

**Minutes of Meeting of Sub-Committee constituted by Central Advisory Council of RERA on 2<sup>nd</sup> November 2022 at 2:00 PM under the Chairmanship of Secretary, Ministry of Housing and Urban Affairs.**

-----

The first meeting of Sub-Committee constituted by Central Advisory Council (CAC) of RERA was held on 2<sup>nd</sup> November 2022 at 2:00 PM under the Chairmanship of Shri Manoj Joshi, Secretary, Ministry of Housing and Urban Affairs. The list of participants is **Annexed**.

2. Welcoming the Members to the meeting, Economic Advisor (Housing) observed that in today's meeting the actionable points as decided in the 3<sup>rd</sup> meeting of Central Advisory Council held on 12<sup>th</sup> April, 2022 shall be deliberated and the status of the same will be shared among the participants of the meeting and further the members may give their suggestions/ comments. Accordingly, the point wise status of actionable points was shared:

<b>S. No.</b>	<b>Action Points decided in 3<sup>rd</sup> meeting of CAC</b>	<b>Action Taken / Present Status</b>
i.	Meeting of the Central Advisory Council should be held at least once a year.	Next Meeting of CAC will be scheduled in the first quarter of 2023.
ii.	A committee may be formed, comprising Government representatives, homebuyers and builders to take up the issue of implementation of RERA in the States of West Bengal and Telangana.	Ministry has taken up the issue of implementation of RERA in the States of West Bengal and Telangana. Communication of Secretary MoHUA was sent to those states to expedite the formation of Regulatory Authority and Appellate Tribunal.  Economic Advisor (Housing), MoHUA along with 2 representatives of homebuyers' association namely Shri Abhay Upadhyay and Shri Ratul Mazumdar, Member FPCE met Additional Chief Secretary, Housing Department, Government of West Bengal on 8 <sup>th</sup> September, 2022. It was stated by Additional Chief Secretary (Housing) that rules under RERA have already been notified and soon chairperson and members of WB RERA will be appointed.

		<p>In this regard, Shri Abhay Upadhyay, President, Forum for People's Collective Efforts (FPCE) stated that so far no action has been taken by State of West Bengal for the appointment of chairperson and members of WB RERA. Therefore, suitable follow-up may be initiated to expedite the appointment of Chairperson and Members of Regulatory Authority and Tribunal for West Bengal.</p> <p>Economic Advisor (Housing) informed that a visit to State of Telangana is being planned and he invited Shri Abhay Upadhyay and another representative to accompany him.</p>
iii.	<p>A committee (comprising representative of homebuyers, developers) may examine different cases, for which orders passed by Regulatory Authorities have not been complied and thereafter the State Governments may be requested to give its inputs in this regard.</p>	<p>The Ministry had written to Chairpersons of 6 Real Estate Regulatory Authorities to examine the issue of non-compliance of orders and suggest the way forward.</p> <p>In response replies have been received from the States of Tamil Nadu, Gujarat and Maharashtra, which are under examination in MoHUA. Responses from remaining States are awaited.</p> <p>The issue of non-recovery of dues from developers / builders was discussed in detail. Secretary, MoHUA was of the opinion that in order to ensure that refunds/compensations ordered by regulatory authorities are actually paid to the homebuyers by developers/builders, there is a need to strengthen recovery mechanism under RERA.</p> <p>In this regard Shri Abhay Upadhyay, President (FPCE) suggested that a recovery officer may be included in every Regulatory Authority.</p> <p>Secretary, MoHUA suggested to study data of one Real Estate Regulatory Authority wherein the recovery has not</p>

		<p>been made even though orders have been passed by RERA. Secretary MoHUA agreed to the suggestion of FPCE to form a small group to conduct a study in this regard.</p>
iv.	<p>Responsibility of the Builder for certification of structural audit of its building The Developers' Associations were advised to deliberate in context of voluntary certification / rating of builders, which will be helpful for the homebuyers.</p>	<p>The Ministry had written letters to CREDAI and NAREDCO requesting them to deliberate on voluntary certification / rating of builders.</p> <p>Shri Rajan Bandelkar, President, NAREDCO informed that in the State of Maharashtra, Structural Safety certificate issued by Structural Design Consultants has to be submitted by the builder on quarterly basis.</p> <p>Shri Hitesh Kumar S. Makwana, Principal Secretary (Housing) Govt. of Tamil Nadu informed that Tamil Nadu Combined Development and Building Rules mandate to submit structural certificate as per the height of buildings.</p> <p>Secretary, MoHUA suggested that the regulatory authority may empanel certain Government institutions which can issue structural safety certificates.</p> <p>After detailed discussion, it was decided that the system of structural certification adopted by the States of Tamil Nadu and Gujarat may be studied by other States and suitable provisions, if needed may be incorporated in the building bye-laws.</p>
v.	<p>A smaller group under chairmanship of Secretary, MoHUA shall meet once in 6 months and a regular meeting of CAC to be conducted once a year to discuss the progress.</p>	<p>It was informed that Sub-Committee has already been constituted in compliance to the decision of CAC in its 3<sup>rd</sup> meeting.</p>
vi.	<p>Inclusions of provisions for safety of construction workers in RERA.</p>	<p>No representative from CBOCW attended the meeting. Therefore, the issue couldn't be deliberated further.</p>

