommended that the land allotment model may be changed from lease-hold to free-hold in order to secure the interest of all the stakeholders, as the property cannot be liquidated by the financial institutions in absence of completion certificate. In this regard, a few members observed that it will be difficult for the builder to pay the larger amount for free-hold land as the builder is not able to pay for lease-hold land.

- The Chairman requested SBI to send a note as to how RBI may give relief to the builders specially in the instance case to ease out the matter. A detailed plan of action be submitted for taking this as a special case.
- Representative from HDFC Bank Ltd. suggested that even in case of retail lending default, financial assistance may be provided.

- Representative from IICI Bank suggested that there should be some norms restricting the multiple sale of the same property / flat as it adversely impacts not only the home-buyers but also to financial institutions. In this regard, Shri Nitin Gokarn, Principal Secretary, Housing and Urban Planning Department, Uttar Pradesh informed that provisions are being made to address the issue of multiple sale of flats.

- Shri Anup Kumar Mittal, Chairman & Managing Director, National Buildings Construction Corporation Ltd. suggested that authorities may take over the unsold flats from builders against their pending land dues and handover the same to the buyers after completion.

- Shri Alok Tandon, Chief Executive Officer (CEO), NODIA Authority informed the Committee that since 2005, 105 Group Housing projects have been sanctioned out of which 34 have been completed and 33 more projects are viable. Most of the builders have sold almost all the flats in their projects. Around 15-20% builders may have some unsold units. In last couple of years, against 1,27,000 units, completion certificates have been given for 43,000 units and completion certificates for 16,000 units have been given in last one year itself which has brought some relief to the buyers. However, there are cases of non-issuance of completion certificates because of pending dues to the authorities by the

builders. He informed that the Authority has rescheduled land dues for grant of completion certificates. Further he added that nationalized banks are not providing re-finance to the builders. However, some NBFCs (like India Bulls) are lending finance to the builders. Further he added that NOIDA Authority have arranged the audit of 51 real estate projects out of which 34 projects were found viable for re-finance in order to complete the projects. Further, he suggested that NBCC can come forward and take up the vacant land parcels in NOIDA and especially in Greater NOIDA to develop housing projects and get the projects completed to the satisfaction of home-buyers.

4. Based on the views expressed and discussions held in the meeting, the following decisions were taken:

- a. In the next meeting, CEOs of Greater NOIDA Authority and Yamuna Expressway Industrial Development Authority may be requested to attend;

[Action: Housing Division, MoHUA]

- b. Representatives from Home-buyers may be invited in consultation with the Authorities;

[Action: Housing Division, MoHUA]

- c. A representative from Department of Financial Services may be invited for the next meeting;

[Action: Housing Division, MoHUA]

- d. In respect of suggestions given by the participants, it was directed that a clear write up in respect of the issues being faced by them and possible solutions to these may be submitted to the Ministry (Shri Manoj Kumar, Additional Secretary, MoHUA at Email: as_ud_mud@nic.in) and also to all three Authorities (at Emails: ceo@noidaauthorityonline.com, ceo@gnida.in, and ceo@yamunaexpresswayauthority.in) by 29 June, 2018 for consideration. Further, the Authorities may present their views on the suggestions submitted to them, during the next meeting of the Committee;

[Action: Participated Banks, Builders' Associations, NOIDA Authority, Greater NOIDA Authority and Yamuna Expressway Industrial Development Authority]

- e. CEOs of NOIDA Authority, Greater NOIDA Authority and Yamuna Expressway Industrial Development Authority were requested to identify the projects launched after the year 2005, number of builders and buyers affected and the issues being faced in completing such projects for a holistic understanding of the quantum and magnitude of the problem;

[Action: NOIDA Authority, Greater NOIDA Authority and Yamuna Expressway Industrial Development Authority]

- f. NBCC Ltd. was instructed, based on the proposal of CEO, NOIDA Authority to examine the proposal of purchasing or otherwise through some business model vacant flats of builders for their sale for housing purposes or vacant land parcel in constructed area for development, if necessary, by conducting joint surveys of

sites along with concerned authorities and report the findings in next meeting of this Committee.

