29

## COMMITTEE ON SUBORDINATE LEGISLATION (2017-2018)

## (SIXTEENTH LOK SABHA)

#### TWENTY-NINTH REPORT

[Action Taken by Government on the Observations/Recommendations contained in the Twentyfirst Report of the Committee on Subordinate Legislation (Sixteenth Lok Sabha) on 'Rules/Regulations framed under the Real Estate (Regulations and Development) Act, 2016']



#### LOK SABHA SECRETARIAT NEW DELHI

July, 2018/ Ashadha, 1940 (Saka)

# COMMITTEE ON SUBORDINATE LEGISLATION (2017-2018)

# (SIXTEENTH LOK SABHA)

#### **TWENTY-NINTH REPORT**

[Action Taken by Government on the Observations/Recommendations contained in the Twentyfirst Report of the Committee on Subordinate Legislation (Sixteenth Lok Sabha) on 'Rules/Regulations framed under the Real Estate (Regulations and Development) Act, 2016']

(PRESENTED TO LOK SABHA ON 25.07.2018)



### LOK SABHA SECRETARIAT

NEW DELHI

July, 2018/ Ashadha, 1940 (Saka)

# CONTENTS

COMPOSITION OF THE COMMITTEE			
INTRODUCTIO	N	(iv)	
CHAPTER I	Report	1-4	
CHAPTER II	Observations/Recommendations which have been accepted by the Government	5-12	
CHAPTER III	Observations/Recommendations which the Committee do not desire to pursue in view of the Government's replies	13	
CHAPTER IV	Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee	14	
CHAPTER V	Observations/Recommendations in respect of final replies of the Government are still awaited	15	
	ANNEXURES		
1	Ministry of Housing and Urban Affairs OM dated 05.09.2017 pertaining to Recommendation No. 1	16-18	
Ш	Ministry of Housing and Urban Affairs OM dated 05.09.2017 to pertaining to Recommendation No. 2	19-23	
Ш	Ministry of Housing and Urban Affairs OM dated 05.09.2017 pertaining to Recommendation No. 3	24-28	
IV	Ministry of Housing and Urban Affairs OM dated 05.09.2017 pertaining to Recommendation No. 5	29-33	
	APPENDICES		
1	Minutes of the Thirteenth sitting of the Committee (2017-18) (16th Lok Sabha) held on 23.04.2018	34-35	
II	Analysis of the Action Taken by the Government on the Observations/Recommendations contained in the 21st Report of Committee on Subordinate Legislation (Sixteenth Lok Sabha)	36	

1

# COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION

# (2017-2018)

1. Shri Dilipkumar Mansukhlal Gandhi

Chairperson

## MEMBERS

- 2. Shri Idris Ali
- 3. Shri Birendra Kumar Choudhary
- 4. Shri S. P. Muddahanumegowda
- 5. Shri Shyama Charan Gupta
- 6. Shri Jhina Hikaka
- 7. Shri Janardan Mishra
- 8. Shri Prem Das Rai
- 9. Shri Chandul Lal Sahu
- 10. Shri Alok Sanjar
- 11. Shri Ram Prasad Sarmah
- 12. Adv. Narendra Keshav Sawaikar
- 13. Shri V. Panneer Selvam
- 14. Shri Ram Kumar Sharma
- 15. Shri Nandi Yellaiah

# SECRETARIAT

-

- 1. Smt. Sudesh Luthra Additional Secretary
- 2. Shri Ajay Kumar Garg
- Director
- 3. Smt. Jagriti Tewatia
- Deputy Secretary
- 5. Smt. Vidya Mohan
- Committee Officer

#### INTRODUCTION

I, the Chairperson, Committee on Subordinate Legislation having been authorised by the Committee to present the Report on their behalf, present this Twenty-ninth Report of the Committee on action taken by the Government on the observations/recommendations contained in their Twenty-first Report (Sixteenth Lok Sabha) on the 'Rules/Regulations framed under the Real Estate (Regulations and Development) Act, 2016'.

2. The Twenty-first Report was presented to Lok Sabha on 10.08.2017. The Ministry of Housing and Urban Affairs furnished their action taken replies on the recommendations contained in the Twenty- first Report (Sixteenth Lok Sabha) on 13.09.2017.

3. The Committee on Subordinate Legislation considered and adopted this Report at their sitting held on 23.04.2018 (Appendix I)

4. An analysis of action taken by the Government on the recommendations contained in the Twenty-first Report of Committee on Subordinate Legislation (Sixteenth Lok Sabha) is given in Annexure - II.

New Delhi; 23 April, 2018 03 Vaisakha, 1940 (Saka) DILIPKUMAR MANSUKHLAL GANDHI Chairperson, Committee on Subordinate Legislation

# CHAPTER-I REPORT

This Report of the Committee on Subordinate Legislation (2017-18) deals with the action taken by Government on the observations/recommendations contained in the Twentyfirst Report (Sixteenth Lok Sabha) of the Committee on the subject 'Rules/Regulations framed under Real Estate (Regulation and Development) Act, 2016' which was presented to Lok Sabha on 10.08.2017.

- 2 The Twenty-first Report contained recommendations on the following issues:-
  - Delay in framing of Rules under RERA, 2016 by various States (i)
    - (Recommendation 1)
  - Establishment of Real Estate Regulatory Authority (RERA) and Real Estate (ii) Appellate Tribunals (REAT) (Recommendation 2) (Recommendation 3)
  - (iii) Dilution of Rules by various States/UTs
  - Constitution of Central Advisory Council (iv)(Recommendation 4)
  - Registration of ongoing Projects (V) (Recommendation 5) Awareness Programme (vi) (Recommendation 6)

3. Action Taken Replies in respect of all the above six observations/recommendations contained in the Twenty first Report have been received from the Ministry of Housing and Urban Affairs on 13.09.2017.

4. Replies to the observations/recommendations contained in the Report have broadly been categorised as follows:-

- Observations/Recommendations which have been accepted by the Government (i) SI. Nos. 1,2,3,4,5,6 Total Nos. 6
- (Chapter II) (ii) Observations/Recommendations which the Committee do not desire to pursue in view of the Government's reply. SI, No, Nil Total No. Nil

(Chapter III)

- Observations/Recommendations in respect of which replies of the Government have not (iii) been accepted by the Committee SI. No. Nil Total No. Nil (Chapter IV)
- (iv)Observations/Recommendations in respect of which final replies of the Government are still awaited SI. No. Nil

Total No. Nil (Chapter V)

5. The Committee in their original report had observed that the Real Estate (Regulation and Amendment) Act, 2016 has been enacted with the objective of promotion of Real Estate Sector in an efficient and transparent manner and to protect the interests of consumers. The Committee after indepth examination of the subordinate legislation framed/notified, to be framed/notified under the aforesaid Act had observed/recommended as under :

(i) While expressing concerns over the delay in framing of Rules by a number of States, the Committee recommended the Ministry to closely monitor and ensure that all the States frame and implement the Rules within the stipulated time (*Recommendation No.1*).

(ii) The Committee while observing that a number of States had not yet established the Real Estate Regulatory Authority (RERA) and Real Estate Appellate Tribunal (REAT) which are required to be established under the Act, had desired the Ministry to make all efforts for establishment of RERA and REAT by all the concerned States/UTs without any further delay (*Recommendation No.2*).

(iii) The Committee in their report had expressed concern that the rules under RERA framed by some of the States are not in consonance with the spirit of the Act and have resulted in the dilution of the effectiveness of the Act. The Committee, therefore, had recommended that the Ministry should strictly instruct the States to either amend their Rules or re-notify them in line with the letter and spirit of the Act (*Recommendation No.3*).

(iv) The Committee expressed their dismay that the Central Advisory Council required to be constituted under the Act had not yet been constituted and strongly emphasized the Ministry to constitute the same (*Recommendation No.4*).

- 2 -

(v) As regards registration of ongoing projects under the RERA Act, the Committee had strongly recommended the Government for ensuring that all such ongoing projects which have not yet been issued Completion Certificate are registered and executed under the provisions of RERA Act (Recommendation No.5).

(vi) Observing that the public is not yet fully aware of the provisions of RERA Act and feeling the need to give it a wider publicity for creating awareness amongst the public about the provisions of RERA, the Committee had urged the Government to organise awareness programmes for the public (*Recommendation No.6*).

6. From the action taken reply of the Ministry, the Committee note that all the six recommendations contained in the Twenty-first Report (16 LS) have, in principle, been accepted by the Ministry of Housing and Urban Affairs. In this regard, the Committee note that the Ministry *vide* their letter dated 05.09.2017 have forwarded the recommendations made by the Committee at SI. Nos. 1,2,3,5 & 6 to the States/UTs concerned in respect of issues contained in the recommendations with the request to expedite action on the same. As regards the recommendation at SI. No. 4 regarding establishment of Central Advisory Council, the Ministry of Housing and Urban Affairs in their action taken reply have informed that the Central Advisory Council would be notified shortly and the Committee apprised after publication in the Gazette.

7. The Committee while acknowledging that it is the responsibility of the concerned States/UTs to frame Rules/Regulations under the RERA Act, 2016 for their respective States/UTs, note that the ministry have accordingly taken up the implementation of the recommendations contained in the Report with all the States/UTs concerned. The Committee again emphasize the need for framing of Rules, setting of RERA and REAT by the States/UTs besides framing of Rules truly in the spirit of the provisions of the Act specifically in the context of defining ongoing projects in the respective Rules of the States as per the Act. The Committee hope and trust that the Ministry would follow with the States/UTs so that the Act is implemented fully the rules are framed as per the spirit of the Act so that the very purpose of the RERA Act is not defeated. The Committee also express their concern at the delay in constitution of the Central Advisory Council keeping in mind its important role to advice and recommend the Central Government on major questions of policy and protection of consumer interest to foster the growth and development of Real Estate Sector on all matter concerning the implementation of the Act. The Committee, therefore, desire the Ministry to give utmost priority to constitution of the Central Advisory Council and implementation of their recommendations and apprise the Committee of the progress made in the matter within three months of the presentation of this Report.

