

**RECORDS OF DISCUSSION OF THE FOURTH REGIONAL WORKSHOP (EASTERN AND NORTH EASTERN REGION) OF REAL ESTATE (REGULATION AND DEVELOPMENT) ACT- 'RERA- A NEW ERA OF TRANSPARENCY AND ACCOUNTABILITY IN REAL ESTATE- 2 YEARS OF IMPLEMENTATION AND WAY AHEAD' HELD ON 15<sup>TH</sup> DECEMBER, 2018 IN RANCHI, JHARKHAND.**

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1. The Fourth Regional Workshop on 'Real Estate (Regulation and Development) Act 2016 (RERA) - A New Era of Transparency and Accountability in Real Estate- 2 years of implementation and Way Ahead' was organized in Ranchi on 15<sup>th</sup> December, 2018 for Eastern and North Eastern region. **13 States/UTs of Eastern and North Eastern region (Jharkhand, Bihar, Odisha, West Bengal, Chhattisgarh, Assam, Tripura, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland and Sikkim)** participated in the workshop. The objective of the workshop was to provide platform for discussion and learn best practices and suggest way forward towards better implementation of the Act across States/UTs. The workshop was attended by Principal Secretaries/ Secretaries of Housing/ Urban Development, Chairpersons/Members, Senior Officers of Regulatory Authorities, Appellate Tribunals, representatives of Home Buyers Associations, Developers Association, Financial Institutions, Real Estate Agents and other stakeholders.

**2. Inaugural Session:**

**2.1 Shri Ajoy Kumar Singh, Secretary (UD & HD), Govt. of Jharkhand** welcomed Secretary, Ministry of Housing and Urban Affairs (MoHUA), Hon'ble Minister for Urban Development, Govt. of Jharkhand and all other invitees to the workshop. While delivering the welcome address, he expressed his gratitude in hosting the fourth regional workshop of RERA in capital city of Jharkhand. He opined that RERA has brought transparency, speedy redressal of grievances and provides a win win situation for all the stakeholders.

**2.2 Shri Durga Shanker Mishra, Secretary, MoHUA** welcomed all the participants and stakeholders in the one day regional workshop which is the fourth and final of the series of RERA regional workshops. He informed that in the last three months, three workshops has been organised at regional level- one each in Pune for **Western**, Chennai for **Southern** and Delhi for **Northern**; and this being the last one for **Eastern** and **North Eastern** region in Ranchi. He appreciated the works and functioning of RERA in Maharashtra which is the most successful one of its kind in India and opined that other State/UT Governments can learn from the best practises of each Authority. He informed that Ranchi's performance in PMAY-U Mission is prominent amongst the 13 participating States in the regional workshop. Ranchi had a total validated housing demand of 2,90,000 generated through various medium and 1,65,000 houses have been sanctioned under the Mission. He congratulated the State for the successful implementation and stated that this was the reason for selecting Ranchi for the final regional workshop.



He outlined the important provisions of RERA such as - advertisement of project only after registration, registration after all clearances/ approvals, model contract document, creation of escrow account for project, time bound completion of project, consent of 2/3<sup>rd</sup> of the allottees in case of any modification in layout, disclosure of carpet area etc. He opined that effective implementation of RERA will generate confidence and restore the sentiments of the home buyers and financial institutions.

He opined that all the stakeholders should contribute their share in successful implementation of RERA. RERA will play a vital role in realizing the Hon'ble Prime Minister's vision of **New India-2022**-sustainable growth with discipline and transparency. Out of 34 States/UTs, all the States/UTs (except Jammu & Kashmir) have implemented RERA and are in various stages of implementation. West Bengal also have been requested to notify and repeal its local law and adopt RERA. He stressed that awareness programs has to be organized more often as mandated under Section 33. He also informed that a Committee will be constituted under the provisions of RERA for Removal of Difficulties to resolve the issues related to RERA implementation. Full benefits of RERA will be realized only when States/UTs implement the provisions of RERA in letter and spirit without tweaking.

**2.3 Shri Chandreswar Prasad Singh, Hon'ble Minister for Urban Development and Housing, Government of Jharkhand** welcomed all the participants and opined that RERA has been implemented by most of the States/UTs and remaining States are at various stages of implementation. He observed that in the field of PMAY-U Mission, Jharkhand has been progressive but in RERA implementation the State is lagging behind State like Maharashtra. He agreed upon the fact that construction sector is one of the biggest sector to provide employment.