[Action: NBCC, NOIDA Authority]

- g. It was suggested that it may be ascertained as to what solutions have been found or adopted to address similar issues in other states. Steps taken by RBI in such situations in the past may also be studied.

[Action: Economic Adviser, Housing Division, MoHUA]

- h. A note on Stressed Assets Funds may be submitted by the representatives of the Banks.

[Action: Participated Banks]

5. The meeting ended with a vote of thanks to the Chair.

List of Participants

1. Shri Durga Shanker Mishra, Secretary, M/o Housing & Urban Affairs - In Chair
2. Shri Manoj Kumar, Additional Secretary (Housing and D&C), M/o Housing & Urban Affairs.
3. Shri Anupam Mishra, Economic Adviser, M/o Housing & Urban Affairs.
4. Shri Anup Kumar Mittal, Chairman & Managing Director, NBCC
5. Shri Nitin Gokarn (Principal Secretary, Housing & Urban Planning Department, Government of Uttar Pradesh)
6. Shri M. P. Aggarwal, Secretary, Infrastructure & Industrial Development Department, Government of Uttar Pradesh
7. Shri Alok Tandon, Chairman & Chief Executive Officer, NOIDA Authority
8. Shri Arunvir Singh, CEO, Yamuna Expressway Industrial Development Authority
9. Shri Santosh kumar, OSD NOIDA Authority
10. Shri Alok Rastogi, ED, NBCC
11. Shri Akhil Saxena, Deputy Secretary (Housing), MoHUA.
12. Shri Meena Bhargava, GM, Yamuna Expressway Authority.
13. Shri Rajiv Talwar, Chairman, NAREDCO
14. Shri Atul Kumar Rai, CEO, CREDAI
15. Shri Manoj Gaur, Vice President, CREDAI
16. Shri Pankaj Goel, Secretary, CREDAI (NCR)
17. Brig. (Retd.) R. R. Singh, Director General, NARDCO.
18. Shri Reginald, GM, CREDAI)
19. Shri Sanjay Joshi, GM, HDFC Bank Ltd.
20. Shri Sathish Kumar, ICICI Bank, Mumbai
21. Shri Sumir Ramchandani, ICICI Bank
22. Shri Vikas Rana, ICICI Bank
23. Shri Vaijinath M.G., CGM, State Bank of India (SBI), Mumbai
24. Ms Tora Saikia (Tech. Expert)
25. Shri Ashok Verma, Dy. Mg. NOIDA Authority
26. Shri Bal Krishna Tripathi, ACEO, Greater NOIDA Authority

No. O-17024/114/2018-HUA (EFS 9045551)
Government of India
Ministry of Housing & Urban Affairs
(Housing Section)

Nirman Bhawan, New Delhi
Dated July 10, 2018.

Office Memorandum

Subject: Minutes of the Second Meeting of the High Level Committee to redress the issues of home-buyers and affected parties held on 10 July, 2018 - regarding.

The undersigned is directed to forward herewith the minutes of the second meeting of the above mentioned High Level Committee held on 10 July, 2018 under the chairmanship of Secretary, Ministry of Housing and Urban Affairs for information and further necessary action.

2. This issues with the approval of the competent authority.

Encl: as stated.



(Akhil Saxena)