-4-

#### CHAPTER II

### OBSERVATIONS/RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

#### Observation/Recommendation No.1

#### Delay in framing of Rules under RERA, 2016 by various States

The Committee note that India's real estate sector has been marred by inordinate project delays, poor quality of construction and lacks transparency. To overcome these shortcomings, the Real Estate (Regulation & Amendment) Act, 2016 has been enacted with the objective of promotion of the real estate sector in an efficient and transparent manner and to protect the interest of the consumers as well. In this regard, the Committee note that as per Section 84(1) of the Real Estate (Regulation and Development) Act, 2016, the appropriate Government (both Central and State Governments) are required to notify the Rules for their respective jurisdiction within six months of commencement of the Act i.e. by 31.10.2016 as the Act was notified for commencement w.e.f 01.05.2016. In this context, the Ministry of Housing and Urban Poverty Alleviation had submitted to the Committee that as per the available information with them, only 12 States/UTs had notified their Rules, 16 States/UTs were in the process of notifying Rules, 4 States had constitutional issues and 3 States have not furnished any information on the notification of rules under the Real Estate (Regulation and Development) Act, 2016. As per the information furnished by the Ministry, there are three States namely Manipur, West Bengal and Goa which have not even furnished any information and four States namely Sikkim, Arunachal Pradesh, Meghalaya and Nagaland have some constitutional issues over the land ownership as informed to the Ministry during regional consultations held on 27.03.2017. The Committee express their dismay over the fact that even after a lapse of one year and two months, many of the States have not notified the Rules so far. The Committee see the Real Estate (Regulation & Development) Act, 2016 as a landmark reform for the real estate sector in the country and its successful enactment largely depends upon the timely framing of the Rules under the Act by all the States. The Committee are of the considered opinion that any delay in framing of Rules thereunder will have the effect of depriving the public the legitimate rights intended to be conferred on them under the provision of the Act. The Committee, therefore, recommend that the progress made by States particularly the above mentioned Seven States be monitored regularly and the Ministry should ensure that all the concerned States frame and implement the Rules within the said time frame as contemplated under the Act.

#### Reply of the Government

A total of 25 States/UTs have notified Real Estate Rules under the Act.

- 4 States have drafted the rules but have not yet notified (West Bengal, Goa, Tripura, Kerala).
- 6 North East States viz., Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland and Sikkim have stated that there are constitutional issues as land belongs to the community/ autonomous councils, thus, they are seeking legal opinion in the matter.
- Vide letter dated 05.09.2017, the recommendations of the Committee on Subordinate Legislation have been conveyed to the States that have not notified the Rules yet, with a request to finalize their Rules without any further delay. A copy of the letter is enclosed. (Annexure I)

# [(Ministry of Housing and Urban Affairs O.M. No. 0-17034/18/2009-H (Vol. IX) (FTS-15877) dated 13<sup>th</sup> September, 2017)]

#### **Observation/ Recommendation No. 2**

#### Establishment of RERA and REAT

The Committee note that Section 20 to 40 of the RERA deals with the establishment of Real Estate Regulatory Authority (RERA) and it functions for promotion of Real Estate Sector besides power to impose penalties in case of disputes between promoters, allottees and Real Estate agents etc. Section 20(1) envisage the formulation of RERA by the appropriate Government and was required to be formed within one year of coming into force of the Act i.e. by 30 April, 2017. Similarly, Sections 43 to 58 of the RERA Act relate to the Real Estate Appellate Tribunals (REAT) which are required to be established by the appropriate Governments within one year of coming into force of the Act i.e. by 30.04.2017. In this regard, the Committee feel concerned to find that so far only on State Madhya Pradesh has set up permanent Authority and 11 States/UTs namely Kerala, Maharashtra, Punjab, Rajasthan, Mizoram, Haryana, NCT of Delhi, Andaman and Nicobar Islands, Bihar, Chandigarh, UP had set up interim Authority, four states/UTs namely Puducherry, Chandigarh, Haryana and Bihar have set up interim Tribunal and 11 States/UTs are in advanced stage of setting up the Authority and Tribunal. In the opinion of the Committee, any delay in establishment of such statutory bodies mandated with the core tasks will severely affect the implementation of the RERA, 2016. Though the Ministry has impressed upon the States/UTs during the National Consultation with all the States/UT Government on 17.01.2017 and a regional consultation with North East and Eastern States but it has not yielded the desired result.

The Committee, therefore, desire that the Ministry should make all out efforts and give a time bound target to the concerned States/UTs as per the provisions for the Act for the establishment of RERA and REAT under the RERA, 2016 without any further delay. Till such time these States should appoint an interim Authority or appoint the Secretary of the Department dealing with housing as per Section 20(1) of the Act. Similarly, for the State which have not appointed REAT, the Ministry insist upon them to appoint an interim REAT or delegate powers for the time being to any existing Tribunal already functioning in the State as per Section 43(1).

### Reply of the Government

- 6 States/UTs have established permanent Real Estate Regulatory Authority viz., Gujarat, Maharashtra, Madhya Pradesh and Punjab, Dadra & Nagar Haveli and Daman and Diu (tied up with Maharashtra).
- 18 States/UTs have established interim Real Estate Regulatory Authority.
- In Gujarat, Appellate Tribunal has been set up.
- 10 States/UTs have appointed interim Appellate Tribunal under the Real Estate Act.
- Vide letter dated 05.09.2017, the recommendations of the Committee on Subordinate Legislation have been conveyed to the States which have not set up the permanent Authority and permanent Appellate Tribunal, with a request to finalize the establishment of permanent Real Estate Regulatory Authority and Real Estate Appellate Tribunal under the Real Estate Act, 2016 without any further delay. A copy of the letters is enclosed. (Annexure-II)

[(Ministry of Housing and Urban Affairs O.M. No. 0-17034/18/2009-H (Vol. IX) (FTS-15877) dated 13th September, 2017)]

#### Observation/Recommendation No. 3

#### Dilution of Rules by various States/UTs.

The Committee note that RERA, 2016 has an overriding effect on conflicting laws being made by some States by virtue of entries 6 & 7 under the Concurrent list of the Seventh Schedule of the Constitution of India and therefore, as per the proviso to Article 254(2) of the Constitution of India, the Central Government has the power to amend, vary, repeal any State law which has previously received Presidential assent. On this basis the Ministry has repealed the Maharashtra Housing (Regulation & Development) Act, 2012. The Committee, however, note with concern that rules notified by some of the States are not in consonance with the spirit of the Act and have resulted in the dilution of the effectiveness of the Act while observing that such works have been skewed in favour of builders hurting consumer interests particularly in areas like definition of ongoing projects, penalties for non-compliance with the Act and dealing with structural defects etc. In this context, the Ministry have informed the Committee that they have taken up the matter with the concerned States during the National Consultation held with all the States/UTs on 17th January, 2017 and during the Regional Consultation (East and North East) on 27th March, 2017 to adhere to the letter and spirit of the Act. In addition, letters have also been written by the Ministry, at various levels, to the States/UTs requesting them to adhere to the letter and spirit of the Act. The Committee are distressed to note that the Ministry have not clearly spelt out the ways and means in this regard. The Committee while recognizing that each State have their respective development laws, sanctioning procedures, and other land related unique issues, recommend that the Ministry of Urban Poverty Alleviation should strictly instruct the States to either amend their Rules or re-notify them in line with the letter and spirit of the Act. The Committee may also be apprised of the action taken on this recommendation as this legislation is going to have a great impact on Real Estate Sector.

#### Reply of the Government

Vide letter dated 05.09.2017, this Ministry has forwarded this Recommendation to all States/UTs (except UTs without legislature) suggesting them to modify, if required, their Rules to bring the same in conformity with the letter and spirit of the Real Estate Act, 2016. A copy of the letter is enclosed. (Annexure-III)

[(Ministry of Housing and Urban Affairs O.M. No. 0-17034/18/2009-H (Vol. IX) (FTS-15877) dated 13th September, 2017)]

#### Observation/Recommendation No. 4

#### **Constitution of Advisory Council**

The Committee are dismayed to note that even after the commencement of the Act, the Central Advisory Council has still not been constituted. As per the provision contained in the Act, the Central Advisory Council is required to be established to advice and recommend the Central Government on major question of policy and protection of consumer interests to foster the growth and development of Real Estate Sector on all matters concerning the implementation of the Act. However the Ministry of HUPA is still in the process of notifying the Central Advisory Council. The Committee express their unhappiness over the lackadaisical attitude of the Ministry towards this important issue. This proves beyond doubt that the Ministry's approach is very casual and it has not paid any serious attention towards the constitution of Central Advisory Council expeditiously. The Committee, therefore, strongly emphasize the Ministry to take urgent steps to constitute the Central Advisory Council under the Act so that the functions under Section 42 of the Act can be taken forward by the Council. The Committee would also like the Ministry to furnish a copy of the notification, under the provision of Sections 41 (1) and 42 (2) of the Real Estate (Regulation & Development) Act, 2016.

#### **Reply of the Government**

The Constitution of the Central Advisory Council would be notified shortly. The same will be conveyed to Committee on Subordinate Legislations after publication in the Gazette.