He opined that fast track dispute redressal within a limited/ short time is the most imperative aspect of any legislation. In this regard, if there is non-compliance, there should be strict penalty and punishment provisions. He opined that non-compliance of legislation has been the greatest hurdle in implementation and offering the benefit of the legislation to beneficiaries and common man. He opined that all the stages of construction and completion of a project like approval of plan, sanction of completion certificate and handing over project should be done in a time bound manner and monitored by concerned agency/ authority.

He observed that a platform may be created with representative form Jharkhand Government to analyse all the issues related to implementation of RERA and Real Estate Projects from all stakeholders including home buyers, developers, real estate agents and financial institution or any such stakeholders.

**2.4 Shri Anupam Mishra, Economic Advisor, MoHUA** concluded the session by addressing the vote of thanks.



### 3.Session-1: Protection of Home Buyers' Interest & Agents Responsibilities:

#### **Attendees:**

- i. *Shri Kirti Vyas, Representative from Home Buyers' Association Chhattisgarh*
- ii. *Shri Bhimalendu Pradhan, Representative from Home Buyers' Association Odisha*
- iii. *Shri Abhay Upadhyay, President, FPCE, Kolkata, West Bengal*
- iv. *Shri Gajendra Agarwal, Representative from Home Buyers' Association, Jharkhand*
- v. *Shri Jaysheel Das, Representative from Home Buyers' Association, Jharkhand*
- vi. *Shri Sandeep Agarwal, Representative from Home Buyers' Association, Chattishgarh*
- vii. *Shri, Swarup Mahapatra Representative from Real Estate Agents' Association, Odisha*
- viii. *Shri Mahesh Somani, Chairman National RERA Committee, NAR*

*The Session was moderated by **Shri. Gautam Chatterjee**, Chairperson, Real Estate Regulatory Authority, Maharashtra.*

- Moderator gave a brief background of the RERA, 2016 which was notified on 1<sup>st</sup> May 2016. Some Sections of the Act were notified on the same date and remaining parts were notified one year later. There was a years' time given to the States/UTs to adopt the Central Act and establish Regulatory Authorities. The aim was to start implementing RERA by 1<sup>st</sup> May 2017 when all the Sections in the Act was notified finally.
- He submitted that under the guidance of the Hon'ble Chief Minister of Maharashtra, it was planned that by the time all Sections of RERA are notified, the Maharashtra RERA should start functioning and implementing RERA in the State including online facilities. He informed that Maharashtra RERA has designed an elaborated and informative web portal which provides, inter alia, duties and responsibilities of Architects/ Charter Accountant/ Engineers forms, Quality Assurance forms in which site engineers will be responsible for all quality tests, awareness programmes/ workshops in major cities with FAQs etc. He emphasized that to bring transparency and speedy functioning of Regulatory Authorities, online services and web portal are vital which is dependent on knowledge and software partners. The first registration of developer in India under RERA was from Maharashtra on 20<sup>th</sup> April 2017 when the web-portal was made functional first time.



- He opined that RERA is a brilliant legislation and it can be fully realised only when it is implemented completely. He summarised the following important points during the deliberation:
  - RERA was legislated with a task to bring all real estate projects including new and ongoing under its ambit for timely completion. The objective of RERA is completion of a project, hence it is required that ongoing projects should get registered under RERA.
  - RERA registration has become a brand for real estate projects. It has inspired and encouraged all developers including small projects whose projects have less than 500 sq.m plot area or 8 dwelling units. The attitude of developers should be to get a registration under RERA so that the project progress towards completion.
  - Maha RERA addresses information asymmetry, disclosure of all information of projects available to home buyers/ financial institutions to make informed choice through digital platform. These are done through web portals. Maha RERA has directed that all developers to display the plans in the respective project site. Any non-compliance can be resolved through online complaints.
  - Conciliation and reconciliation forums are also formed for faster resolution of the issues between home buyers and developers.
  - Regulatory Authority should have powers to regulate all stakeholders involved in the project including plan sanctioning agencies/ authorities.
  - Facilitating online service improves efficiency, reduce human interface further enhancing transparency.
  
