

RERA SEMINAR

15 FEBRUARY, 2022

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<https://reraadvisors.com>

PRESENTED BY:



AN INITIATIVE TO INFORM & EDUCATE



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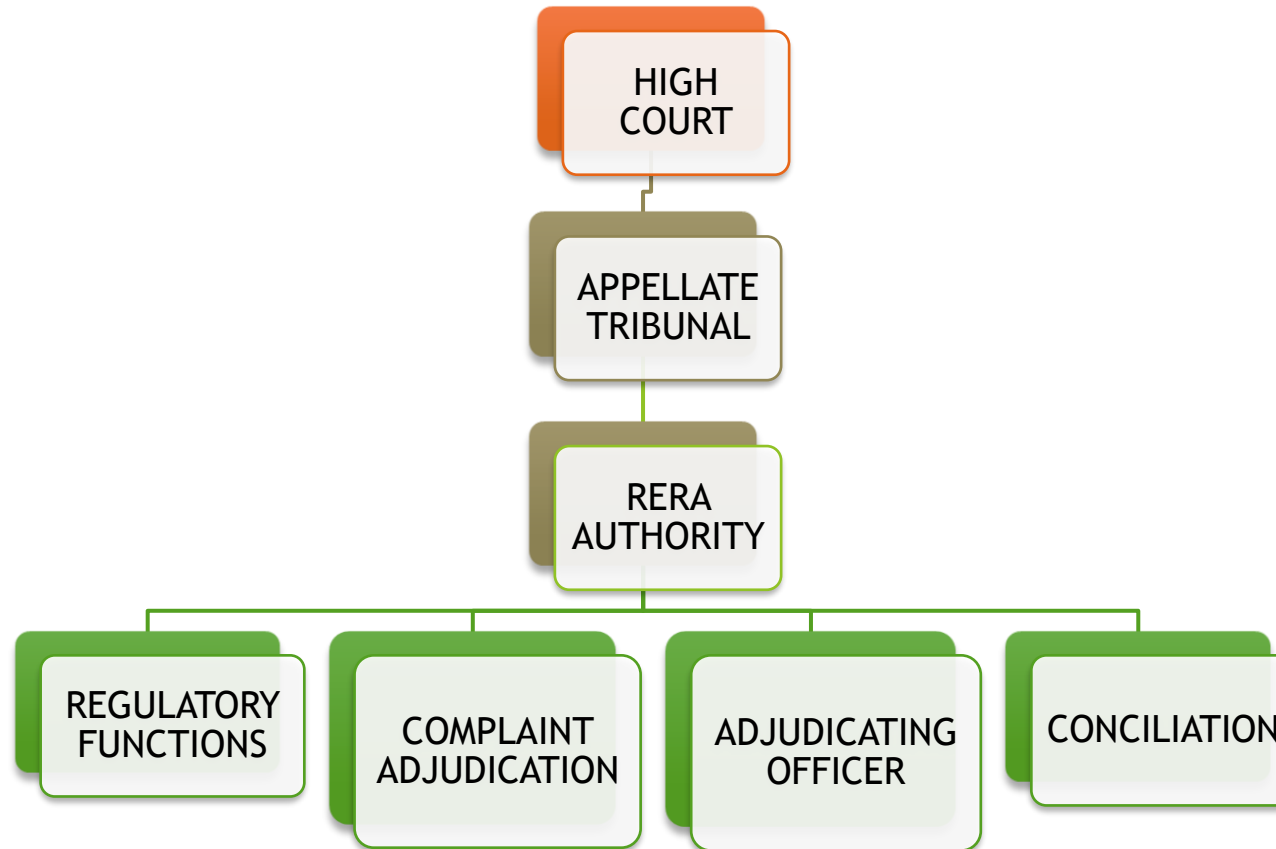
OVERVIEW OF RERA ACT

- ❑ THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016 PASSED BY THE PARLIAMENT
- ❑ CAME INTO FORCE ON 01 MAY 2016 BUT SECTIONS RELATING TO DEVELOPERS CAME INTO FORCE ON 01 MAY 2017
- ❑ OBJECTIVE TO REGULATE THE REAL ESTATE INDUSTRY AND EFFECTIVE CONSUMER PROTECTION
- ❑ COVERS PROMOTER (DEVELOPER), ALLOTTEE AND REAL ESTATE AGENT
- ❑ COVERS DEVELOPMENT OF BUILDING OR PLOTTED DEVELOPMENT
- ❑ CREATED REGULATORY AUTHORITIES AND RULES TO BE FOLLOWED
- ❑ DEFINES OFFENSES AND PENALTIES
- ❑ RULES TO BE FRAMED BY STATE GOVERNMENT AND REGULATIONS BY THE AUTHORITY