(Ministry of Housing and Urban Affairs O.M. No. 0-17034/18/2009-H (Vol. IX) (FTS-15877) dated 13th September, 2017)

#### Observation/Recommendation No. 5

#### **Registration of ongoing Projects**

The Committee note that in terms of section 3 (1) of the RERA Act, the ongoing and under construction projects are required to be registered with the Authority and are thereby supposed to come under the regulator's ambit. It has been clearly specified therein that the promoters of all those projects, which have not received the completion certificate prior to the commencement of the Act should also come under the purview of the Act and they shall get the project registered with the regulatory authority of the State within three months from the date of commencement of Act making it amply clear that all under construction projects are needed to be registered. In this context, the Committee feel perturbed from the frequently appearing reports in the media that in some States particularly in Uttar Pradesh, Haryana and Gujarat, the same is not being adhered to and the developers/builders are resorting to taking partial completion certificates and handing over the flats to the applicants without fulfilling the obligatory requirement of handing over the flats in complete shape. According to the media reports, Haryana and Uttar Pradesh's RERA Rules have saved a majority of the ongoing real estate projects in NCR outside the ambit of real estate law as these States have excluded ongoing projects from registration. Similarly, in Gurugram, a large number of flats under various stages of construction or completion, have either received occupancy certificate or have received part-completion (unoccupancy on paper). This is resulting in home buyers getting delayed possession of their flats because of the violation of main Act by these States. Further, there is a tendency among builders/developers to develop a specific society or project in phases resulting in buyers getting entrapped in the deal, though RERA Act very clearly says that where the real estate project is to be developed in phases, every such phase shall be considered a standalone real estate project, and the promoter shall obtain registration under this Act for each phase separately. In the opinion of the Committee the builder/developer is supposed to give possession of the flat only after completion of all facilities like finishing work, water supply, sewerage disposal, electricity, installation of generators, operational lifts and common entry-exit areas etc. The Committee feel that these essential requirements cannot be overridden by resorting to the practice of part-completion certificate as the same tantamount to violation of RERA Act and also serves as an escape route to the builder/developer from fulfilling the requirement of registration besides resulting in enormous mental agony and financial hardship to the buyers who had invested their hard earned money for a living. The Committee feel such kind of malpractices should not go unchecked as the purpose of establishing a RERA

Act will only be served if it is implemented in its entirety by all the stakeholders. The Committee, therefore, strongly recommend that the Government must take all possible remedial measures for ensuring all such ongoing projects are registered and executed under the provisions of RERA Act in order to extend the stipulated benefits to the home buyers under the RERA.

The Committee further recommend that the provisions of the RERA Act should be uniformly applicable all across the country and any flouting of norms is to be severely dealt with under the penal provisions of the RERA Act for ensuring that the developers and the builders timely complete the project in all respects and hand over possession of flats/plots to home buyers and saving them from mental agony, harassment, cost overrun etc. at the hands of the builders/ developers. In this context, the Committee desire that the Ministry may also ask the States to amend / formulate their Rules by including the definition of 'ongoing projects' for doing away with any kind of ambiguity.

#### Reply of the Government

Vide letter dated 05.09.2017, this recommendation has been forwarded to all Staes/UTs suggesting them to define "Ongoing Projects" within the contours of the Act. A copy of the letter is enclosed. (Annexure - IV)

# [(Ministry of Housing and Urban Affairs O.M.No. 0-17034/18/2009-H (Vol. IX) (FTS-15877) dated 13th September, 2017)]

#### **Observation/Recommendation No. 6**

#### Awareness Programme

The Committee note that public are not fully aware of the Real Estate (Regulation & Development) Act, 2016. In this regard, Committee have been informed that the Government are planning to come out with advertisements on the Act to create awareness among the public and making an endeavour to attend as many public functions as possible on the subject. The Committee are of the opinion that more efforts are needed to give wider publicity to this Act highlighting the requisite formalities, rights and duties of all the stake holders involved in any particular scheme. The Committee, therefore, urges the Ministry that special measures/mechanisms be put in place including organising of awareness programmes to help the public to gain knowledge about their rights. The Committee also feel that the Central Advisory Council could be entrusted with the task of implementation of the awareness programmes. All appropriate Governments should also take action in this regard.

#### Reply of the Government

# Awareness Initiatives with regard to implementation of the Real Estate (Regulation and Development) Act, 2016

- A source code for the base web portal was shared with all the states and UTs in order to expedite the implementation process.
- 2. Along with source code a user manual and video based training for users was also shared for states to understand all the funcationalities of the web portal.
- 3. RERA-PMU team also visited states/UTs like Chandigarh, Maharashtra, Gujarat, Chennai and Andhra Pradesh in order to facilitate deployment of the base portal along with knowledge transfer for integration between the portals.
- In Karnataka, an awareness and capacity building program is being conducted for various stakeholders – RERA personnel, Promoters, Agents and general public.
- 5. Assisted the states on setting up of a helpdesk for answering any queries.
- Preparation and sharing of google drive based updates with all states and UTs for status of Real Estate Act provisions such as registrations, tribunal, interim authority etc.
- 7. Support ministry in conducting meeting with states/UTs to review the progress.

# [(Ministry of Housing and Urban Affairs O.M.No. 0-17034/18/2009-H (Vol. IX) (FTS-15877) dated 13th September, 2017)]

# CHAPTER III

# OBSERVATIONS/RECOMMENDATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE GOVERNMENTS REPLIES

-----NIL------

ŝ

# CHAPTER IV

ŝ

# OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE

----- NIL -----

# CHAPTER V

# OBSERVATION/RECOMMENDATIONS IN RESPECT OF WHICH FINAL REPLIES OF THE GOVERNMENT ARE STILL AWAITED

----- NIL -----

New Delhi; 23 April, 2018 03 *Vaisakha*, 1940 *(Saka)* 

# DILIPKUMAR MANSUKHLAL GANDHI Chairperson, Committee on Subordinate Legislation

Annexure-I Min vide rebly 9 the Hunsty to Recommodel NO-I

#### O-17034/18/2009-H/EFS -301587 / 3

Government of India

Ministry of Housing & Urban Poverty Alleviation

(Housing Section)

\*\*\*\*\*\*

Room No. 220, C Wing . NirmanBhawan, New Delhi – 110 011 Dated: September رجم 2017

......2/-

To

Principal Secretary / Secretary of States viz. West Bengal, Goa, Tripura, Kerala, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland and Sikkim (list attached).

Subject: Recommendation of the Parliamentary Committee on Subordinate Legislation on the Rules / Regulations framed under the Real Estate Act (Regulation and Development) Act, 2016 – regarding.

Sir,

I am directed to state that all the States/UTs were needed to frame their Rules / Regulations under the Real Estate (Regulation and Development) Act, 2016 by 31st October, 2016. However, the Sub-ordinate Rules in respect of the States of West Bengal; Goa, Tripura; Kerala; Arunachal Pradesh; Manipur; Meghalaya; Mizoram; Nagaland; and Sikkim are yet to be notified.

2. The Parliamentary Committee on Sub-ordinate Legislation on the Rules/Regulations under the Real Estate Act, 2016 vide its 21st Report in their recommendation No. 1 has stated as follows:

"The Committee note that India's real estate sector has been marred by poor quality of construction and lacks inordinate project delays, transparency. To overcome these shortcomings, the Real Estate (Regulation & Amendment) Act, 2016 has been enacted with the objective of promotion of the real estate sector in an efficient and transparent manner and to protect the interest of the consumers as well. In this regard, the Committee note that as per Section 84(1) of the Real Estate (Regulation and Development) Act, 2016, the appropriate Government (both Central and State Governments) are required to notify the Rules for their respective jurisdiction within six months of commencement of the Act i.e. by 31.10.2016 as the Act was notified for commencement w.e.f. 01.05.2016. In this context, the Ministry of Housing and Urban Poverty Alleviation had submitted to the Committee that as per the available information with them, only 12 States/UTs had notified their Rules, 16 States/Uts were in the process of notifying Rules, 4 States had constitutional issues and 3 States have not furnished any information on the notification of rules under the Real Estate (Regulation and Development) Act, 2016. As per the information furnished by the Ministry, there are three States namely

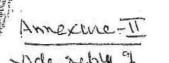
-16-

5. No.	States Anynachal Progest	Address
		Shri S K Jain, IAS Secretary Land Management Uraba Development Depti., Cont. of Arun activit Pradash Annachai Pradash Gini Seat Block, No. 4, Banagar 781111 Annachai Pradash Tel: 0340-2212252, 2221305, Fac 0350-32116157 221312 Emait: stjon 654 @gmail.com.
2	Goa	s Shri 8 A Singh, IAS Secrator Nowing Department, Covil of Covil Secratoria Annece, Percolan Panaš, Covil - 403521 Tel: 0312-2419423, Fac 0332-2415201 Email: secres secily geo@nicin, coving gouignic m
3	Kenta	Shui F K Jaree, IAS Providu Beardany LSG & UD Department, Gand, al Kentis Room No. 4034, atti Abaar Store wind Annee, Thimwaaanaapuran – 335001 Field Al L2519 (33), 251721, Field Al III. 2300334 Finali prasey Jog @kentie, govin, secretury (syd@omok.com
1	Maniper	SAri X K Dineth Singh, 143 Dammisjaner Dean, di Maninipali Administration, Housing S Listan Gevelepment, Dort, of Manipur Did Bestania: Complex, South Statz Imposar / 95001 Fat: 5245-221505/0, 2445345, Fac: 0135-2450931 Emet: Adlingth/2000/Syma).com, dochares31/Brits.nic m
1	Siegn ziegz	07. Shreezanjan, IAS Adal, Chief Secritary Urban Allaim & Hausing, GovL at Megnalaya Actionnal Secritarial Buttling Room No. 264, Shalang-19 Job Pet 0934-2222-211, 223344, Frie 0364-2220347 Email: Partegojan@Actin, Job Kanego@sov m
1	without and a second	9r. C Variaramianga, 183 Sectorary Urban Development 3. Paverty Aleviation Osperiment, Jawi of Silperam Annes 2, Jule Fleve, Room No. 101 New Sectoration Complex Sizew-Fredon Tet: 0369-7125743, 2322123, F1<0339-2323677 Ten: 21059-7125743, 2322123, F1<0339-2323677
	Négaland	Shei Menuknol Jann Seerstay Yunicital Attain Department, Gsvt, at Ning aland Urban Development Department Napland Gvd Seorstanti Kosima - 757054 Tet: 3370-221144, Fac: Email -
ι.	Sirum	Er. G. Y. Bhutia Privetal Onlet Engineer com Secretary UD 3 Housing Department, Government of Skkim NH-315, Palger Sadam Read, Artiang Caretol-177-01 Tet: 05192-202728, 201-30, Fluc 03582-205087 Email: uthetiskin@gmail.com
2	Trous	Stri Los Ranjan, IAS Policipal Sectary Uttan Development Describent, Cost. of Topura Civil Sectariana Child Cample, Vieta Traura Dien, Aganati-797001 Tel: 0331-2213318, 2325301, Filo Samat, Subaria, egganat, can,
13,	Wed Bengal	Stori Rhald Ahmed, 125 Storatlary Department of Housing, Clark, of West Bengal N. S. SudSing, Block - A, Room No, 12 Ist Root, 13: S Roy Road Koltzja - 70000 Tet 033-22225/70, Fac. 033-334/860 Email, ansery Newling, an Spink In.