	It was decided that Central Building and Other Construction Workers Advisory Committee ( <b>CBOCW</b> ) will make a presentation in the first meeting of sub-committee.	
vii.	Dilution of the provisions of RERA in the Rules notified by States/UT.	<p>The issue of dilution of provisions of RERA by various States is already under consideration in this Ministry. Under the directions of Hon'ble Supreme Court, MoHUA conducted an elaborate exercise in relation with '<b>Agreement for Sales' (AFS) Rules'</b> and submitted the same to Amicus Curiae appointed by Hon'ble Apex Court.</p> <p>Further, it has been observed that as per directions of Hon'ble Supreme Court, except 2 states, all the States/UTs have sent their responses. Next date of hearing is 28<sup>th</sup> November, 2022.</p> <p>Also, with regards to General Rules, the comparison exercise may be conducted by all the States/UTs urgently.</p>
viii.	RERA conclave to be organised with all stakeholders to deliberate on all the key issues.	<p>It was informed by Shri Rajan Bandelkar, President, NAREDCO that the proposal to organise the RERA Conclave tentatively in the month of January, 2023 at Delhi will be sent to MoHUA.</p> <p>MoHUA will examine the proposal and communicate accordingly to NAREDCO.</p>
ix.	Constitution of a committee to examine holistically all the issues related to legacy stalled projects and suggest ways to complete these projects in a time bound manner.	It was informed that MoHUA is in process of constituting the committee.

x.	Annual Report providing basic details of projects, builders etc. may be furnished by Regulatory Authorities.	<p>It was informed that a letter has already been sent to all Regulatory Authorities along with Model Format for necessary action.</p> <p>Further, it has been observed that some States have already incorporated the format in their annual reports and the remaining states may also incorporate the same in their Annual Report.</p> <p>Economic Advisor (Housing) further informed that Ministry will share the communications sent to Regulatory Authorities with FPCE.</p>
xi.	'One Nation One License' for Real Estate Agents by the States/UTs.	<p>The matter was deliberated in detail.</p> <p>Shri Ravi Verma, President NAR-India highlighted issue being faced by real estate agents, specially agents of Delhi-NCR, for taking multiple licences to operate.</p> <p>It was observed that to implement 'One Nation One License' for Real Estate Agents; an amendment in the Act is required. Accordingly Secretary, MoHUA advised NAR-India to get legal opinion in this regard.</p>
xii.	Details to be provided by Federation of Apartment Owners Association (FAOA) regarding the issue of de-licensing of projects by local bodies with retrospective effect for taking up the matter with respective State Governments.	<p>Ms. Ritu, Representative of FAOA highlighted the issue of de-licensing from retrospective effect in the State of Haryana which is adversely impacting homebuyers.</p> <p>In this regard, Shri Hitesh Sharma, TCPO Govt of Haryana informed that the de-licensing was already there in the State of Haryana and the recent amendment is only '<i>clarificatory</i>' in nature.</p> <p>Economic Advisor (Housing) advised FAOA to send their representation on the matter so that the Ministry may take</p>

		<p>up the matter with the State Government of Haryana.</p> <p>Economic Advisor (Housing) also requested Govt of Haryana to send their comments on the matter</p>
--	--	--

Secretary MoHUA requested the participants to raise any other relevant issue

3. Shri Rajan Bandelkar, President, NAREDCO pointed out the following issues

- i. Promoting Awareness about RERA among homebuyers across the Country,
- ii. Empowering Regulatory Authorities to issue cancellation order when homebuyers default after making few deposits,
- iii. Necessity of training of Real Estate Agents at National Level,
- iv. Interventions by multiple state level authorities during construction stage of real estate projects which hampers the timely progress of the projects.

In this regard, Secretary MoHUA advised to forward detailed Notes related to the highlighted issues.

4. Shri Abhay Upadhyay, President, Forum for People's Collective Efforts (FPCE) raised the following issues:

- i. Handing over of properties to residential societies to RWA or AoA without obtaining proper Completion Certificate from Local bodies.
- ii. Illegal construction by the promoter without obtaining revised approval of Local bodies.
- iii. Constitution of Committee regarding non-compliance of orders passed by regulatory authorities.

In this regard, MoHUA advised to send the representations related to the highlighted issues to for further examination.

Further, upon highlighting the issues related to standard annual report and dilution of rules by States by Shri Upadhyay; Economic Advisor (Housing) informed that Ministry will share with FPCE the communications sent to Regulatory Authorities enclosing format to be incorporated in their Annual report.

It was also observed by Economic Advisor (Housing) that two separate conclaves may be organised, one by Developers' association (NAREDCO) and another by Homebuyers' Association (FPCE), wherein required support will be provided by MoHUA.