Deputy Secretary to the Govt. of India
Tel.No. 2306 2280

To

1. Shri Rajiv Kumar, Secretary, Department of Financial Services, Ministry of Finance, Room No. 6A, 3rd Floor, Jeevan Deep Building, Sansad Marg, New Delhi-110001, Tel: 011- 23340222, 23343478, Email: secy-fs@nic.in.
2. Shri Nitin Gokarn, Principal Secretary, Housing and Urban Planning Department, Government of Uttar Pradesh, Room No. 324, Bapu Bhavan, Secretariate, Lucknow-226001, Tel: 0522-2237161.
3. Shri Alok Tandon, Chairman & Chief Executive Officer, New Okhla Industrial Development Authority (NOIDA), Administrative Complex, Sector-6, Noida - 201301, District- Gautam Budh Nagar, Uttar Pradesh, Fax: 91- 120- 2422210-317 - with a request to kindly further communicate the minutes to the buyers' associations who presented during the meeting.
4. Shri Partha Sarthi Sen Sharma, Chief Executive Officer (CEO), Greater NOIDA Authority, Plot No. 01, Knowledge Park-04, Greater Noida, Gautam Budh Nagar, Uttar Pradesh 201308, +91-120 2336030 (tel) +91-120 2336031 (tel), +91-120 233-6002, 233-6006 (fax), Email: ceo@gnida.in, authority@gnida.in (email).

5. Shri Arun Vir Singh, Chief Executive Officer (CEO), Yamuna Expressway Industrial Development Authority, First Floor, Commercial Complex, P-2, Sector- Omega I, Greater Noida, Gautam Budh Nagar, Uttar Pradesh, PIN: 201308, Tel: +91.120.2395153/7/8, 2395152, 2395157 Fax: +91.120.2395150
6. Shri M. P. Agarwal, Secretary, Infrastructural and Industrial Development Department, Government of Uttar Pradesh, Shri Lal Bahadur Shastri Bhawan, Sarojini Naidu Marg, Lucknow- 226 001, Tel: 0522 – 2239524.
7. Shri Anup Kumar Mittal, Chairman & Managing Director, National Building Construction Corporation (NBCC), NBCC Bhawan, Lodhi Road, New Delhi – 03, Tel: 2436 7314 – 17, 2436 7573, Fax: 2436 6995.
8. Shri Rakesh Tyagi, Director, Ministry of Corporate Affairs, A Wing, Shastri Bhawan, New Delhi – 01, Email: rakesh.tyagi@mca.gov.in
9. Under Secretary, Department of Financial Services.
10. Shri Sanjiv Naryani, Chief General Manager, State Bank of India.
11. Shri Shantanu Pardesi, DGM, SBI – Noida Zone, Email: dgmbbo.zomrt@sbi.co.in
12. Shri Sunir Ramchandani, Business Head, ICICI Bank, Email: sunir.ramchandani@icicibank.com.
13. Shri Sathish Kumar, Jt. General Manager, ICICI Bank Ltd. Email: ayanam.sathishkumar@icicibank.com
14. Shri P. D. Gupta, Deputy Zonal Head, Bank of Baroda.
15. Shri Gabheak Singh, AGM, Bank of Baroda, Email: sabheak.singh@bankofbaroda.com
16. Shri Vikas Rana, ICICI Bank, Email: vikas.rana@icicibank.com
17. Shri Rakesh Bhatia, General Manager, Bank of Baroda, Email: zm.nz@bankofbaroda.com
18. Shri Sanjay Joshi, General Manager, HDFC Bank, Email: sanjayj@hdfc.com
19. Shri Geetamber Anand, Chairman, CREDAI, 703, Ansal Bhawan, 16, K G Marg, New Delhi – 110 001. Tel: 011 – 4312 6262 / 6200, Fax: 4312 6212.
20. Shri Manoj Gaur, Vice President, Confederation of Real Estate Developers' Association of India (CREDAI), 703, Ansal Bhawan, 16, K.G. Marg, New Delhi- 01. Tel: 011-43126262 Fax : 43126212 (M): 9810121225.
21. Shri Atul Kumar Rai, CEO & DG, CREDAI, Email: atul@credai.org.