OVERVIEW OF RERA ACT

RERA AUTHORITIES



KEY DUTIES OF PROMOTER RELEVANT FOR ALLOTTEES

- ❑ NO ADVERTISING, BOOKING, SALE ETC. BEFORE REGISTRATION OF PROJECT
- ❑ QUARTERLY UPDATION OF PROJECT INFORMATION
- ❑ SALE ONLY AS PER CARPET AREA
- ❑ STANDARD AGREEMENT FOR SALE BEFORE TAKING MORE THAN 10% PAYMENT
- ❑ CONSTRUCTION AS PER APPROVED PLAN & SPECIFICATIONS ONLY
- ❑ COMPLETION, POSSESSION AND REGISTERED CONVEYANCE DEED AS PER TIME COMMITTED IN AGREEMENT
- ❑ OBTAINING COMPLETION CERTIFICATE OR EQUIVALENT FOR THE PROJECT
- ❑ HAND OVER COMMON AREAS AND MAINTENANCE OF COMPLETED PROJECT TO ASSOCIATION (AOA)
- ❑ NO CHANGE IN PROJECT LAYOUT OR PROMOTER'S MANAGEMENT CONTROL WITHOUT DUE PROCESS
- ❑ ON REVOCATION OR EXPIRY OF PROJECT REGISTRATION, PROMOTER'S RIGHTS REVOKED. ALTERNATE MECHANISM FOR COMPLETING PROJECT.

RIGHTS OF ALLOTTEES

AND HOW TO SECURE THEM

- ❑ DELAY IN DELIVERING LEGAL POSSESSION
 - ASK FOR REFUND WITH INTEREST
 - CONTINUE IN PROJECT AND ASK FOR POSSESSION WITH DELAY INTEREST
- ❑ CARPET AREA VARIATION BY MORE THAN $\pm 3\%$
 - NOT PAY EXCESS COST OR OPTION TO ASK OR REFUND WITH INTEREST
- ❑ ADVANCE OR DEPOSIT ON THE BASIS OF FALSE INFORMATION BY ADVERT./ BROCHURE ETC.
 - COMPENSATION
 - OPTION TO WITHDRAW FROM THE PROJECT WITH REFUND AND INTEREST
- ❑ CHANGE IN SPECIFICATIONS
 - ASK FOR COMPENSATION FOR THE LOSS INCURRED
 - IF VOILATION OF AGREEMENT, OPTION TO ASK OR REFUND WITH INTEREST

RIGHTS OF ALLOTTEES

AND HOW TO SECURE THEM.....contd.

- ❑ STRUCTURAL AND OTHER DEFECTS WITHIN 5 YEARS OF POSSESSION
 - PROMOTER RECTIFIES IN 30 DAYS, OR COMPENSATION
- ❑ DELAY INTEREST PAID BY ALLOTTEE AS PER RATE PRESCRIBED BY THE AUTHORITY
 - NO ARBITRARY RATES APPLIED BY PROMOTER
 - SAME RATE TO APPLY ON PROMOTER FOR DELAY IN PROJECT
- ❑ METHODS OF SECURING THE RIGHTS OF ALLOTTEE
 - FORMAL REPRESENTATION TO PROMOTER, AND FAILING WHICH
 - FILING COMPLAINT IN RERA AUTHORITY
 - FILING COMPLAINT WITH THE ADJUDICATING OFFICER FOR COMPENSATION
 - FILING FOR CONCILIATION
 - OR, FILING COMPLAINT IN THE CONSUMER FORUM



AFTER RERA ORDER IN FAVOUR OF ALLOTTEE

- ❑ ASK THE PROMOTER TO COMPLY WITH THE ORDER, FAILING WHICH
- ❑ FILE FOR EXECUTION IN RERA AUTHORITY
 - IF ORDER NOT COMPLIED DURING EXECUTION
 - RECOVERY CERTIFICATE FOR REFUND/ PAYMENT
 - PENALTY FOR NON COMPLIANCE WITH RERA ORDER
- ❑ ON ISSUE OF RECOVERY CERTIFICATE
 - FOLLOWUP WITH DISTRICT MAGISTRATE CONCERNED FOR RECOVERY
 - THEN WITH SDM/ TEHSILDAR FOR RECOVERY
 - IF UNDUE DELAY, FILE WRIT IN THE HIGH COURT

RERA FOR AGENTS/ BROKERS

- ❑ REGISTRATION MANADATORY FOR FACILITATING SALE/ PURCHASE OF PROPERTY IN A PROJECT WITHIN JURISDICTION OF THAT AUTHORITY
- ❑ RESPONSIBILITIES OF AGENT/ BROKER
 - NOT DEAL IN UNREGISTERED PROJECTS
 - NOT INVOLVE IN UNFAIR TRADE PRACTICES LIKE MISLEADING OR FALSE INFORMATION, REPRESENTATION OR ADVERTISEMENT
 - FACILITATE THE ALLOTTEE TO GET ALL INFORMATION AND DOCUMENTS THAT HE IS ENTITLED TO AT THE TIME OF BOOKING

RERA FOR AGENTS/ BROKERS

REGISTRATION FEE COMPARATIVE

State	Individual	Other than Individual
U. P.	25,000/-	2,50,000/-
Delhi	10,000/-	50,000/-
Haryana	25,000/-	2,50,000/-
Uttarakhand	25,000/-	2,50,000/-
Rajasthan	10,000/-	50,000/-
Maharashtra	10,590/-	1,00,590

- REGISTRATION FEE FOR A GOOD SIZE (LAND AREA 20,000 SQ.M.) RESIDENTIAL PROJECT IN U.P. IS RS. 105,000 ONLY, VALID FOR 5 YEARS OR MORE
- WHAT CAN BE DONE ABOUT THE HIGH FEE FOR AGENTS?

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OPEN SESSION - Q&A

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