

Minutes of Third Meeting of the Central Advisory Council constituted under the provisions of the Real Estate (Regulation and Development) Act, 2016 held on 12th April, 2022 at 03:00 P.M. under the chairmanship of Shri Hardeep Singh Puri, Hon'ble Minister of Housing and Urban Affairs.

The Third meeting of Central Advisory Council (CAC) constituted under the provisions of the Real Estate (Regulation and Development) Act, 2016 (RERA) was held in Hybrid mode (online and offline) on 12th April, 2022 under the chairmanship of Hon'ble Minister, Ministry of Housing and Urban Affairs (MoHUA). The list of participants is **Annexed**.

2. Welcoming the Chairperson and Members to the meeting, Secretary MoHUA observed that due to COVID-19 pandemic, this meeting is being held after a gap of more than one year. He highlighted that after the enactment of RERA, the scenario of Real Estate Sector has changed substantially in the Country and RERA has played a very active role in addressing the concerns of homebuyers to a large extent. However, there are still some issues related to stalled projects which were launched before the enactment of RERA. He concluded his introductory remarks by highlighting the issue of deviations made by certain States while framing Rules under the provisions of RERA.

3. The Chairperson, in his opening remarks, welcomed all the participants to the meeting and observed that the live telecast of this meeting on social media platforms is a step towards greater transparency. He proposed that the meeting of the Council should be held at least once a year. He further directed that a small group may be constituted under chairmanship of Secretary, Ministry of Housing and Urban Affairs, which shall meet at least once in every 6 months to deliberate on issues concerning all stakeholders. Chairperson highlighted the importance of Real Estate Sector in terms of its contribution towards GDP, employment and its role in revival of economic activities. He further observed about dilution of RERA by some States in their rules framed under RERA. He pointed out that RERA has been widely accepted and its success is anchored in a spirit of gradual but steady problem solving. Chairperson then invited the members of the Council to deliberate on each agenda item.

4. Shri Abhay Upadhyay, President, Forum for People's Collective Efforts (FPCE), first expressed his gratitude on behalf of homebuyers for live telecast of the meeting. He then raised the issue of implementation of RERA in the States of West Bengal and Telangana and suggested to form a committee comprising officials of MoHUA for taking up the issue with these States. Thereafter, he highlighted the issue of deviation of Rules by some States by quoting the recent order of Hon'ble Supreme Court regarding examination of 'Agreement of Sales Rules' of all the States. In this

regard, he requested to take similar steps for examining the General Rules framed by States under RERA. He then informed the participants that Orders of the Regulatory Authority are not being complied with by the promoters and suggested that legal opinion may be sought for ensuring effective implementation of orders passed by Regulatory Authorities. He also raised the issue of structural defects in buildings and also highlighted that most of Regulatory Authorities do not publish Annual Reports. Lastly, he touched upon the issue of handing over of incomplete projects by promoters without getting Occupation/ Completion Certificate.

5. Shri Rajan Bandelkar, President, NAREDCO stated that Maharashtra RERA has set up a role model for the entire State as well as Country. He informed the participants that the majority of projects, which were launched after the enactment of RERA, have been completed. However, legacy stalled projects, launched prior to 2016, are facing lot of issues in completion. He suggested that ways may be explored to provide last mile funding for the stalled projects on the lines of SWAMIH. He further mentioned that the issue of 'ongoing projects' is already over as there are not many ongoing projects left. He then stated that there may be audit by third party or site engineer for structural safety of projects. He also advised that a RERA conclave may be organized by MoHUA with all stakeholders to deliberate all key issues and come up with some logical conclusion.

6. Shri Shrinivasa Naidu, Central Building and Other Construction Workers Advisory Committee (CBOCW), highlighted the issue of safety of construction workers to be addressed under RERA.

7. Shri Ravi Varma, Chairman, National Association of Realtors (NAR) – India stated that the request for 'One Nation One License' for Real Estate Agents may be considered as it would benefit many small brokers and also create lot of employment.

8. Shri Suhas Merchant, CREDAI informed that detailed responsibilities of respective stakeholder are already in place in context of structural safety. He added that Structural stability certificate is given by engineer and structural consultant before obtaining occupation certificate. Further, he suggested that rules for society formation and conveyance of land should be streamlined for all the States.

9. Shri Kishore Chandra, Chairperson, Karnataka RERA raised the issue of ongoing projects, wherein the homebuyers have been living for many years but the projects did not receive the Occupation/Completion Certificate and due to which those projects are still considered as 'ongoing projects'. In this regard, he requested to have some clarity in the definition of 'ongoing project' to avoid litigations. Further, he highlighted the issues related to abandoned projects and noncompliance of Orders of Regulatory Authorities.