22. Shri Pankaj Goyal, Confederation of Real Estate Developers' Association of India (CREDAI), 703, Ansal Bhawan, 16, K.G. Marg, New Delhi-01. Tel: 011-43126262 Fax : 43126212 (M): 9891766678
23. Shri Rajiv Talwar, Chairman & CEO DLF Ltd. NAREDCO, First Floor, 8, Community Centre, East of Kailash, New Delhi-110065. Fax No. 26225796, Email: naredco@naredco.in
24. Brigadier R. R. Singh, D.G. NAREDCO First Floor, 8, Community Centre, East of Kailash, New Delhi-110065, Fax No. 26225796, Email: naredco@naredco.in
25. Shri Abhishek Kumar, President, NEFOWA, Email: nefowa@gmail.com
26. Shri Amit Gupta, NEFOMA

Copy to:

1. Sr. PPS to Secretary, Ministry of Housing and Urban Affairs.
2. PPS to Additional Secretary (Housing), Ministry of Housing and Urban Affairs.
3. PS to Economic Adviser (Housing), Ministry of Housing and Urban Affairs.
4. Deputy Secretary (Housing), MoHUA
5. Shri Puneet Tripathi, Legal Consultant (HFA – PMU); Ms. Sana Mutum, Urban Planner (HFA-PMU); and Shri Brajesh Kumar, MIS Expert (HFA-PMU).



(Akhil Saxena)
Deputy Secretary to the Govt. of India
Tel.No. 2306 2280

Minutes of the 2nd Meeting of High Level Committee to redress the issues of home-buyers and other affected parties of NOIDA, Greater NOIDA and Yamuna Expressway held on 10th July, 2018 at 5:00 P.M. in Conference Room, Room No. 123-C, Nirman Bhawan, New Delhi under the chairmanship of Secretary, MoHUA

The list of participants is at Annex. The write-ups/suggestions received from CREDAI, ICICI Bank and NOIDA and Greater NOIDA were placed before the Committee.

2. After welcoming the participants and briefly recapitulating the discussions and decisions of first meeting, the Chairman invited views of the representatives of home buyers on the issue of incomplete/stalled real estate projects in the Noida, Greater Noida and Yamuna Expressway region. The inputs given by them are summarized below:

- i. It was informed by Home-buyers/RWA representatives that in most of cases, 95% of the payment have already been made, home-buyer are not in position to pay extra amount except the remaining balance.
- ii. It was also suggested that unsold inventory of the project may be handed over to an organisation like NBCC and accordingly complete the pending work to give possession to home buyers. Further, it was added that Builders are charging to home buyers on account of farmer compensation and other charges at the time of possession.
- iii. The issue of Amrapali Project was raised, however, it was informed that the matter is *sub-judice* before the Supreme Court of India. It was also observed that where the builders have not been able to give possession of houses even after receiving payments, it should be recovered from their personal assets.

3. CREDAI representatives raised the issue of higher interest rate and the methodology for calculation of "Zero Period" by Greater Noida. They also pointed out that GNOIDA has been raising the demand since 2013 despite the fact that High Court Order of 2012 pertaining to farmer compensation for 35 villages was challenged by Authorities before Supreme Court, which was decided in 2015. They observed that Zero Period should involve waiver of interest as well as penal interest. They also emphasized that recommendations of Group of Ministers (GOM) may be implemented which also allows the entry of co-developer on stalled project.

4. Explaining the difference in the calculation of the recovery of the compensation, CEO, Greater Noida informed that GNOIDA passed on extra compensation on the allottees on a weighted basis in proportion to the land category. However, NOIDA has recovered the compensation on flat rate. He also informed that for stalled cases, GNOIDA is conducting individual project wise audit through an independent agency. CEO, GNOIDA further suggested that:

- i. Regarding recommendation of GOM about 100% waiver of interest in cases where more than 30% of land has been affected by court order and 50% waiver of interest in those cases where less than 30% of the land has been affected, there should be a minimum limit of area affected for those cases where 50% interest is to be waived off.
- ii. RBI may come up with revised notification to enable banks for last mile funding for completion of stalled project.
- iii. Mitigation plan for the stalled projects may be worked out on case to case basis.

