Issues & Changed Scenario under RERA

"LAWS ARE SPIDER WEBS THROUGH WHICH THE BIG FLIES PASS AND THE LITTLE ONES GET CAUGHT."
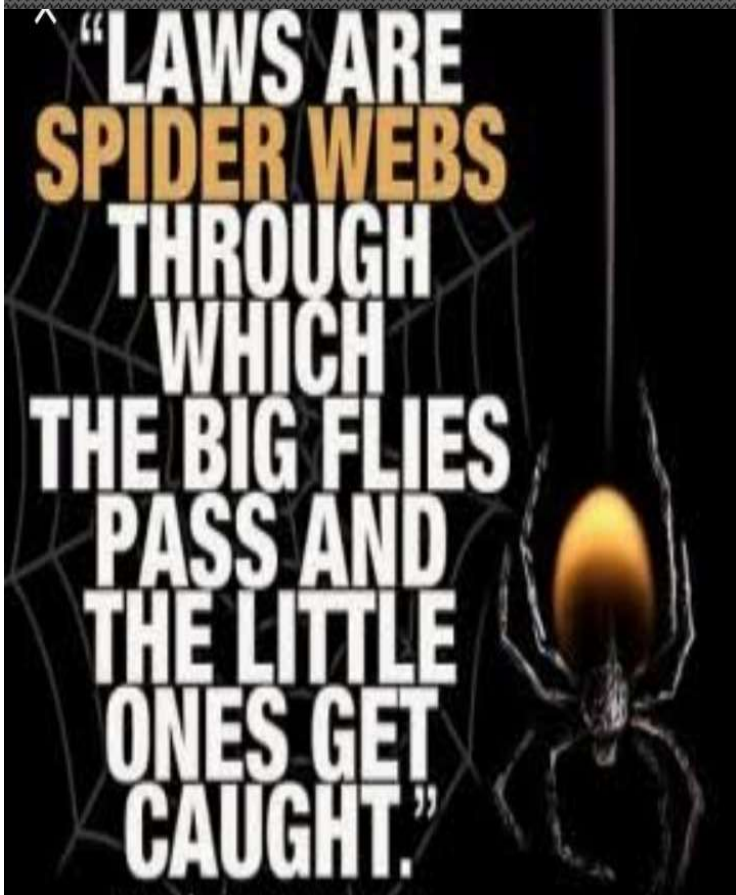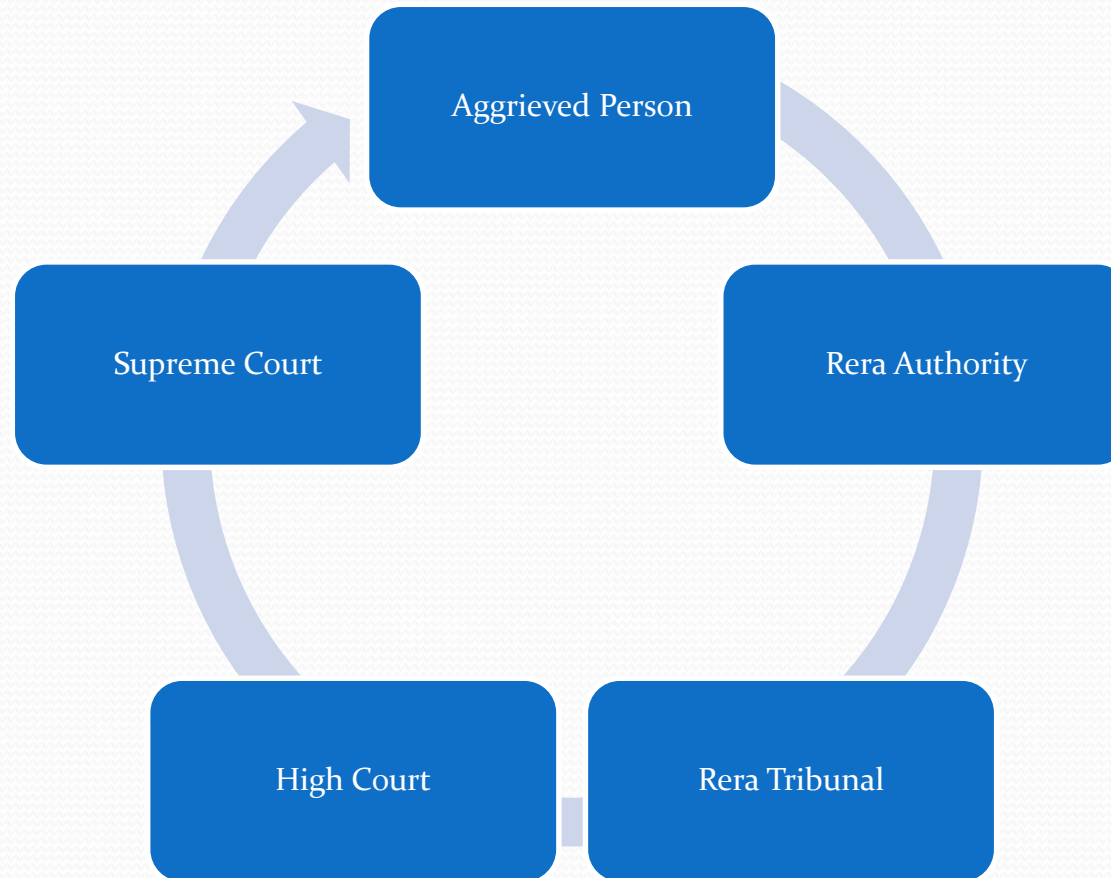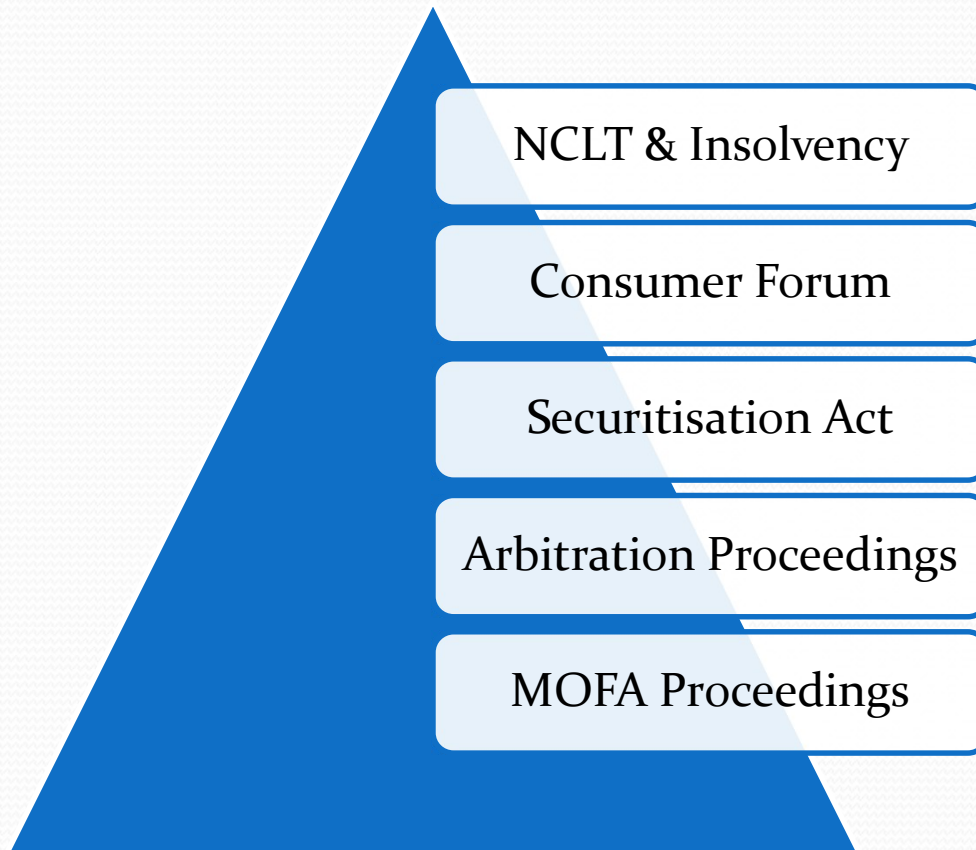
Presented by : CA Ashwin Shah

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Judicial Hierarchy

Aggrieved Person

Rera Authority

Rera Tribunal

High Court

Supreme Court

RERA Vs Other Proceedings

NCLT & Insolvency

Consumer Forum

Securitisation Act

Arbitration Proceedings

MOFA Proceedings

Challenge to RERA

Challenge to Sec 3

Retrospective or Retroactive

Section 6 – Harsh Provisions

Sec 46 –Qualification of Judicial Member

Challenge to Section 18

Section 8 – Anti Promoter

Requirement of deposit to separate account

Penalties - Prospective

Definition

- Memorandum of Understanding
- Allotment Letter
- Larger Public Interest
- Allottees Vs Consumer / Investor
- Allottee Vs Members/Tenants
- Allottee Vs Land Owner' Allotment
- Part Occupancy Vs Possession
- Association of Allottees

Eye Opener Judgements

- SC – Amrapali Group
- Plot area or No. of Apartment
- Secured Creditors & Insolvency proceedings
- Sec15 – Old & New Developer
- Constitution of Tribunal Bench
- Express waiver
- Sale of Parking Space
- Section 43 (5) – Directory or Mandatory

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