- **Shri Chandreswar Prasad Singh, Hon'ble Minister for Urban Development and Housing, Government of Jharkhand** appreciated Chairperson, Maharashtra RERA for the detailed insights shared and opined that all such good practices/ lessons should be adopted in the State. He motivated the Jharkhand Regulatory Authorities to perform and function in such a way to become the best in the country. He appreciated and desired that the assistance extended by Maha RERA in implementation of RERA should be utilised to the best possible way for the benefit of Jharkhand.
  
- **Shri Bhimalendu Pradhan**, representative of Home Buyer, made a presentation during the deliberation and raised the following concerns of the home buyers related to RERA:
  - The implementation and execution of the orders by Regulatory Authorities are poor.
  - The powers given to Regulatory Authorities to implement its orders is inadequate in the interest of stakeholders' benefit.
  - Uniform RERA Rules and implementation of RERA across States/UTs should be ensured like which project needs registration, applicability of the project for unregistered projects etc.



- Definitions and concepts ambiguity in local laws and RERA should be resolved. For instance, Section 2 (d) of RERA provides the definitions of 'Allottees' who have not taken possession of the flat/ units, whereas various other Section of RERA refers to local laws wherein the term allottees is defined as owners who have taken possession. Other terms includes conveyance deed, common areas, formation of association under apartment owners' act and RERA etc.
  - Section 17(1), 17(2) and 19(10) provides the timeline for possession and relates it to conveyance deed, occupancy certificate, handing over or possession of the unit as per local laws. There is a need of clarity on the timelines which should be practical and uniform.
  - Regarding refund of amount through interest, compensation or penalty which are provided in Section 18, 19 and 41. It does not mention about principal amount which needs clarification.
  - Clarity on who can file a complaint with Regulatory Authorities is required whether only registered allottee or any group of allottee without registration can file in the platform.
  - Home Buyers feel that since there is no powers equivalent to civil courts assigned to Regulatory Authorities, there is a breach in the powers assigned to Regulatory Authorities for successful enforcement of their orders hence powers under Section 35, 36 and 37 should be revisited.
  - Section 56 provides for applicant or appellant to appear before Appellate Tribunal or the Regulatory Authority; however there is no provision for respondent liabilities in the Act. Also the applicant should have the right to authorise any person, i.e. wife, relative etc., to present his case rather than restricting it to chartered accountant, company secretary, cost accountant and legal practitioner.
- **Shri Abhay Upadhyay**, President FPCE, thanked all concerned for giving the opportunity to represent in the regional workshop. He gave a brief background of the home buyers' movement involved in bringing this legislation to see the light of day. He submitted the following during the deliberation:
    - The implementation of RERA in different States/UTs are lacking pace and MoHUA should facilitate speedy execution.
    - He observed that as RERA has yet not been fully implemented in all the States no amendment in the RERA should be done at the moment and it should be given more time for complete implementation.
    - No provisions should be introduced in RERA to bar the jurisdiction of consumer forums / courts. Rather than barring the jurisdiction of consumer forums RERA provisions should be strengthened and Regulatory Authorities under RERA be given more powers in execution of their orders so that consumer considers RERA forum superior to consumer forums.



- Provision of defect liabilities, extension of time and *force majeure* provisions which were desired to be modified by stakeholders in the previous regional workshops should not be modified in light of the judgment of Hon'ble Mumbai High Court which directed all provisions of RERA as valid.
- Conciliation panel should only facilitate and not give a resolution between home buyers and developers. Such provision are not present in RERA.
- **Shri Mahesh Somani**, Chairman National RERA Committee, representative of Real Estate Agent gave the following submissions:
  - A single registration process pan India should be allowed for Real Estate Agents.
  - Section 10 which provides functions of the Real Estate Agent should omit the word "orally".
  - The penalty provision of upto 5-10% on the agents should be reduced as the commission/ profit earned by agents are just 2-3%.
  - Provision of indemnification clause in the RERA Act for developer that the promises guaranteed that if is not provided, such developer should be indemnified and not transferred or shared by agents (without any fault of the agent).
  - Clarity on the legal and constitutional validity of the Real Estate Agents registered under the State Rule of West Bengal (HIRA).
  - No provision in the RERA for protection of the rights of agents in case he has not been paid for his service by the home buyer or developer.
  - Section 31 provides that any aggrieved person may file a complaint butit should include only allottee or their association.
- Moderator concluded the session with the affirmation that the Act is in the initial stage and may not require modifications under the removal of difficulties provision. However, in States like Maharashtra which is already in an advance stage of implementation, time is opportune to make the modifications to ease the implementation of the Act while there is still time, unless the opportunity will be missed.