10. Shri Sanjay Lal, Federation of Apartments Owners' Associations (FAOA) highlighted the issue of delicensing of projects by local bodies with retrospective effect, which is affecting the homebuyer adversely.

11. Dr. Anju Rathi Rana, Additional Secretary, Department of Legal Affairs (DoLA), Ministry of Law and Justice stated that it is a settled principle of law that the State Government cannot make rules which are not in consonance with the Act. She further stated that DoLA may be approached for any legal advice relating to strengthening and effective implementation of RERA.

12. After detailed deliberations, on all the issues raised during the meeting by the members of CAC, the Council took the following decisions:

- 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.
- 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.
- The Council observed that the Builder needs to be responsible for certification of structural audit of its building as the homebuyers need a sense of confidence, that the buildings they are investing in are structurally sound. The Developers' Associations were advised to deliberate in context of voluntary certification / rating of builders, which will be helpful for the homebuyers.
- 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.
- The Council welcomed the suggestion to include provisions for safety of construction workers under RERA and requested Chairman, BOCW to bring the appropriate suggestions in next meeting.
- The Council observed that, being the custodian of RERA, this Ministry has to aim for non- dilution of RERA.
- The Council agreed to hold a RERA conclave with all stakeholders to deliberate on all the key issues.
- The Council decided to constitute 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.
- Annual Report providing basic details of projects, builders etc. may be furnished by Regulatory Authorities.

- A letter may be sent to all the States in context of 'One Nation One License' for Real Estate Agents for working out the modalities for the same.
- Further details may be provided by FAOA regarding the issue of delicensing of projects by local bodies with retrospective effect for taking up the matter with respective State Governments.

13. The Chairperson concluded the discussion by thanking the participants for their valuable suggestions and hoped that all stakeholders will work with a constructive spirit in finding solutions for achieving the true potential of the Real Estate Sector.

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Annexure

**List of Participants for 3rd Meeting of the Central Advisory Council held on
12th April, 2022 at 03:00 P.M. in Hybrid Mode.**

S. No.	Name	Designation/ Name of Org anization	Attendance [Phy sically (P)/ Video Conference (VC)]
1.	Shri Hardeep Singh P uri	Hon'ble Minister of Housing and Urban Affairs	P
2.	Shri Manoj Joshi	Secretary, MoHUA	P
3.	Shri Surendrakumar Bagde	Additional Secretary (Housin g), MoHUA	P
4.	Shri Dinesh Kapila	Economic Advisor (Housing), MoHUA	P
5.	Shri Rajeev Singh Th akur	Additional Secretary, Depart ment for Promotion of Industr y and Internal Trade	VC
6.	Dr. Anju Rathi Rana	Additional Secretary, Depart ment of Legal Affairs, Ministr y of Law and Justice.	VC
7.	Shri Anupam Mishra	Joint Secretary, Ministry of C onsumer Affairs	VC
8.	Smt. Sampada Mehta	Director (HQ), Department of Revenue	VC
9.	Shri Paras Sarwaiya	Under Secretary, Ministry of Corporate Affairs	VC
10.	Ms. Sonalika Jiwani	Deputy Commissioner (HQ), Revenue Department, Gover nment of NCT of Delhi	VC

11.	Shri Sushant Mishra	Additional Secretary, (UDH), Odisha	VC
12.	Shri Shiva Mani	Additional Secretary, Govern ment of Tamil Nadu	VC
13.	Shri Ajoy Mehta	Chairperson, Maharashtra R ERA	VC
14.	Dr. Amarjit Singh	Chairperson, Gujarat RERA	VC
15.	Shri A.P. Shrivastava	Chairperson, Madhya Prade sh RERA	VC
16.	Shri Kishore Chandra HC	Chairperson, Karnataka RER A	VC
17.	Shri Rajan Bandelkar	President, NAREDCO	P
18.	Shri Suhas Merchant	Statistics/Standard Chairman , CREDAI	VC
19.	Shri Abhay Upadhyay	President, Forum for People' s Collective Efforts (FPCE)	P
20.	Shri Sanjay Lal	Federation of Apartments O wners' Associations (FAOA)	P
21.	Shri Ravi Varma	Chairperson, National Associ ation of Realtors (NAR) – Ind ia	P
22.	Shri Shrinivasa Naidu	Chairperson, Central Buildin g and Other Construction Wo rkers Advisory Committee	P
23.	Shri Vinod Jacob	Namma Bengaluru Foundati on, Bengaluru	VC
24.	Shri Pankaj Kapoor	MD, Liasies Foras	VC