T S

=18 -

the terms of a



#### O-17034/18/2009-H/EFS -3015877 Government of India Ministry of Housing & Urban Poverty Alleviation (Housing Section) \*AnAsteta) Reprindedin NO.2\_

Room No. 220, C Wind NirmanBhawan, New Delhi - 110 011 Dated: September os 2017

To

ALE DESCRIPTION OF A DE

Principal Cecretary / Secretary of States (list a Beched)

Subject: Recommendation of the Parliamentary Committee on Subordinate Legislation on the Rules / Resultations framed under the Real Estate. Act (Regulation and Development) Act, 2012 - regarding,

Sir.

I an directed to state that all the States/UTs were needed to establish the Real Estate Regulation of thority and the Poel Leinte Appellate Tribunal under the Real Estate (Regulation and Development) Act, 2016 by 30th April, 2017. However, only States viz., Sularat, Madhya Pradesh; Maharashtra: Punjab; UT of Damph & Diu; and UT of Dadra & Nagar Haveli have established the permanent Real Estate Regulatory Authority under the Act. The permanent Real Estate Appellate Tribunal has been set up only by the State Government of Gujarat.

2 The Parliamentary Committee on Sub-ordinate Legislation on the Rules/Regulations under the Real Estate Act, 2016 vide its 21st Report in their Recommendation No. 2 "Establishment of Real Estate Regulatory Authority and Real Estate Appenate Tribunal" has stated as follows:

"The Committee note that Section 20 to 40 of the RERA deals with the establishment of Real Estate Regulatory Authority (RERA) and it functions for promotion of Real Estate Sector besides power to impose penalties in case of disputes between promoters, allottees and Real Estate agents etc. Section 20(1) envisage the formulation of RERA by the appropriate Government and was required to be formed within one year of coming into force of the Act i.e. by 30 April, 2017.

Similarly, Sections 43 to 58 of the RERA Act relate to the Real Estate Appellate Tribunals (REAT) which are required to be established by the appropriate Governments within one year of coming into force of the Act i.e. by 30.04.2017.

In this regard, the Committee feel concerned to find that so far only on State Madhya Pradesh has set up permanent Authority and 11 States/UTs namely Kerala, Maharashtra, Punjab, Rajasthan, Mizoram, Haryana, NCT of Delhi, Andaman and Nicobar Islands, Bihar, Chandigarh, UP had set up interim Authority, four states/UTs namely Puducherry, Chandigarh,

-19-

x 2000(4) 1

-12/-



Haryana and Bihar have set up interim Tribunal and 11 States/UTs are in advanced stage of setting up the Authority and Tribunal. In the opinion of the Committee, any delay in establishment of such statutory bodies mandated with the core tasks will severely affect the implementation of the RERA, 2016. Though the Ministry has impressed upon the States/UTs during the National Consultation with all the States/UT Government on 17.01.2017 and a regional consultation with North East and Eastern States but it has not yielded the desired result. The Committee, therefore, desire that the Ministry should make all out efforts and give a time bound target to the concerned States/UTs as per the provisions for the Act for the establishment of RERA and REAT under the RERA, 2016 without any jurther delay. Till such time these States should appoint an interim Authority or appoint the Secretary of the Department dealing with housing as per Section 20(1) of the Act. 'Similarly, for the State which have not appointed REAT, the Ministry insist upon them to appoint an interim REAT or delegate powers for the time being to any existing Tribunsi already functioning in the State as per Section 43(1)."

3. In view of the above, it is requested to kindly expedite the establishment of the permanent Real Estate Regulatory Authority and Real Estate Appallate Tribunal in respect of your State under the Real Estate (Regulation and Development) Act, 2016 and forward a copy of the notification to the Ministry. A copy of the Report of the Committee is available on the Committee website http://164.100.47.194/Lok sabha/Committee/reports and also on the URL http://mhupa.gov.in/writereaddata/Report\_of\_COSL(LS)\_10\_08\_17.pdf.

- 20 -

Yours faithfully,

برانیکی (Sailesh Jogiani) Under Secretary (Housing) Tel: 2306 2252, Fax: 2306 1018 Email: housingministry@gmail.com

Copy to:

Principal Secretary to Lt. Governor, Government of NCT of Delhi, 6 Raj Niwas Marg, Civil Lines, New Delhi – 54.

(SaileshJogiani) Under Secretary (Housing) Tel: 2306 2252, Fax: 2306 1018 Email: <u>housingministry@g</u>mail.com

\$, t(s)	Subri Ardanon S (Firod	Shiri SCLON, IAS
		Picaipat Spenislay Capat Bandgamat (Japaneta J. 2014) Anima ataon Sanagang Pambaiat (J. 316) Anima (J. 17) (J. 2004), Fac (J. 1920) Anima (J. 17) (J. 2004), Fac (J. 1920) Anima analysis (A.
1	Judya Pusen	Sun K sector O anton WS Sectors In Sectors Star Sectors Room Mark 101, A. 2 Samsung Cliffer, Very struct Room Mark 101, A. 2 Samsung Cliffer, Very struct Room Mark 103 A. 2 Samsung Cliffer, Very struct Room Sectors Fee Cold Resisting Face Sector School Sector School Antonia (Sprech 2007) Sector School Antonia (Sprech 2007)
1	לא האיר האיר	Def 3. Carital V Alver, MT Pringed Sarrhay Wardiget Astrologicanus I Unan Deviation et al. Cast. of Antrop Antonin Sading No. 1, Raom No. 1 St. 3. P. Sarrhag, Volganat Sarrhag Langton J. Sar. Cast. 2013 14 (2013) 1, Sar. Cast. 2013 15 (2013) 1, Sar. Cast. 2013, Sarrhag at profit 15 (2013) 1, Sar. Cast. 2013, Sarrhag at profit 15 (2013) 1, Sar. Cast. 2013, Sarrhag at profit 15 (2013) 1, Sarrhag at Langt. 2014) 1, Sarrhag at profit 15 (2013) 1, Sarrhag at Langt. 2014) 1, Sarrhag at Langt. 2014 1, Sarrhag at Langt. 2014) 1, Sarrhag at Langt. 2014 1, Sarrhag at Langt. 2014) 1, Sarrhag at Langt. 2014 1, Sarrhag at Langt. 2014) 1, Sarrhag at Langt. 2014 1, Sarrhag at Langt. 2014) 1, Sarrhag at Langt. 2014 1, Sarrhag at Langt. 2014) 1, Sarrhag at Langt. 2014 1, Sarrhag at Langt. 2014) 1, Sarrhag at Langt. 2014 1, Sarrhag at Langt. 2014) 1, Sarrhag at Langt. 2014 1, Sarrhag at Langt. 2014) 1, Sarrhag at Langt. 2014 1, Sarrhag at Langt. 2014) 1, Sarrhag at Langt. 2014 1, Sarrhag at Langt. 2014) 1, Sarrhag at Langt. 2014 1, Sarrhag at Langt. 2014) 1, Sarrhag at Langt. 2014 1, Sarrhag at Langt. 2014) 1, Sarrhag at Langt. 2014 1, Sarrhag at Langt. 2014) 1, Sarrhag at Langt. 2014 1, Sarrhag at Langt. 2014) 1, Sarrhag at Langt. 2014 1, Sarrhag at Langt. 2014) 1, Sarrhag at Langt. 2014 1, Sarrhag at Langt. 2014) 1, Sarrhag at Langt. 2014 1, Sarrhag at
	Acruché Prokun	Def S.K. Life, 143 Surface Land Markanson Vision Development Dets, Dev. of Science and Princess Notation Provide Development Development Book to 1, Namper 191111 Aurulation Printing, 2012 (2014) (2014) Tel: Deb 2012 (2012), 2014 Def (2014) (2014) Tel: Deb 2014 (2012), 2014 Def (2014) (2014) Scientific April (2012), 2014 Def (2014)
k.	4229	Teri V O V K Binen, 195 Lorine Devisionet Dearment, Solt of Fasan 3 - Box, Jor Tox, Fasar Shi Bernana Janu, Jawani - 18125 Fel USA: (1997)5, Fa USA: 201784 Fel USA: (1997)5, Fa USA: 201784 Fred StationputDection with
4	the	the Example Process 50.5 Access Freedows United Synchronous Channey Construct, Cont. of Early Waters Braven, Early Road New Security, Party - ROOMS The Security, Party - ROOMS The Mith 2013 Style Fact 512-201903 Email Schwest Onlying N.
,	162	bed NN Engli, IA3 LLE, Sacutary (RERA) Unan Development Simpley Coperation Cont. 11 Engl (Aust Develop, Soldy Road (Aust Develop, Facul - 20015) Reg 01(1/2)(133), Fac( 31),2021/25/2023)43 Engl earther Sharifty field and
3.	Durdyn	bari K K dind d. 145 January Umas Operalogenet & Houseng, Characterin Association (asso Jacon Bar, 11), Par Poor, Oran Bardon, U.T. Barratowa House (B), Characterin (2010) House (B), Cha
r	Chinadiagan	Ster Anum Singh, IAS Produkt Senstary Routing and Socioneme Department, Cont, of Chartengan, Joson Ana, S II, Wei Harmalaya Robot - 192001, Christianch 7 d: 071 (2221)111, 1710(1111), Fac (171-1221)123 Erset, analogne, Istriffennin, I
32,	Convaluum	Darf H Baljandra Kunzur, 183 Synda Secretary "Soung and Environment Department, Oost, of Chatospen Robur Nac, 5-2, University of Robur - STORIZ, Chatospen Robur - STORIZ, Chatospen Robur - Storiz Fac 4071-1221.020 Tandr - an Naculary galgers in Jack
'n	038Herei	12: 10 Singh, 145 Semany (Handing & La) Handing & Latan Development, D i 30 Hanvel Patronet ann 11 f a Data i Angar Hand, San ankar, Shenas 25720 Feb (250-25-200), 22047, 1-2 or (150-226720), 122077 i Snat is development, b, op-ann-delights in
iΣ	Sid	Sori Ragir Yadurambi, E-S Beitary Dhan Doelanara Departura Communical ACT of Can Chileg, Shi Lond Soli Samarana, Dari - 11002 Feb Uli Samarana, Dari - 11002 Feb Uli Samarana, Dari - 11025 Feb Uli Samarana, Samarana Samarana, Samarana Endi podijimita,
ų	Ceri	Suf 5 Aubarnes, US Process Servery Lond and Bulling Opperment, Gost of NCT of Data S Buck, Wan Bravna IP Essier, New Data - HORU2 Tel H1-12372/05, Fac 2111-733/0705 Envit tuberglant222 (Syrval care,
1	5a	Suri B.R. Sungh, U.S. Southay Nataring Departure, Cont, of Cas Security Research Research Paral, Cas – (1922) Tex (2022) 11201 Tex (2022) 1120. Fac (1922) 21 1201 Study, teorgic Surday, pg2955 In the sectory agencia
\$	sujau	Straf Starkani Wildgraf, LAS Pirissia Seantary Department of Hanary, Cost of Hanjana Rean Na. 807, San Pisar Han Hanjana Cold Seansana, Secon - 17 Orandigan - 1600, 17 Fatto 177271 1887, Fac Email: paticular (Segura) Long.