#### **4. Session-2: Enhance Transparency to help Developers:**

##### **Attendees:**

- i. *Shri Narendra Kumar, President, CREDAI Bihar*
- ii. *Shri Manoj Kumar Tripathy, President, NAREDCO, Odisha*
- iii. *Shri Kumud Jha, President, CREDAI, Jharkhand*
- iv. *Shri Anand Singhaniya, Vice President, CREDAI, Chhattisgarh*
- v. *Shri Nitish Rajan Nanda, CREDAI, Odisha*
- vi. *Shri Manish Jain, NAREDCO, Jharkhand*



The Session was moderated by **Shri Gautam Chatterjee**, Chairperson, Real Estate Regulatory Authority, Maharashtra.

- **Shri Gopal**, Representative of Developers' Association Jharkhand observed the following:
  - Developers realised that home buyer are investing a substantial saving amount in buying homes. Developers face challenges due to late plan sanctions and approvals from government bodies due to which projects are delayed.
  - When RERA was legislated it became a challenge for small builders due to limitation of knowledge and awareness about the Act.
  
- **Shri Kumud Jha, President, CREDAI, Jharkhand** informed during the deliberation that RERA ensures benefit to all stakeholders. While naming and shaming should be a way of spreading awareness for the developers who are committed and alert home buyers. The real estate projects status in Jharkhand shows that the developers are committed with no stalled projects.
  
- **Shri Anand Singhaniya, Vice President, CREDAI, Chhattisgarh** acknowledge the lessons learnt from mega cities in Maharashtra of RERA being a brand for Real Estate Projects which have been beneficial in implementation of RERA in smaller cities of Chhattisgarh. He observed the following during the deliberation:
  - Timely implementation/ delivery of project requires lots of approvals, sanctions/ clearances. The government agencies which give such sanctions should come under the ambit of RERA.
  - RERA should give authentic data/ information about the number of projects with components like size of dwelling units and facilities, under construction projects in all the areas in the State. Developers may analyse the demand and supply of housing through the information and plan market strategies/ business models accordingly. This will improve and help in growing the Real Estate Sector at large. Finally, contributing to the GDP of the country.
  - Cancellation and refund of money to home buyers should be rationalised as the money once invested in a project if refunded will finally impact the progress of the project and its delivery.
  
- **Shri Narendra Kumar**, President, CREDAI Bihar informed during the deliberation about the important role of developer in delivering houses to the population of Bihar and Jharkhand since 1987. He submitted the following:
  - The registration of projects in RERA should have a guidelines for the ease of users/ developers.
  - The registration in registration departments should also be on carpet areas in conformity to RERA provisions.
  - The Regulatory Authorities should address only those complaints given by the home buyers, developers and agents. Complaints by neighbourhoods near construction sites should not be taken up by RERA Authorities.



- **Shri Nitish Rajan Nanda**, CREDAI Odisha informed the following:
  - There are a lot of interpretation issues in the RERA, hence there should be a platform for clarifying such doubts for all stakeholders.
  - There is a need to understand the difference between any finished consumer product and a construction product. The later requires booking amount for initiating the construction which associates it with the rights of the home buyers. Hence, RERA was legislated to balance the rights of the home buyers and developers.
  - Small real estate projects are primarily dependent on the initial funds collected from home buyers hence, it becomes imperative to keep the funds flowing for completion of the projects. RERA should ensure there is proper fund flow in a project by discouraging late payment and refunds to the home buyers.
  - Real Estate should get industry status so that the interest on loans are reduced.
  
- **Shri Manoj Kumar Tripathy**, NAREDCO Odisha submitted that all the Regulatory Authority should develop fully functional digital platform for RERA related activities.
  
- Moderator opined the following points submitted by the panellist are important and should be considered:
  - The utilisation of demand and supply of housing through RERA web portal for developers to plan business models accordingly.
  
  - The objective of RERA is completion of a project through various measures like discipline in fund utilization and dedicated fund which is really important. However, if cancellation and refunds of money of the allottees from the dedicated fund hamper the project completion, such refund should be avoided to the possible extent.
  