5. CEO, Yamuna Expressway Industrial Development Authority also expressed his views along similar lines.
6. ICICI Bank's representative reiterated the suggestion mentioned their note that RBI has already issued notification dated 12th February, 2018 on "Revised Framework for Resolution of Stressed Assets". He observed that separate Guidelines specific to housing sector to enable banks to consider enhanced last mile financing for completion of stalled project without classifying the borrower as NPA may be formulated by RBI. Further, he added that "Agreement to Sale" may be registered to avoid multiple sale of single property. However, CREDAI suggested that there should be nominal fee of such registration of "Agreement to Sale" and also informed about the position in Haryana, wherein there is no fee on such registration.
7. SBI representative mentioned that to make the concept of Stress Fund implementable, Last-In First-Out (LIFO) model may be adopted to build the confidence of investors, who will put their money for project completion. However, this may involve legal issues.
8. CEO, NOIDA informed that upon audit, it has been noted that 2/3rd stalled projects are viable and could be revived upon last mile funding. However, banks are reluctant to fund it and only some NBFCs are funding such projects. He also informed that the GoM has also given recommendation on this aspect.
9. CMD, NBCC expressed the view that there should be an increase in the presence of government and private sector business in these areas which will give a boost to the real estate sector also. He also emphasised the need for project based mitigation programme.
10. Based on the discussions held in the meeting, the following decisions were taken:
- i. Chairman will also hold consultations with various categories of stakeholders separately.
[Action: Housing Division, MOHUA]
 - ii. Department of Financial Services to examine the suggestions on last mile funding and stress fund for the real estate sector.
[Action: Department of Financial Services]
 - iii. Greater Noida to clarify the calculation of interest and penal interest during the "Zero Period Policy".
[Action: Greater NOIDA]
 - iv. NBCC to study 2-3 cases of stalled projects to understand the situation and give suggestions as how to get home buyers' flats made available in a time bound manner on case to case basis.
[Action: CMD, NBCC]
10. The meeting ended with vote of Thanks to the Chair.

List of Participants

S NO	NAME	DESIGNATION & ORGANIZATION
1.	Shri Dugra Shanker Mishra	Secretary, M/o Housing Ministry of Housing & Urban Affairs- In Chair
2.	Shri Manoj Kumar	Additional Secretary (Housing and D&C),M/o Housing Ministry of Housing & Urban Affairs
3.	Shri Anupam Mishra	Economic Adviser (Housing) Ministry Of Housing & Urban Affairs
4.	Shri M P Agarwal	Secretary, Infrastructural & Industrial Development Dept. Govt. of U. P.
5.	Shri Alok Tandon	Chairman & Chief Executive Officer, Noida
6.	Shri Partha Sarthi Sen Sharma	Chief Executive Officer, Greater Noida
7.	Shri Anup Kumar Mittal	Chairman & Managing Director, N.B.C.C. Ltd.
8.	Shri Santosh Kumar	OSD.NOIDA
9.	Shri Shailender Kumar Bhatia	OSD, Yamuna Expressway Authority
10.	Shri Sanjiv Naryani	Chief General Manager , S.B.I. Bank
11.	Shri Sunir Ramchandani	Business Head. ICICI Bank
12.	Shri P D Gupta	Deputy Zonal Head , Bank Of Baroda
13.	Shri Sanjay Joshi	General Manager , HDFC LTD.
14.	Shri Geetamber Anand	Chairman. CREDAI
15.	Mr Annu Khan	President- NEFOWA
16.	Shri Abhishek Kumar	President, NOIDA Extension Flat Owners Welfare Association
17.	Shri Alok Rastogi	ED NBCC
18.	Shri Satish Kumar	JT General Manager- ICICI Bank
19.	Shri Gabheak Singh	AGM, Bank of Baroda
20.	Shri Shantanu Pardesi	DY. GM SBI, Noida Zone
21.	Shri Atul K Rai	CEO & DG, CREDAI
22.	Shri Meena Bhargava	G.M., (Phy. & Arch.), YEA
23.	Shri Arvind Mohan Singh	Managers Builders
24.	Brig. R. R. Singh	D.G - NAREDO
25.	Shri Abhishek Kumar	President-NEFOWA
26.	Ms.Sweta Bharti	General Secretary , NEFOWA
27.	Shri Amit Gupta	NEFOMA
28.	Shri Ashok Kumar Verma	Dy. Manager, NOIDA
29.	Md.Asim Khan	NEFOMA
30.	Shri Saurabh Srivastava	Individual Home Buyer, Sector- 78, Noida
31.	Shri H. C. Agarwal	Individual Home Buyer, Sector- 78, Noida
32.	Reginald J. Sinclair	G.M. CREDAI