5. Shri Ravi Verma, President NAR-India highlighted issue of recent order passed by Haryana Real Estate Regulatory Authority to restrict the brokerage

charges upto 0.5% only without any jurisdiction and the representation in this regard has been given to Chairman Haryana Regulatory Authority. In this regard, Economic Advisor (Housing) advised to send the copy of the representation to MoHUA for examination.

6. Shri S.K. Hota, Chairman, MD & CEO, National Housing Bank stated that India being a signatory to the COP 26 and Government's commitment to cut emission to net zero by 2070, the need for reducing carbon emission is imminent. The construction sector contributes approximately 30% of the carbon emissions, hence a focused approach towards green certification /rating of building is the need of the hour. Even though the green certified construction has gained momentum in recent years, however, it is primarily in the commercial buildings and very limited in the residential sector. In this context, Shri Hota highlighted the need for States and Regulatory Authorities to encourage all incremental investments in green certified residential developments, as also adequate marketing, and increased awareness amongst home buyers in view of the low lifecycle costs and benefits of green certified houses. He also stressed that the ratings may also be integrated by the RERA on their platform for the home buyers to make an informed choice."

7. Sh. Vineet Mathur, Joint Secretary, Ministry of Consumer Affairs highlighted the issues related to: (i) Complaints received on National Consumer Helpline related to non-compliance of order passed under RERA and need of internal grievance redressal mechanism (ii) Role of consumer protection authority for homebuyers as pre-litigation mechanism (iii) Awareness about guidelines / booklet published by Bureau of Indian Standards (BIS) for homebuyers. EA (Housing) requested Shri Mathur to send a one pager on the matter which will be circulated to all the members of the sub-committee.

8. Ms. Ritu, representative of FAOA highlighted the issue related to information of Completion Certificate / Occupation certificate obtained by the promoters. In this regard, Shri Pankaj Kapoor, Managing Director, Liasis Foras also supported the concerns raised by representative of FAOA and expressed the need of progressive approach by way of central repository of data of all Regulatory Authorities to monitor and it will help economically and to have central dashboard. In this regard, EA (Housing) requested Shri Kapoor to send a note on the same so that same may be circulated to all the States for taking necessary action.

9. Secretary, Uttar Pradesh Regulatory Authority expressed his concern about the non-compliance of orders passed by RERA. He suggested that some recovery mechanism may be included in RERA. EA (Housing) informed that the issue will be examined.

The meeting concluded by thanking the participants for their valuable suggestions.

\*\*\*\*\*

**List of Participants for 1<sup>st</sup> Meeting of the sub-committee constituted under CAC held on 2<sup>nd</sup> November, 2022 in Hybrid Mode.**

<b>Sr. No</b>	<b>Name</b>	<b>Designation/ Name of Organization</b>	<b>Attendance [Physically (P)/ Video Conference (VC)]</b>
1.	Shri Manoj Joshi	Secretary, MoHUA	P
2.	Shri Dinesh Kapila	Economic Advisor (Housing), MoHUA	P
3.	Shri Mahesh Kumar. S	SE (Housing), MoHUA	P
4.	Shri Sailesh Jogiani	Under Secretary (Housing), MoHUA	P
5.	Ms Anshika Gupta	NITI Aayog	VC
6.	Shri R.S. Thakur	Additional Secretary, DPIIT, M/o Commerce & Industries	VC
7.	Shri Vineet Mathur	Joint Secretary, M/o Consumer Affairs	VC
8.	Shri Rajveer Singh Verma	Additional Secretary, D/o Legal Affairs	VC
9.	Shri S.K. Hota,	MD & CEO, National Housing Bank	P
10.	Shri Akshya Sen, Joint General Manager Ms Shalini Panigrahi	CMD, HUDCO	VC



11.	Shri Ramesh Chandra	Member, Real Estate Regulatory Authority for NCT of Delhi	VC
12.	Shri A. K. Yadav	Deputy Secretary, Government of Delhi	VC
13.	Shri Rajesh Tyagi	Secretary, UP, RERA	VC
14.	Shri Debashish Singh	Additional Secretary (Housing), Govt. of Odisha	VC
15.	Shri Hitesh Sharma	Principal Secretary, D/o Town and Country Planning Govt. of Haryana	VC
16.	Shri Hitesh Kumar S. Makwana	Additional Secretary (Housing), Govt. of Tamil Nadu	VC
17.	Shri G M Hazarika	Member, Assam Real Estate Regulatory Authority	VC
18.	Shri Rajan Bandelkar, President Shri Alok Gupta, DGMs Preeti Singh, DDG	NAREDCO	P
19.	Shri Harsh Vardhan Patodia, President, CREDAI Shri Vipin Kumar Saxena, Director General Shri Hari Krishna Bhanusree, COO	CREDAI	P
20.	Shri Abhay Upadhyay	President, Forum for People's Collective Efforts (FPCE)	VC

21.	Ms Ritu	Chairman, Federation of Apartment Owners Association (FAOA)	VC
22.	Shri Ravi Verma	Chairperson, National Association of Realtors-India (NAR-INDIA)	P
23.	Shri Pankaj Kapoor,	Managing Director, Liases Foras, Mumbai	VC

\*\*\*\*\*