  - The concerns of the screening only relevant complaints can be addressed through ruling by the implementing Regulatory Authorities under Section 31 aggrieved person provisions.
  
  - Developers, in his own interest, should improve their relationships with home buyers through regular communications to resolve issues initially to avoid complaints filing by the consumer.



### **5.Session-3: Transparent and Disciplined Environment: Perspective of Financial Institutions:**

#### **Attendees:**

- i. *Dr. M. Ravi Kanth, Chairman and Managing Director, Housing and Urban Development Corporation (HUDCO)*
- ii. *Shri K. Chakravarthy, General Manager, NHB*
- iii. *Shri Lunkim Thangboi, Dy. General Manager, SBI Bihar & Jharkhand.*
- iv. *Shri Rajiv Mittal, Business Head, HDFC, Kolkata.*
- v. *Shri Naveen Bhandari, Dy. Regional Manager, LIC-HFL, Patna.*
- vi. *Shri Praveen Kumar Jain, DGM Circle Head, Punjab National Bank, Ranchi.*

*The Session was moderated by **Shri R.S. Poddar**, Chairperson, Real Estate Regulatory Authority, Jharkhand.*

- **Dr. M. Ravi Kanth**, CMD, HUDCO gave the background of HUDCO's role in financing urban housing, infrastructure and institutional buildings in India. He informed that at present the debt market is shrinking and reached to a single digit number. He observed the following during the deliberation:
  - On 20th March 2013, it was realised that the situation of Non-performing asset (NPA) has led to HUDCO to take decision not to lend to Real Estate Sector temporarily.
  - RERA should help financial institutions to clear all NPA issues in Real Estate Sector in a self-discipline manner.
  - Avoiding duplicate financing and mortgage, provision of Escrow Account to restrict diversion of funds, invocation of securities by lenders in case of revocation, consent of allottees for third party rights and invocation securities are important provisions in RERA with an objective to bring transparency, discipline and honesty.
  - Malpractices of developers by selling the mortgaged property in the pre-RERA times had led to litigations and loss of trust from financial institutions.

He concluded that all the take away and learning from the RERA regional workshop will help in achieving desired result in RERA implementations.

- **Shri K. Chakravarty**, GM, NHB informed that the size of housing loans outstanding as of 31<sup>st</sup> March is approximately 18 lakh crores, of which one-third approximated as 6 lakh crores are by housing finance companies. This figure is important in understanding the context, as mentioned by Hon'ble Secretary, that the target is to build one crore urban houses. The role of financial institutions is vital, as discussed earlier. The funds from financial institutions are essential for construction and completion of real estate projects. He submitted the following during the deliberation:
  - RERA has provided confidence to the lenders/ financial institutions in lending to customers/ home buyers and developers; giving the assurance that return is assured within a time frame.



- He informed that there is progressive steps taken by the Government of India by declaring industry status to affordable housing which will allow loans at lower interest rates, FDI and tax benefits.
  - RERA will also facilitate REITs investment into the real estate sector and also investors within the country.
  - He clarified that, at present, financial institutions have confidence in lending to home buyers as cash flow are dependent on assured salaries whereas developers cash flow depends on proceeds of sale which is uncertain. Hence, rate of interest from developer are charged more considering the risk involved as compared to home buyers.
- **Shri Lunkim Thangboi, Dy. General Manager, SBI Bihar and Jharkhand** gave an overview of pre-RERA and post-RERA influence on the financial institutions:
    - Pre RERA there was inconsistencies in the information of cost and size of dwelling units, method of calculation adopted by developers were diverse and monopoly in methods of payment, unclear possession process.
    - Post RERA the information are clear and detailed about unit cost and size, uniform method of calculation, payment method and stages of possessions.
    - RERA should address financial disclosure details of developers, capacities and credentials of developers, uniform agreement between builders and financial institutions regarding loans.
    - There is a need to bring the State laws in concurrence to the RERA.
- **Shri Rajiv Mittal, Business Head, HDFC, Kolkata** opined that the RERA has brought standardisation in business transactions in Real Estate Sector. RERA is a preventive legislation which is distinction from the curative consumer laws. He observed the following:
    - RERA needs to create an equitable and fair transaction between the buyer and developer by bringing in more transparency. The process of availing loans from financial institutions will be easier and simpler, if these process are made transparent.
    - Major cost of a project is used in the acquisition of the land, the developer seeks financial assistance from banks for such capital investment. The interest of financial institutions in such projects if protected may lead to low interest loans to developers and finally ensure timely completion of the project.
    - Uniform and user friendly web portal of States/ UTs across country.
    - Summary of entire project in a simple format for public reference of the project may be provided in RERA web portals.
    - Options to view the number of complaints against a project may be provided in RERA web portals which can guide disbursement of funds by the financial institutions.
    - The details of mortgage along with the concerned institution names, expired certificate notification and subsequent process should be added in RERA web portal.