No. O-17024/114/2018-HUA (EFS 9045551)

Government of India
Ministry of Housing & Urban Affairs
(Housing Section)Nirman Bhawan, New Delhi
Dated ~~July~~ ^{Aug} 24 2018.Office Memorandum

Subject: Minutes of the Meeting of the High Level Committee to redress the issues of home-buyers and affected parties of NOIDA, Greater NOIDA and Yamuna Expressway held on 03 August, 2018 - regarding.

The undersigned is directed to forward herewith the minutes of the meeting of the above mentioned High Level Committee held on 03 August, 2018 under the chairmanship of Secretary, Ministry of Housing and Urban Affairs for information and further necessary action.

2. This issues with the approval of the competent authority.

Encl: as stated.



(Akhil Saxena)

Deputy Secretary to the Govt. of India
Tel.No. 2306 2280

To

1. Shri Nitin Gokarn, Principal Secretary, Housing and Urban Planning Department, Government of Uttar Pradesh, Room No. 324, Babu Bhavan, Secretariate, Lucknow-226001, Tel: 0522-2237161.
2. Shri Alok Tandon, Chairman & Chief Executive Officer, New Okhla Industrial Development Authority (NOIDA), Administrative Complex, Sector-6, Noida - 201301, District- Gautam Budh Nagar, Uttar Pradesh, Fax: 91- 120- 2422210-317
3. Shri Partha Sarthi Sen Sharma, Chief Executive Officer (CEO), Greater NOIDA Authority, Plot No. 01, Knowledge Park-04, Greater Noida, Gautam Budh Nagar, Uttar Pradesh 201308, +91-120 2336030 (tel) +91-120 2336031 (tel), +91-120 233-6002, 233-6006 (fax), Email: ceo@gnida.in, authority@gnida.in (email)
4. Shri Arun Vir Singh, Chief Executive Officer (CEO), Yamuna Expressway Industrial Development Authority, First Floor, Commercial Complex, P-2, Sector- Omega I, Greater Noida, Gautam Budh Nagar, Uttar Pradesh, PIN, 201308, Tel +91 120 2395153/7/8, 2395152, 2395157 Fax +91.120.2395150

5. Shri M. P. Agarwal, Secretary, Infrastructural and Industrial Development Department, Government of Uttar Pradesh, Shri Lal Bahadur Shastri Bhawan, Sarojini Naidu Marg, Lucknow- 226 001, Tel: 0522 – 2239524.
6. Dr. Anoop Kumar Mittal, Chairman & Managing Director, National Building Construction Corporation (NBCC), NBCC Bhawan, Lodhi Road, New Delhi – 03, Tel: 2436 7314 – 17, 2436 7573, Fax: 2436 6995.
7. Shri Sanjiv Naryani, Chief General Manager, State Bank of India.
8. Shri Shantanu Pardesi, DGM, SBI – Noida Zone, Email: dgmbo.zomrt@sbi.co.in
9. Shri Sunir Ramchandani, Business Head, ICICI Bank, Email: sunir.ramchandani@icicibank.com.
10. Shri P. D. Gupta, Deputy General Manager, Bank of Baroda.
11. Shri Vikas Rana, ICICI Bank, Email: vikas.rana@icicibank.com
12. Shri Rakesh Bhatia, General Manager, Bank of Baroda, Email: zm.nz@bankofbaroda.com
13. Shri Sanjay Joshi, General Manager, HDFC Bank, Email: sanjayi@hdfc.com