-21-

u.	1995)	Sul Anus Kusur Capia, IAS Procipal Sension Town & Examp Planning and Union Escares, Gow, of Marjana Rom, No. 322, 607/507 New Rappos Cold Sension, Sension 17 Charagen, 1980/ Sension, Statut Sension, Statut Sension, Sension Sension, Sension, Sension Sension, Sension, Sension
Ŵ	Parent Piper	No. Marking Hands, U.S Add, Covid Surgery CO, Marking I, ICP, Covid Charana Analast Roman no. 1031 to Nort Analysis Bullary, Dictas (Activity, ISP) 105, Fac Enalt utbary Angline In Scientification of Enalt utbary Angline In Scientification of
15	Hinara Assan i	Ihri Arun Kamar Bagh, MS Prichad Sasany UD, Kasang K (TC), Ook, di Himantal Prasesh SP San wala Dicta: - (1/100) Fagi (177-351:15, Fac 0177, 5721)(d Enef Hated on SPC) A
13	Living U.S.Emie	Sink Hitelyth Kumur, ULS Connol safere ann Svaraley maulting and Ulway Contention Colour of Lenning Classifier Civil Sourcenter, 1914 Camman 1 al (1914) Skill (S. Face (1914) Shill Shill Shirk Lanuarithenggrad, ann
33	Success	Nil Ağış Konur Başı, U.S Perigia Barmany Uman Benazmar Beartmart Delt of Panarard Red Pagan Baden Roma, Ramai Farat al sengigeret Delt
μ	"terika	Ball Maliner July, 543 National Christensen, Carl, al Caralina Roma Ro, 153, Ira Aon, Viana Balera Roma Roma Roma Roma Roma Roma Roma Roma Roma Roma Roma Roma Roma Roma Roma Roma
n	Lar Gite	Mi Aufum Parez, IAS Samtauri va Generatoria, (IAKUGA) Viceo Generatoria, Cali, al Azeratoria Azera Nac. 124, M. Pare Viceo Samtauri, 124 Anorodur Patel Bangalan - Kottal Bangalan - Kottal Dan Janat, polisiter, Face data 2006/2018 Sanat, kety katigara alaka per A
n	Kamataka	Tri Kapit Mahan, LA.S Provind Forstan Organization of House, Cant of Kolmanna Canadala Devented's Fortuna Lawlond Devented's Fortuna Lawlond Berganut - 500 00 (Inc. 200 - 1227-1431), Toni Con Inc. 200 - 1227-1431, Ton
h	Cope	But E K Jose, 143 Protod Sectury USC SUD Demotry, Cast. 2 Korda Pour H, 2024, En Pour Jacob H, 2024, En Pour Jacob H, 2024, En PSUD Housenatticeural - 21500 Housenatticeural - 21500 Housenatticeural point, and standardigned across
в	La consec	Tani J Aanak Kumur, Lud San darr 100, Housky and 2010, Dok, of Lutchurk eng Receptuling 2017 of Landonationen (Parring & Statistics Dock) General March - 692555 Tel: 04296-32255, 392705 A. Rec Gallo (2011) (mail: Receipting documents)
з	Hadha Protesh	Shi Malay Sudiasanan, US Panging Semilary Nalaring E Semilary Nalaring E Semilary Salar Second Branca R. Nal. 27, Marandaya Jina Second Branca Alara Hell, Songal - 12700 Tel, 19752 (Table), Faz Mich. 1971 100 Email: peakdamp@maxi. gan Mich.
¥.	Constant Constant	Stof Surgicy Ruman, IAS Add, Chof Secretary Housing Department, Cont. 54 Lanamatria Using Spacing. To Floor, Uncertaing, Uncertain Carrol Banet, Hausen Reigner Oteon, Uncertain - 420022 Fed. (22, 122), 1527, Fac. 022, 204-557) Errait pset. Jourd (20, 749-457) Errait pset. Jourd (20, 749-457)
3	subseiten A	Bari Sanjay Singh, IAS Principal Sension Uban Operatoren Department, Doel, et Malarinden Uanyalaga, Makan Kania Road, Yei Pice, Raj Case Haarna Chent, Marma, Architz Ina UD, 2008/SEURIE-118, Fac 002-120/2019 Sinah set, Josebng Brananschager II,
3	tlanger	Staf & K Disen's Singh, 145 Cominations Ongli, CH Maripus Administration, Hauring & Lithun Development, Stork of Maripus ON Sea utalia Complex, South Book Singhal - 195001 Tel 1985 - 2555578, 2445385, Fac (2025) 2459581 Email: AcCount.2000@gondtemu, singhaast? Jiglianshika
Ð	Shighalaya	Di. Sinceranjan, MS Ant. Crist Sensary Uran Adain & Houzhy Gon, of Lingtularya Ansforos Berneius Illuming Room No, 201, Shillong, Fact 005-1220020 Ter 005-222 021, 22:KD-8, Fact 005-1220020 Emat, Uraneryingfordin and a rong(Spar) in

ana i ana a

-22-

. . . . . . . . . .

( )

1 man 1 . . .