- **Shri Naveen Bhandari, Dy. Regional Manager, LIC-HFL, Patna** opined that the financial institutions play a dynamic role in real estate sector. He suggested that the State/UT RERA Authorities should adopt robust digital platform with all requisite information on priority.
- **Shri Praveen Kumar Jain, DGM Circle Head, Punjab National Bank, Ranchi** suggestion that RERA should have a mechanism to address such issues when a home buyer has stopped paying EMIs to financial institutions as the project have become stalled.

#### **6. Session-4: Transforming Real Estate Sector: Win-Win for All**

##### **Attendees:**

- i. *Shri R.K. Tamta, Member, Real Estate Regulatory Authority, Chhattisgarh*
- ii. *Shri Gautam Chatterjee, Chairperson, Real Estate Regulatory Authority, Maharashtra*
- iii. *Shri R.S. Poddar, Chairperson, Real Estate Regulatory Authority, Jharkhand*
- iv. *Shri R.B. Sinha, Member, Real Estate Regulatory Authority, Bihar*
- v. *Shri Rajendra Mishra, Secretary, Real Estate Regulatory Authority, Odisha*
- vi. *Shri Narsing Pawar, Joint Secretary, Urban Development, Assam*
- vii. *Shri Asim Saha, Joint Director, Directorate of Urban Development, Tripura*
- viii. *Shri T. Harikumar Singh, Director, MAHUD, Manipur*
- ix. *Shri A. Chenithung Lotha, Joint Director, Urban Development, Nagaland*
- x. *Shri R.L. Zidinga, Deputy Director (Planning), Mizoram*

*The Session was moderated by **Shri Durga Shanker Mishra, Secretary, Ministry of Housing and Urban Affairs.***

- **Shri R.L. Zidinga, Deputy Director (Planning), Mizoram** informed that RERA is in the process of approval in the State presently. The process got delayed due to the Mizoram Assembly Elections. He further informed during the deliberation that there are some land management issues in the North Eastern States which may be a challenge during the implementation of RERA.
- **Shri T. Harikumar Singh, Director, MAHUD, Manipur** opined that there are some challenges faced by North Eastern States in RERA implementation. RERA was legislated to resolve issues of unregulated and disorder in the Real Estate Sector. The Real Estate Sector has not developed in the North Eastern States, except Assam, for reasons like slow pace of economic development, community land ownership and preventive laws to own land except for locals, no demand for group housing etc. This can be ascertained from the fact that except for Beneficiary Led Construction under PMAY-U, other three verticals (In situ slum redevelopment, Credit Link Subsidy Scheme and Affordable Housing in Partnership) are not implemented in this region. Due to this reason the government financial institutes have not come forward for Credit Link Subsidy Scheme (CLSS) under PMAY-U. He recommended that Government of India may support in encouraging private developers to bring real estate development



in the region. He opined that there are arrangements for the interim period but establishing a dedicated Regulatory Authority for Manipur may led to incurring huge expenditure for maintenance of a dedicated office.