Copy to:

1. Sr. PPS to Secretary, Ministry of Housing and Urban Affairs.
2. PPS to Additional Secretary (Housing), Ministry of Housing and Urban Affairs.
3. PS to Economic Adviser (Housing), Ministry of Housing and Urban Affairs.
4. Deputy Secretary (Housing), MoHUA

Minutes of the Meeting of the High Level Committee to redress the issues of home-buyers and other affected parties of NOIDA, Greater NOIDA and Yamuna Expressway held on 3rd August, 2018 at 4:30 P.M. in Room No. 123, Nirman Bhawan, New Delhi.

1. A Meeting of the High Level Committee to look into the issues of home-buyers and affected parties pertaining to the incomplete/stalled housing projects in the Noida Greater Noida/Yamuna Expressway, was held on on 3rd August, 2018. The list of participants is **Annex**. A brief of the deliberations held / decisions taken are summarised below:
 - i. During the meeting, a presentation was made summarising the issues raised and suggestions made before the Committee in its earlier Meetings.
 - ii. CEOs of Noida, Greater Noida Authorities and Yamuna Expressway Authority gave their inputs in order to enable the committee to formulate its draft recommendations for the report of committee.
 - iii. The representatives of the State Bank of India, Bank of Baroda, HDFC Limited gave their inputs in relation to the RBI Circular dated 12th February, 2018 and recommended it's modification in order to boost the flow credit to Real Estate Sector.
 - iv. The issue of variation of interest on account of farmer compensation was also discussed by the Committee, as NOIDA imposed approximately 550 per square feet and whereas Greater Noida has imposed approximately 2000 per square feet. On the issue of review of this calculation, CEO by Greater Noida Authority explained that the calculation of interest was done in proportion to the allotted land price to allottees/developers and this stage, it would not be possible to review the same.
 - v. The Committee discussed the broad structure of its report and also formulated the key recommendations, which are proposed to be made in the report.
 - vi. It was decided that the draft report of the Committee would be circulated to all the Committee members to make the necessary changes and finalize the same accordingly.

vii. It was observed that the Committee has examined all the suggestions, issues raised in the earlier deliberations in order to formulate the draft recommendations of the Committee. Chairman requested all the present members to representatives of all 3 Authorities to verify the figures mentioned in the draft report of committee upon circulation of the same, so that same may be submitted to Government of Uttar Pradesh accordingly.

2. The meeting ended with vote of thanks to the Chair.

List of Participants

Sr. No	Name & Organization
1.	Shri Durga Shankar Mishra Secretary, MoHUA
2.	Shri Manoj Kumar, Additional Secretary (Housing and D&C)
3.	Shri Anupam Mishra Economic Adviser
4.	Shri Ishtiyak Ahmed Chief Town Planner, GDA Ghaziabad
5.	Shri Alok Tandon Chairman & CEO, NOIDA Authority Tel: 0120-2422160/2422239
6.	Shri Anup Kumar Mittal Chairman & MD, NBCC India Tel: 24368893
7.	Shri M.P. Agarwal, Secretary, Infrastructural and Industrial Development Department, Govt. of UP Tel: 0522-2239524
8	Shri Partha Sarthi Sen Sharma CEO, GNIDA
9	Shri Arun Vir Singh CEO, YEIDA
10	Shri Akhil Saxena, D.S. (H)
11	Shri Santosh Kumar OSD, NOIDA
12	Ms. Anjali Arora SBI
13	Shri S.K. Agarwal GM, SBI
14	Shri Sanjiv Joshi AGM, SBI
15	Shri Kuber Dutt RM, Ghaziabad, SBI
16	Shri Sabheak Singh Bank of Broada, AGM
17	Shri Santosh Kumar CM, Bank of Baroda
18	Shri Sanjay Joshi Sr. General Manager, HDFC Ltd.
19	Shri Alok Rastogi ED, NBCC
20	Shri Shailendra Bhalla, OSD, YEIDA