4

------

B		Малда	GLE Windowensky LIES Sorstoy Uber Bondomen I Printly Altri II Ch Bonathine Cont. U Marran Amer 2, Iba Rosz, Romstra II Her Anstralia Compta Igan (1960) Sim 200 225/76, 1922(2), Aur UUS 1919/1 Sim 200 200 200 200 200 200 200 200 200 20
<u> </u>	2	ladirq	Sof Manukhal John Sontan Waring Sauro Somwork, Cont II Neptond Waring Owengers Committee Neptond Chil Bernstand Softwar (NICC) Stat CDN 2211112, For Strute,
1	3	bdev	Thế 6 Mich Vichanan, NJ Company cơn San vật Khảng về tran đồ vich san độp tranh Control Can, độ cảo tra đờn Nghi San san Anna C Tranh San Chi Mỹ tranh San đội tranh Cân của Chi
3	4	h-Loon	Norð Lennar, (Al Pernar) Septement Stalaetti, Dol, S. Anlankey Ord Barthelin, Bean Alae Nathery 2000 (af Stalaethau, 1911a) (2000) File Teathargalaethau
	3	Arb.	Eng Val Vala (An El Kato Chiel Karnium Dearbert vil Vinauria poli antar Constantes Cato d'Aunal Rass (A. 1997) Search Four - HDE Saver, Inter - El Vana (1997) Vana (1997) Recompensation poli n. Las (1995) Recompensation poli n. Las valgerina poli n
	3	24477.95	Des Maryon Diama, (A) National Travel Jacobian Ware Development 5 (manuag and Diaman) (AuBidddi) Anan (Maliff) (Ann Balaing (An For Jacobian (Balainan) (Sel Balainan) (Balainan) (Sel Balainan) (Balainan) (Sel Balainan) (Balainan) (Balainan) (B) (Sel Sel Balainan) (Balainan) (B) (Sel Balainan) (Sel Balainan) (B) (Sel Balainan) (B) (Sel Balainan)
	V.	14un	B. B T Banda Angla Chi Ingane Lan Anglay 10 Kanang Sanang J Angla 10 Kanang Sanang J Angla Garga J Mai Le alay 1913, Janua J anglay raisa Le alay 1913, Janua J anglay raisa Lauk adalah Symbol ang
	3	° (ma Uµsa	We Dimension Press Factor, 555 Search 2 and Usan Development Opportunet. Son, of Facto Press Search 2 and Usan Development (Son, of Facto Press Search 2 and Press), and the Devel (Facto Press), and the Press Factor Search 2 and the Search 2 and the Factor Search 2 and the Search 2 and the Factor Search 2 and the Search 2 and th
	5	140972	sen Christ Ramonum (m. 128 NJ, Christ Sensier Maximp Department, Soll, al Falenquera L'Book, Anone NJ, 1955, Sheurd Harr L'Angeur Leasureur, Informate - Nach L'Angeur Leasureur, Informate - Nach Manageur (Januar), Pag (Januar), 199 Brail, Machimang (Banalinon,
	-5	(seque	Sari Nacio Statu 143 Feastury Bepatrant el Unas Consistement, Cost. el Felorgana Reun Na, 192, Ostava, 18 Reo Felorgana Sanstaria, Ingerstata, Scial 2 Felorgana Sanstaria, Ingerstata, Scial 2 Fender 2016 Sari, Fac Reo 2016 Scial Ender printeg, Facalizaturgana garelo,
	<b>.</b>	500A	Cuis Les Rangin, LLS Procipil Section Utime Downlapment Department, Cont of Female Cuis Section 4. Capital Complex (Mail Figure Class Apartide 19900) Les 035-011 2010, 129200, Fact frond, Storagin, 2019 Alexan,
	-12	Cta Pasan	Shri Katal Singkat 103 Nicolad Secretary Ibaning and Uban Neurong Ubanitiment, Dont of Ubar Present Soam Na. 28, Baye Sharon, Secretarian, Lookow 22551 Lasinea - 22503, UP Lasinea - 22503, UP Lasinea - 22503, UP
	a,	Unanarood	Sni Anii Stepi, 153 Sentar Daumen al Hauby, Con el Uspenero (d. Schnich Raud, They Baby, Uspithard Sentate Debratar - 2000) Teb 015271 1127 Fac of 15271 2015 End Ender, Endergen (Schleiber, Santas)
	2	Utinitiand	Sent Ruchala Jia, IAS Senteny Utan Desiagemen Department, Cost, pl Umainund 10, Satowa Raad Utah Bulding, Utahuman Sentenia Datradon – 2+800) Tel (1932/1147, Fac (1):527/2006 Enult, Diversight Jung)erd Satokon,
	-15.	West Borga	Shri Khuli Ahmed, LAS Sentiar Desentar Hours, Cost of Was Borgd H. S. Subing Boot, A. Reprinto 12 In Prov. I. S. Ru, Road Kokas, 100001 Hel COS 2025/10, Exc. 013-223-17009 Errall prove Proving,SQCrCch.

-23 -

1Å

G NO.2

## O-17034/18/2009-H/EFS -3015877 Government of India Ministry of Housing & Urban Poverty Alleviation (Housing Section)

Room No. 220, C Wing NirmanBhawan, New Delhi – 110 011 Dated: September\_5<sup>20</sup>, 2017

То

Principal Secretary / Secretary of all States (except the UTs without legislature viz., Andaman & Nicobar Islands; Chandigarh; Dadra & Nagar Haveli; Daman & Diu; and Lakshadweep and the UT of Delhi).

Subject: Recommendation of the Parliamentary Committee on Subordinate Legislation on the Rules / Regulations framed under the Real Estate Act (Regulation and Development) Act, 2016 – regarding.

Sir.

I am directed to refer to the Recommendation No. 3 "Dilution of Rules by various States/UTs" under the 21st Report of the Parliamentary Committee on Sub-ordinate Legislation on Rules/Regulations under the Real Estate Act, 2016 which is as follows:

"The Committee note that RERA, 2016 has an overriding effect on conflicting laws being made by some States by virtue of entries 6 & 7 under the Concurrent list of the Seventh Schedule of the Constitution of India and therefore, as per the proviso to Article 254(2) of the Constitution of India, the Central Government has the power to amend, vary, repeat any State law which has previously received Presidential assent. On this basis the Ministry has repealed the Maharashtra Housing (Regulation & Development) Act, 2012. The Committee, however, note with concern that rules notified by some of the States are not in consonance with the spirit of the Act and have resulted in the dilution of the effectiveness of the Act while observing that such works have been skewed in favour of builders hurting consumer interests particularly in areas like definition of ongoing projects, penalties for non-compliance with the Act and dealing with structural defects etc. In this context, the Ministry have informed the Committee that they have taken up the matter with the concerned States during the National Consultation held with all the States/UTs on 17th January, 2017 and during the Regional Consultation (East and North East) on 27th March, 2017 to adhere to the letter and spirit of the Act. In addition, letters have also been written by the Ministry, at various levels, to the States/UTs requesting them to adhere to the letter and spirit of the Act. The Committee are distressed to note that the Ministry have not clearly spelt out the ways and means in this regard. The Committee while recognizing that each State have their respective development laws, sanctioning procedures, and other land related unique issues, recommend

24-

that the Ministry of Urban Poverty Alleviation should strictly instruct the States to either amend their Rules or re-notify them in line with the letter and spirit of the Act. The Committee may also be apprised of the action taken on this recommendation as this legislation is going to have a great impact on Real Estate Sector."

2 In view of the above, it is requested to kindly modify the Rules, if required, to bring the same in conformity with the letter and spirit of the Real Estate (Regulation and Development) Act, 2016. A copy of the Report of the Committee is available the Committee website http://164.100.47.194/Lok on uabha/Committee/reports also URL and nc the http://mhupa.gov.in/writereaddata/Report of COSL(LS) 10 08 17.pdf.

25.

Yours faithfully,

2:1-1-

(Sailesh Jogiani) Under Secretary (Housing) Tel: 2306 2252, Fax: 2306 1018 Email: housingministry@gmail.com

1, 20	Suite Andra Padah	hai Kenti a Durde, IAS
13	1. Sec. 1. 200 all 1	Secretary Housing Department, Cast of Antonia Products
	1	Sa Book Cround Poor.
		Aluen Na 191 , A P Secretaria D'Ere, Villegique Nysional - San 322
		(st.03022115196, / sc.042311251)
		End anashperityral an
2	Ardra Pinica	Stal & Kunkut Vidaven, 125
1		fitning Sectory
		Quality Astronomics in a Latter On-size rest. Cost. of Andre Priceton Induing No. 2, Patron No. 1 (2).
		AP Surdevide Veteral
	1	Garan (Salain - 1207)3 Tar (2015-2012) 1 Fac (2013-2-23) 5
		ing unit for spontally radius ( units ( units)
		EAST SK LZA IAS
	Avvice Andreh	Searchery Land Management
	1	Unian Development C-ont, Cont & Municipal Provision Januaritat Present Cold Sect.
S.	1	Sock No. 1, Konstan-75111
10	1	Vunatha Protesh Tat (2006) (2012) (2012), Fag (200-121) (67/2013)
	1	Enut Water Richard an
	13547	Dur W G V X Shuse IAT
5	4564T	Additional Chief Secretary
		Union Development Department, Cont. # Assess 9 - Book, Jog Acor, Assam Che Fernitanas
		George Guardia - P31005
		7 (x) (3)(2) (2)(2)(2)(3)(3) (3)(3)(3)(3)(3)(3)(3)(3)(3)(3)(3)(3)(3)(
1	344	i Bhí Chubanya Prasid, 145 Pánajad Seantain
		Unum Development & Housen; Creativer's Cent & 3-W
		When Showing Baley Road
		Ster Samstaria, Pana - 2001) 1 a. 6513-221 230, Fac 6512-2217:12
		Enst utersen of Brief.
1	1 Ine	(bri #K Toph, W3
21	Parts -	And Exercise (REPA)
	1	Unan Device rest 5 Hauser General and State
		Yes iscretaria, Patris - 500015
		(~ 01)/21(110) f 10 (5)/21(10)/22(10)/ [mail: 10:2000/03/2001 (00).
	Creation	jan krun Singn, 185 Arigin Samlay
		maning and Environment Operations, Cost, of Challegam
		Rosen (Ag, S = 1), New Varturitzys Refer = (7201), Chraningach
		1 g off 1-2221111, 7-20711111, 7-0, 0771-222123
		Brut anarume singligger in
3	Creater	Tari 8 Bajandre Kunsar, 143
	a statement of the	Spotial Secretary Heating and Environment Department, Cost, of Chalingum
2		Rams No. 5- 23, New Martinley's
	1	Reipst = 492002, Orthodogram Feb 0771-2221-022, Fact 0771-2221-04
		Small and security of Some in west strategies in
1	54	Dut and Singh 145
		Santary Kashg Dyamuri, Cost, d'Gau
		Sectorial Actives, Particip
		Peru), Got - 42502 Ter 0402 2415-23, Fax 0502-3-16201
	1	in and the set in the second of the second o
18		Dri zakani Puri iAS
10	Q-HE.K	Principal Sampler
		Upon Devicones & Unon House, Onsether 4, Got. 3 Gd/# 5
		Block Na, 14, Thi Abar Here Sachivelaya, Gandhanagar - 302940
		14:079-2125:001, Fac 079-23251025, 23251245
	and the second second	Eines server Striken lan se
11.	Crittat .	Stat C, V Son, IAS
		Secretary Housing Department, Construment of General
		Block Mai, 14, 3th Power
		New Sactivalays, Garchingar (182010) Tel: 019-21850027, Fax: 075-21251037
		fruit um tri-otian Broden Land.
12.	Bayan	Shri Shuhund Walgad, 125
16	Sector 7	Placing Secretary
		Department of Maximg Cont. of Mergana Races No. 607, Sm Plan
		New Harvers Ch4 Sectorizated, Sector - 1/
		Chardgon - (20017 T# 0172271109), Fac
		Englisher and the second se
13.	Patylina	Stori Anton Kumute Gopila, 143
13.		Principal Secretary
		found Causing Pranting and USUN Soldies, Good of Nanyana Raise Na 622, 557 7007
		Rew Harpana Gk9 Septemat, Spate - 17
		Chardigen - 10001 Tet 0172 27 (1054, Fac 0172-277) 257, 254400
		Enzi parteryosi (Bonstan)
14	Pittand Project	ter, Kanduka Kanduk (+3
2.	A DAY OF A DAY OF A	Ants, Chiel Secretary UD, receiving & ICP, Case, of Household Products
		Ream rea, 103 tot loor
		Anadale Building, Shinka
		Tet: 0177 202195, Fax Baset unacy togethe by house group togethe in
		A construction of the second
11	, Hright Pastin	Stat Area Kaner Gray, U.S Primiz Santter
		UD, Hoarty 5 TOY, Got, of Herachal Protoch
		HP Sanctaria Sainta - 17:072
		Tat: 0177-3521195, Fax: 0177-3521154 Email: utsar-po@vic.in.