- **Shri A. Chenithung Lotha, Joint Director, Urban Development, Nagaland** opined that the demand for housing are met through individual efforts in the region. He affirmed the distinct reasons in the region are the challenges in RERA implementation like land ownership by tribes and locals, reluctance of financial institutions to finance the projects in this region etc. He recommended that there should be a mechanism to skilland encourage the local people to becomedevelopers and execute real estate projects.
- **Shri R.B. Sinha, Member, Real Estate Regulatory Authority, Bihar** informed about the status of RERA implementation in the State. However, he opined that there are local issues which are challenges to RERA implementation like lack of land records and related issues. Secretary, HUA opined that Bihar is a State with high potential and the challenges may be converted to strength and the potential of the State may be explored further.
- **Shri Asim Saha, Joint Director, Directorate of Urban Development, Tripura** informed about the implementation of RERA in Tripura and the challenges faced in the process.
- **Shri Rajendra Mishra, Secretary, Real Estate Regulatory Authority, Odisha** informed about the status of RERA implementation in Odisha. Secretary, HUA opined that the process needs to be expedited.
- **Shri Narsing Pawar, Joint Secretary, Urban Development, Assam** informed about the status of RERA implementation in Assam. He also informed about the discussion a month back to make a common Regulatory Authority for North Eastern States. Secretary, HUA opined that such arrangements are existent in other States/UTs where RERA State Rules are independent of the common Regulatory Authority and the Central Government will provide required assistance.
- **Shri R.K. Tamta, Chairperson, Real Estate Regulatory Authority, Chhattisgarh** presented the status of RERA implementation in Chhattisgarh. He further informed that the State has developed a mobile application/ software which is a unique feature, to ensuretransparency brochure of respective projects are made part of agreement to sale. Further, he recommended for land title insurance. Secretary, HUA appreciated the status of RERA implementation and congratulatedChhattisgarh for being the only State in India which is 100% Swacch.
- **Shri Gautam Chatterjee, Chairperson, Real Estate Regulatory Authority, Maharashtra** submitted the following during the deliberation:



- The judgement of the Hon'ble Mumbai High Court stated that the ongoing projects should come under the ambit of RERA. Hence, all Regulatory Authorities should try to bring all projects under the ambit of the Act for completion of the project and benefit of all stakeholders.
  - Disclosure of all project related information is the second major objective of the Act which will ensure transparency.
  - Financial discipline where there are no diversion of funds can be achieved only when projects are registered under RERA.
  - To ensure accountability the powers of Regulatory Authorities should be extended to government agencies who are responsible for plan approval and sanctions.
  - He opined that while discussing provisions in the RERA, one Section should not be considered in isolation and the whole Act should be examined.
- **Shri R.S. Poddar, Chairperson, Real Estate Regulatory Authority, Jharkhand** informed about the implementation of RERA in Jharkhand. Since the implementation has started recently and there are few challenges which will be sorted out in few months' time, after which RERA in Jharkhand will pick up pace.
  - Secretary, HUA thanked the officials of Jharkhand for organising the regional workshop wherein 13 States have participated. He appreciated the efforts of Jharkhand for committing to a plastic free environment during the event. He thanked all the participants including media and requested that the learnings, commitments and way ahead should be channelized in building **New India**.
  - Secretary, HUA opined that for uniformity, RERA should be implemented in all States/UTs including North Eastern State. He informed that a workshop was organised under the chairmanship of Economic Advisor, MoHUA exclusively for the North Eastern States a month back to discuss the issues and challenges in RERA implementation in the region. The outcome of the workshop is that now 6 North Eastern States, which have not notified the Rules so far, are going to notify them soon. He submitted the following:
    - As an incentive to encourage implementation of RERA, the income of RERA Authorities are exempted from tax. Maharashtra and Madhya Pradesh have applied for the same and availed it. The other States/UTs may avail the same.
    - MoHUA has initiated a series of 4 regional workshops- North, South, West and East & North Eastern to share the experiences, best practices and learnings to all the States/UTs. Regional fora for Eastern and North Eastern of RERA Authorities may be formed in the next three months for sharing experiences and cross learning good practices.



- In order to economise on the establishment expenditure, a common Authority & Appellate Tribunal of Assam could be considered for all North Eastern States. As the real estate activities increase each State could have their own independent Authority & Tribunal.
- For increasing real estate development and related activities in North Eastern States, NAREDCO National & CREDAI National may build capacity in local investors.
- In order to achieve seamless implementation of this transformative legislation across the country, West Bengal has been urged to notify rules under RERA.
- As mandated in Section 33 of RERA, there is need to create more awareness about this legislation among all the stakeholders. All States/UTs are requested to organise such campaigns to acquaint every group.
- There will be a workshop organised in Agartala to resolve the issues and encourage CLSS under PMAY-U for North Eastern States.
- A forum for the Regulatory Authorities may be set up in the early days for sharing experiences, learning and bring uniformity in thoughts and execution of judgements.
- Constituting the conciliation platform between developer and buyer for dispute resolution by each state RERA, as mandated by Section 32(g) of RERA.
- A committee comprising of representatives of all stakeholders will be constituted soon to analyse the feedbacks received in four Regional Workshops and suggest measures to remove difficulties.

