

Subject: U.P. RERA decides to use the provisions of CPC for implementation of its orders and confer power on the Adjudicating Officers for strong implementation.

Reference: Press Release dated 15th June 2022

It is to bring into your kind notice that the 94th meeting of UPRERA held under the chairmanship of Shri Rajiv Kumar, Chairman, a more effective policy for implementation of orders passed by RERA on complaints of allottees was laid down.

The implementation of orders of RERA such as grant of possession to the allottees and registration of units of the allottees, the legal provisions are given under Section-40(2) of the RERA Act and Rule-24 of the U.P. RERA Rules. Rule-24 states that such orders shall be implemented by RERA in the same manner as if the order in question was a decree of the principal civil court.

Keeping this in mind, the action will be now taken as per the powers vested under Order 21 of CPC (Civil Procedure Code). In order to get the registry executed and to handover of the possession to the respective allottees, the Adjudicating Officers of UP RERA shall be appointed as a receiver.

As a result, this will protect the interest of the allottees and will safeguard the right to speedy justice by giving the possession in a timely manner with the help of the provisions laid down under CPC (Civil Procedure Code).

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Uttar Pradesh Real Estate Regulatory Authority

Press Release

15th June 2022

U.P. RERA decides to use the provisions of CPC for implementation of its orders and confer power on the Adjudicating Officers for strong implementation

Gautam Budh Nagar/ Lucknow: U.P. RERA held its 94th meeting under the chairmanship of Shri Rajiv Kumar, Chairman, RERA. In the meeting, a more effective policy for implementation of orders passed by RERA on complaints of allottees was laid down.

Section-40(1) of RERA Act and Rule-23 of U.P. RERA provides provisions for recovery of the amount due from the promoter to the allottees like arrears of land revenue. The recovery of the amount received by the allottees under the orders of U.P. RERA is being collected through the concerned District Magistrates like; arrears of land revenue and till now in 1790 cases Rs. 282 crore has been recovered and transferred to the accounts of the complainant/allottees. In addition to this, settlements worth Rs. 475 crores have been made in many complaints.

In relation to the implementation of other orders of RERA such as grant of possession to the allottees and registration of units of the allottees, the legal provisions are given under Section-40(2) of the RERA Act and Rule-24 of the U.P. RERA Rules. Rule-24 states that such orders shall be implemented by RERA in the same manner as if the order in question was a decree of the principal civil court. Against 5586 applications received for implementation of orders, almost 3000 orders have been implemented by RERA so far, which is about 54 percent against requests received for order implementation.

On receipt of the application for implementation of the order from the complainant, RERA is directed to submit the compliance report of the order within 15 days by sending a notice to the promoter and the concerned Bench in case of non-compliance of the order by the promoter despite RERA's notice. After listening to both parties, the process of implementation is being taken.

Normally, after completion of the project, possession is being given to the complainants/ buyers as per the orders of RERA. However, in some cases the Authority has noticed that even after getting the "Occupancy Certificate", allottees are facing difficulty in getting the possession. Therefore, the following decision was taken by U.P. RERA to make the system of implementation of such orders more robust and effective:

1. Action will be taken by RERA in such cases under the powers vested in Order 21 of CPC (Civil Procedure Code).
2. To implement the orders of the possession and registry by RERA, suitable actions will be taken to get the property in question attached, appointment of receiver and get the registry executed through receiver and handover of possession.



3. The Adjudicating officers working in NCR and Lucknow offices in U.P. RERA, who have been former district judges, will be referred and authorized for the above action.

4. For non-compliance of the orders of RERA, higher penalty will be imposed against those promoters who, despite the completion of projects, are evasive in providing possession to the allottees.

It is the constant endeavor of U.P. RERA to ensure speedy justice to complainants and implementation of the orders passed by the Authority to any promoter in order to protect the interest of the allottees.

(Rajesh Kumar Tyagi)
Secretary