1.

CONTRACTOR OF

18	2 Perford	Shi Alar Kama Singh, IAS Produk Searchar Utan Deshaparat Dahattarat Gat of Junhana HED Projet Baking Raami Katili, Shifari Chanza, Raami Tai CSI 420068 Fac 0051-20060.81 Enell us seargigeneikana,	
ν.	Cymrifia	Shif laphasa dag LAS AdSigna Cold Samalay UCan Bentganan Gapannat, Con of Caragan Room No. 125, tan Ann, Mada Santa Bangara, Sabal Bangara, S	
16	(enutio	His Acques Parez, MAS Secretary to Constructing (MLIGA) USAN Devisionment Demathicus, Don, of Kanadaka Pourn Ha, 134, 53 Floor, Wass Societar, G.S. 93 Approximum Posed Early Societary Societary Posed Early Societary (2015)/12, Fac USA 222(203) 15 Strail: Secretary MARA, 190 P.	
12.	Cannetsia -	Er Rapi Mohm, U. S Produz Sorteary Bolannias al facilità d'act. S'Anneteca Santazza Construet Sociatula Lagitudez di Santa Jangaleu - Silo di Pata Socia, Jangaleu - Silo di Pata Socia, Jangaleu - Silo di Pata Socia, Jangaleu - Silo di Pata Socia (2015), J. E. 2015), J. E. 200 20251713 Enut. Sociato Blanetaria, par le, provesting Blanet son	
9	(va)	Staf I K Jose, 143 Process Summary 130 I GUG-Generation I Banks Ison Na 1935, IST Par Perturbationes of Proce Perturbations of Proce Process States (1990) The States (1998) Frank States (1990) Intel States (1998) Frank States (1990) Intel States (1998) Frank States (1991)	
и.	Vety Produ	Shi Uglay Santanciane, IAS Partipad Jerantany Manazari Concentrati Opuntanen, Gasi, al Mattey Preside R. Ne. 127, Martitago, Nata Santan Inny 1908, Jergan - KSNGJ Fulg Ji Ji Ji Santa, Fac Offic Striptics Santa zanadaria-Jjarah yan In.	
<u>p.</u>	ารราก	San Banjar Kamar, US Add. Child Samaan Rocking Gegathere (San St Manananan Main Balaya, US Fase, Manananan Main Balaya, Ban, Talama Rajara Chesk Manana - 2002) Manana - 2002 Manana - 2002 Manana Manana - 2002 Manana - 2002 Man	
n.	CANISTS	Inti Sarday Singh, UAS Pringhal Kenstary Dinan Contourned Dipartment, Cont. of Waharantus Warring, Takaton Kana, Read. Met Pour, Ra Court Hazania Creak. Warring ACOMP. Tel: 023-025-025-025-12, Fac. 023-027-025-023 Feet Dist. Tel: 93550/20165-12, Fac. 023-027-025-023 Feet Dist. Tel: 93550/20165-12, Fac. 023-027-025-023 Feet Dist. Tel: 93550/20165-12, Fac. 023-027-025-023	
14,	2.etjar	Bull & K.Congus Singh, 183 Carministing Cogn, Of Marieta Astrificitizes, Pauling & Litan Conserver, Conn el Vanas Del Santaria Carries, Sant Buck Impola - 19500 Tel Cozz, 216507, 244385, Fac 0255-245061 Email: Neined/200555744 Day, argunal Litan	
В,	United and a second sec	Ur. Shreeringin, AS ALL Crief Services Uran Alars & Haning, Con & Uregulays Addition San attain Badring Roam No. 294, Sharey / 2001 19: 0344-521231, 12/KH29, ac 0364-222002 Endd Varantingingingingi L. 255 Prog. 2004 Endd Varantingingingi L. 255 Prog. 2004 Endd Varantingingi L. 255 Prog. 2004 Endd Varantingi L.	
	Gerra	Dr, E V salarasmacqu, IE3 Senatury Urban Development & Powary Maximum Department, Dark Lithicaston Avera Z, 2017 Joor, Roam Na. 201 Here Senaturia Correlan Report Front Correlan Report Front Internet Report Science (2011) 12, Face Science 2010 - 2020/17 Email: utberidsmine@prul.com, unspreme@prul.com	
17,	Slagsland	Stori Monethol Jehn Sectionary Water Department, Dest of Registerio When Development Department Nagland Cal Sectionated Reference J Titot Reference J Titot Reference J Titot Reference J Titot J Titot	
23	Dévy	Shri O Moto Yalanma, U.S. Cornivisioner can Secolary Historing and Utam Devolution 7 Desativest, Cost of Delvis He Poor, Sale Secretaria, Annua & Shekwenar - 151001 Her 1011 - 52000 (D) 2012 (FABR), (621-229/1622 (Here), Fac, 637+229-064 (Fac, 637+2590/1) Email: Authoring Spikely.	
21.	Pedatery	Shif P Jornhar, INS Sear Jury Department of Housing, Gost, of Pedachemy Oriel Sear Eluda, Seach Road Posthery - 47500 Tel: 013 7 (20-40), 202-00, Fac Email: Sanjed porgheist,	
Đ,	Arjo	Sni, Vid Habajin 163 Ads, Crid Secretary Organizand of Hump Development, Gon, of Purple Ream No. 201, Second Foot, 18/UA Brown, Scotor = R Network: Scotor = R Network: Scotor = R Int. 0177-2215522, 21 (1800, 2141/11, Fac. 01/7-591552) Enal. 263-26320; 363, oct. and 2620an/do govin	

-27-

. .

المحاجر بتنابية ال

z i

Ъ	Agarus	Shi Hukash Shanna, MS Adalowa Eriki Samaayi and Charman, BruRÉCCO Rom (Na201), Man Budan, 2nd Pos Adam 2016 (Refeature) Tal Del (2017), Eng Del (2017) Tal Del (2017), Eng Del (2017) Eng), duda (Baradan), an ant Brugashan par n
12	Sol,-m	E.G.C.C.F.Smella Principal Cirild Experience Commission of Solari UD & Handrig Department, Commission of Solari Net-Stat, Pages Stations Road, Actoury Complete JST 103 Far 1923, 2021, 5, 2012 No. Fac 20317, 20041 Far 1923, 2021, 5, 2012 No. Fac 20317, 20041 Farat, unspection Song
12	Tend Radu	He, Dizmennina Protop Traine, US Jamitary Housing and Joran Development Department, Cont. of Lend Hadd Sof Poor, Hamadolf Apple Madge B, Cong Fort, Jamitaria Chema (Eme Naca), - 32000 Centa (Eme Naca), - 32000 (et dos. 2807.0315, Face data, 5557) (97) Strain Tunig Songer Pa
¥	Térana	Un China Alumchandren, 143 [34] Chia Sterndary Huang Ogeneration (China di Harepeu A. Base, Rasen Ma. 105, Chanad Rase f Angura Sternand, Jone and J. 201922 [7] at 202, 15:25:25:13:21.31.2, in 2016;21:21:21 [7] at 202, 15:25:21:21:31.2, in 2016;21:21:21:21 [7] at 202, 15:25:21:21:31.2, in 2016;21:21:21:21;21:21:21:21:21:21:21:21:21:21:21:21:21:2
S	ida-çea	Bat Waria Mittal, IA3 Bat tatain Deserver of Utan Devicement, Dari of Falepara Romania, 192, D-Bate, NC Paor Falepara Sandaha, Informati - MOZZ Fale duk, Pristof, Ana Caba Dali Kirolo Enal etitery, NeurSpherepara device
54	- 1744 C	Tari (JK Azerjan, M3 Avening Kanatay Unan Bendangan Desartreta Gen, til Ataun Gel Santaka Gelti Garriso (Mal Anara dan Aparia 1990) An Call 21 (11) (12) (20)(0), Pac Enul Versalan gögmal.com
¥.	יואסלאאר	Birl Hubel English, ULB Product Freedow Standing and Utsan Rearing Dissettion: Cont. of New Process Porm No. 151, 2000 Standin Territories, Loborov-19500 Ludrener, 19600, UP Ter 2021 (2011 St. Fac. Standing
<u>u</u>	Ullationed	Ind Arth Nergi, MS Bergary Concerned at Hearing, Cont. of Nontecons 13, Subweb Road, New Bolding, Jossificand Submarka Derestion – NADOL Derestion – NADOL Derestion – NADOL Fill (2013) 2711-32, Fac S135-2713775 Strikt Simologian Bigmanikan, submarkan Bigmanikan
<u> </u>	Versione	Sing, Restman, July (12) Section Uses Development Description, Cost, pl Virtualised 13, Space Rand User Backing, Workshord Sections Optimizer – 24000 To: 01822/11412, Fac 0136 (211895) Singli Selverskips (profite Sections)
=3,	Wat Jorg <i>u</i>	Stai Multi Ahmed, UAS Searchay Oppatrianti al Hauting, Coxi, al West Barcul N. S. Butting, Boot, -A, Raom Ha, 12 Yul Fare, 1: S. S Agent Ha, 12 Galau, Fridon Galau, Fridon Tel: 013 22575770, Far, 023-223-223-223-

4

-28-

4 I

12 14

.....