The regional workshop ended with vote of thanks to all participating States and stakeholders present for actively participating in the regional workshop and making it a success.



➤ **Suggestions pertaining to Real Estate Regulatory Authorities:**

- Conciliation and reconciliation forums are also formed for faster resolution of the issues between home buyers and developers.
- RERA should give authentic data/ information about the number of projects with components like carpet area and facilities, under construction projects in all the areas in the State.
- Cancellation and refund of money to home buyers should be rationalised as the money once invested in a project if refunded will finally impact the progress of the project and its delivery.
- RERA should ensure there is proper fund flow in a project by discouraging late payment and refunds to the home buyers.
- The utilisation of demand and supply of housing through RERA web portal for developers to plan business models accordingly.
- Summary of entire project in a simple format for public perspective of the project.
- Options to view the number of complaints against a project which can guide disbursement of funds by the financial institutions.
- The details of mortgage along with the concerned institution names, expired certificate notification and subsequent process should be added in RERA web portal.

• **Suggestions pertaining to MoHUA& other Central Ministries:**

- RERA Regulatory Authority should have the powers to regulate all stakeholders involved in the project including plan sanctioning agencies/ authorities.
- The powers given to Regulatory Authorities to implement its orders are to be strengthen in the interest of all stakeholders' benefit.
- Section 17(1), 17(2) [*promoter shall handover common areas to association of the allottees within 30 days after obtaining the occupancy certificate*] and 19(10) [*Allottee shall take physical possession within a period of 2 months of the occupancy certificate*] are not in consonance, there is a need for clarity on the timelines which should be practical and uniform.
- Regarding refund of amount through interest, compensation or penalty which are provided in Section 18, 19 and 40 does not mention about principal amount which needs clarification.



- Powers given to Authority under Section 35, 36 and 37 should be reviewed and strengthened. All stakeholders including the Government agencies/ULB etc. which give such sanctions should come under the ambit of RERA.
- Under section 56, applicant or appellant may be given the right to authorise any person, without restricting it to chartered accountant, company secretary, cost accountant and legal practitioner.
- The implementation of RERA in different States/UTs are lacking pace and MoHUA should facilitate speedy implementation.
- Consumers forums should not be barred under RERA. Regulatory Authorities under RERA given more powers so that consumer consider RERA forum superior to consumer forums.
- A single registration process pan India should be allowed for Real Estate Agents.
- Section 10 which provides functions of the Real Estate Agent should omit the word "orally".
- The penalty provision of upto 5-10% on the agents should be reduced as the commission/ profit earned by agents are just 2-3%.
- Clarity on the legal and constitutional validity of the Real Estate Agents registered under the State Rule of West Bengal (HIRA).
- Section 31 should be restricted to only allottee or consumer association instead of 'any aggrieved person' for the purpose of filing complaint. Also the clarity that who can file a complaint in RERA Regulatory Authorities is required whether 'only registered allottee or any group of allottee without registration' can file in the platform.
- There are a lot of interpretation issues in the RERA, hence there should be a platform for clarifying such doubts for all stakeholders.
- The registration of projects in RERA should have a guidelines for the ease of users/ developers.
- Real Estate should get industry status so that the interest on loans are reduced.
- Uniform and user friendly web portal of States/ UTs across country.
- A forum for the Regulatory Authorities may be set up in the early days for sharing experiences, learning and bring uniformity in thoughts and execution of judgements.



- **Suggestions pertaining to States:**

- Uniform RERA Rules and implementation of RERA across States/UTs should be ensured.
- Removal of conflict between local laws and RERA are required to be addressed by the states.
- The registration of units before sub-registrar office should also be on carpet areas in conformity to RERA provisions.
- Establishment of Conciliation platform between developer and buyer for dispute resolution by each state, as mandated by Section 32(g) of RERA.

- **Suggestions pertaining to Industry Associations:**

- For increasing real estate development and related activities in North Eastern States, NAREDCO National & CREDAI National may build capacity in local investors.

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