

Role, Function & Powers of RERA



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OBJECTIVE OF RERA

An Act to establish the Real Estate Regulatory Authority for **regulation** and **promotion** of the real estate sector and to ensure sale of plot, apartment or building, as the case may be, or sale of real estate project, in an **efficient** and **transparent** manner and to **protect the interest of consumers** in the real estate sector and to **establish an adjudicating mechanism** for **speedy dispute redressal** and also to establish the Appellate Tribunal to **hear appeals** from the decisions, directions or orders of the Real Estate Regulatory Authority and the adjudicating officer and for matters connected therewith or incidental thereto.

Role of Real Estate Regulatory and Authority Under RERA

- Regulation
- Promotion
- Efficient
- Transparent
- Protect the interest of Consumers
- Establish An Adjudicating Mechanism
- Speedy Dispute Redressal
- Hear Appeals

Functions of Real Estate Regulatory Authority: [section 34]

- (a) to register and regulate real estate projects and real estate agents;
- (b) to publish and maintain records on website for public viewing of all registered real estate projects

As per rule 10 following information shall be made available at website-

(a) Details of promoter

- i. Promoter Profile (legal status, qualification, contact details)
- ii. Track record of promoter (5 years)
- iii. Litigations
- iv. Website

(b) Details of Project

- i. Compliance and Registration (Commencement certificate, Sanctioned plan, layout plans, Specifications)
- ii. Apartment and garage related details (No., Types, Carpet of units, garage details, open and covered parking details)
- iii. Registered agents (Name and address)
- iv. Consultants (Contractors, Architect, Engineers)
- v. Location (clear demarcation with latitude and longitude details)
- vi. Development Plan (Fire fighting facilities, drinking water, emergency evacuation services, street lighting, Gantt charts and project schedule)

(c) Financials of Promoter

- i. PAN of promoter
- ii. Audited Financial Statements (3 preceding FYs)

(d) Quarterly updates on Website

- i. Sold Unsold details of Apartment / Unit
- ii. Number of Garage
- iii. Status of Construction along with photographs
- iv. Status of Approvals

(e) Downloads

- i. Approvals
- ii. Legal Documents

(f) Contact Details

(g) Other related documents

Section 34 (Continue...)

- (c)** To maintain a database of promoters who are defaulters including the project details, the registration of which has been revoked or penalized under the Act with the reasons therefore;
- (d)** To maintain a database of real estate agents who have applied and registered under this Act including those whose registration has been rejected or revoked;
- (e)** To fix regulations for each area under its jurisdiction, the fees to be levied on the allottees or the promoters or the real estate agent;
- (f)** To ensure the compliances of the obligations cast upon the promoters, the allottees and the real estate agents under this Act and rules and regulation made there under;

- (g) To ensure the compliances of its regulations or orders or directions made in exercise of its powers given under this Act;
- (h) To perform such other functions as may be entrusted to the Authority by the Govt. to carry out the provisions of this Act.

Powers of Real Estate Regulatory Authority:

- On Complain or Suo motu - call for information, books of accounts, records, documents and conduct investigations into the affairs of any Promoter or agent or allottee. **[Sec.35]**
- To have all the powers as are vested in the civil court under Code of Civil Procedure 1908 during examination of suit; **[Sec.35]**
- To requisite – public record or document from any office **(Rule 8)**
- May call upon such experts or consultants from related fields for any assistance if needed. **(Rule 8)**

- Authority may inquire into the payment amounts imposed as penalty, interest or compensation, paid or payable by the promoter.
- To issue interim orders during any inquiry to restrain any Promoter or agent or allottee from carrying out such Act which are in contravention to the provisions of this Act; **[Sec.36]**
- To issue necessary directions from time to time to any Promoter or agent or allottee for the purpose of discharging its function under the provisions of this Act; **[Sec.37]**
- The authority may direct the bank for Freeze or De-freeze the account in accordance with section 7 (4)(c) and 8 of the Act
- The authority may in the interest of allottees, inquire into the payment of amounts out of RERA account as per Rule 8 (3)(a).

- To impose penalty or interest on any Promoter or agent or allottee for doing such Act which are in contravention to the provisions of this Act; **[Sec.38]**
- To refer any matter to Competition Commission of India which has the effect of market power of monopoly situation being abused against the interest of allottees. **[Sec.38]**
- To rectify/amend any of its order within 2 years for any mistake apparent from the record; **[Sec.39]**
- To recover from any Promoter or agent or allottee the amount of interest or penalty or compensation as land revenue, who fails to pay these amounts. **[Sec.40]**

Manner of recovery of the amounts should be as per Gujarat Land Revenue Code, 1879 (Bom.V of 1879).