Government of India Ministry of Housing & Urban Poverty Alleviation (Housing Section)

> Room No. 220, C Wing NirmanBhawan, New Delhi – 110 011 Dated: September 05, 2017

10

edine IV

cleareby 7

Principal Secretary / Secretary of all States / UTs (List attached).

Subject: Recommendation of the Parliamentary Committee on Subordinate Legislation on the Rules / Regulations framed under the Roal Estate Act (Regulation and Development) Act, 2016 – regarding.

Sir,

I am directed to refer to the Recommendation No. 5 "Registration of ongoing projects" under the 21st Report of the Parliamentary Committee on Subordinate Legislation on Rules/Regulations under the Real Estate Act, 2016, which provides as follows:

"The Committee note that in terms of section 3 (1) of the RERA Act, the ongoing and under construction projects are required to be registered with the Authority and are thereby supposed to come under the regulator's ambit. It has been clearly specified therein that the promoters of all those projects. which have not received the completion certificate prior to the commencement of the Act should also come under the purview of the Act and they shall get the project registered with the regulatory authority of the State within three months from the date of commencement of Act making it amply clear that all under construction projects are needed to be registered. In this context, the Committee feel perturbed from the frequently appearing reports in the media that in some States particularly in Uttar Pradesh, Haryana and Gujarat, the same is not being adhered to and the developers/builders are resorting to taking partial completion certificates and handing over the flats to the applicants without fulfilling the obligatory requirement of handing over the flats in complete shape. According to the media reports, Haryana and Uttar Pradesh's RERA Rules have saved a majority of the ongoing real estate projects in NCR outside the ambit of real estate law as these States have excluded ongoing projects from registration. Similarly, in Gurugram, a large number of flats under various stages of construction or completion, have either received occupancy certificate or have received part-completion (unoccupancy on paper). This is resulting in home buyers getting delayed possession of their flats because of the violation of main Act by these States. Further, there is a tendency among builders/developers to develop a specific society or project in phases resulting in buyers getting entrapped in the deal, though RERA Act very clearly says that where the real estate project is to be developed in phases, every such phase shall be considered a standalone real

estate project, and the promoter shall obtain registration under this Act for each phase separately.

In the opinion of the Committee the builder/developer is supposed to give possession of the flat only after completion of all facilities like finishing work. water supply, sewerage disposal, electricity, installation of generators, operational lifts and common entry-exit areas etc. The Committee feel that these essential requirements cannot be overridden by resorting to the practice of part-completion certificate as the same tantamount to violation of RERA Act and also serves as an escape route to the builder/developer from fulfilling the requirement of registration besides resulting in enormous mental agony and financial hardship to the buyers who had invested their hard earned money for a living. The Committee feel such kind of malpractices should not go unchecked as the purpose of establishing a RERA act will only be served if it is implemented in its entirety by all the stakeholders. The Committee. therefore, strongly recommend that the Government must take all possible remedial measures for ensuring all such ongoing projects are registered and executed under the provisions of RERA Act in order to extend the stipulated benefits to the home buyers under the RERA. The Committee further recommend that the provisions of the RERA Act should be uniformly applicable all across the country and any flouting of norms is to be severely dealt with under the penal provisions of the RERA Act for ensuring that the developers and the builders timely complete the project in all respects and hand over possession of flats/plots to home buyers and saving them from mental agony, harassment, cost overrun atc. at the hands of the builders/ developers. In this context, the Committee desire that the Ministry may also ask the States to amend / formulate their Rules by including the definition of 'ongoing projects' for doing away with any kind of ambiguity."

2. In view of the above, it is stated that clause (b) of sub-section (2) of section 3 of the Real Estate Act, 2017, clearly provides that only those projects which have received completion certificate prior to commencement of the Act (i.e. 1<sup>st</sup> May, 2017) would be out of the ambit of the Act. It is requested to define "Ongoing Projects' in the State/UT Rules, within the contours provided in the said section of the Act. A copy of the Report of the Committee is available on the Committee website http://164.100.47.194/Lok sabha/Committee/reports and also on the URL http://mhupa.gov.in/writereaddata/Report\_of\_COSL(LS)\_10\_08\_17.pdf.

30.

Yours faithfully.

2mil1

(Sailesh Jogiani) Under Secretary (Housing) Tel: 2306 2252, Fax: 2306 1018 Email: housingministry@gmail.com

	Auderan Lifeann	SMS SC LON, IAS Philopal Seculary Usan Development Department, A 5 IS Administration Administration Seculary, Provide: 2011 Tel: 2013;220306, Fag. 2019;17,20195 Ernell Userwitz and State K.		
1	גיאריל איז	End Konital Dialogue L Bartikovia Dialogue L Bartikovi Bartakovi Dautona L Danit d Antona Protocon Bartako Laura Peter Laura China, Vidanpaud Ingeleska - 500 002 Fatt Sala J Haltoko Fata debu J Haltoka Endi antoningeken (Byradi dan,		
3	Antha Priasa	Stef & Kulkal Valence, IAS Principal Sampley Marking & Amberganous & Jopan Geneticonnett, Dan, et Antonia Papeah Baldon Kul, Papar Nel 19, A P Samutarian Verganot Danar David - 520204 Tea (2623) (49) (11, Fait 2623) (49) (5 Energi Sample Sample Sample Sample Sample Sample Sample		i
r	Annath & Priseds	Text 8.4 July, 153 Sectory Land Management Uranum Analysis (Sect. 2004) of Analysis (Pristan Uranum Analysis (Sect. 2004) of Analysis (Pristan Uranum Analysis (Sect. 2004) of Analysis (Pristan Uranum Analysis (Pristan) Sect. 2005 (2012) (2012) (Pristan) Sect. 2014 (2014) (2014) Sect. 2014 (2014) (2014)		
	1005	SACAL O V K BALING MAS National Chief Sections Unan Development Occuments, Cont of Assum O - Socy, Ver Poor, Salans Chief Sacridiana Capar, Daviero J - Filiolo Capar, Daviero J - Filiolo Fig. 936 - 2217 ES, File Cold 22 M 214 Sock J - Capartopologium and Ram.		
i	3.54	Shi Dhatanya Arana, (AS Philipia Sachary Gan Dhatangang A Housing Gesatimen, Goot, I Joan Walan, Dunan, Batty Pland Her Hensing, Ama - BODTS Fed Shizh TSS, Fac Shightan Shakutamsa Shightan,		and and an of
,	194	Def NK Tangh (185 183 Leverary)(2573) Web Development I Imaning Department, Cont. 9 Binar Water Somanda, Para + 20015 New Somanda, Para + 20015 Card (2012)(2016), and 2011-2012)(2015) South Paratarahan)(gond ann,		
1	Dedjan	Shel K.K. Jackal, M.S. Jacobian Unan Development & Polosing, Chardigan Astronomican Room No. 113, 157 Four Odate Shelman (UT Secretaria) Sector 30 Chardigan (SCO) 14, do 112, 2100, Factor (12, 21, 2008);21 (CD)/ Small Useda Shelman, Instant/Byrnak com		
7	Souther	the Anue Bergh, ISS Pricipal Scottary Proving an Deversion Separative Cost, of Character Journia, S. 11, New Gardiage Rabus 45201, Character Ind Character J. Character Ind Character J. Character Ind Character J. Character Ind Scott 42, Character J. Character Ind Scott 42, Character J. Character Ind Scott 42, Character J.		
×	Cristian	Tari H Bajapán Koner, 183 Spont Sarákey Housay ar Gharman Depennent, East, a' Gruppyan Japan Ka, S 23, Ner Maraniaga Japan - 17002: Crimatogan Fair 077 - 1202 IZC, Fair 077 - 1202 ISB Enak an-rousing ng Broch, unionghringh	- Mark ( dan sera da da	
n	0 i NHenej	60, 3 5 Graph, D.S. Seweing (Nazaing 1.10) Handra (J. Unaza B. Bartagman, D. L.H. Handi Farmmantan Of al Data 2 Hayar Handi, Samtada, Shaasa Jarta Samtada, Shaasa Jarta I da Uka Jarta (J. 1274/11) Santa (J. Arm 402) at Jaco (Jato 1260) 2011, 12,211/11 Santa (J. Arm 402) at Jaco (Jato 1260) 2011, 12,211/11	, tenne dana	
ii.	046	snit Radje Vaduranski, US Sratsan Učan Dradogneni Dipatmen, Governijski di ACT ol Gala CAVag Snitevat Gala Sportalisti, Dahi - 11000 Tab Oli - 233725292339300, Fac 011-2357157 Enet predzijski A		
13	Dell .	Shri A, Antuerno, IAS Principal Secretary Land and Guiding Department, Guin, of NGT of Dent B Stock, Vans Bransm. If B State, Vans Bransm. If B State, New Carti - 1 (2002) Teo (bit : 2003/1485; Sec. 001 - 720/0015 Email: buildingtere022) Symol.com		
H.	Dea .	Sari B.R. Singh, 132 Secretary Hazaray Dasazaran, Cool of Cos Sanasala Mangae, Powaria Pandi, Gan – 1933 Ing (2017) antibutta, Jang (2017) (1937) Ing (2017) antibutta, Jang (2017) (1937) Email: sanyais sarihiy poglimicin, ca-sani, panginan in	1	
15	Curral	Shi Buanga Panj US Principi Senteny Udan Devlopment & Udan Haveng Department, Gast, of Genet Sock An, K. Shi Face New Sachridge, Gand Berger – 32008 Ted 09520500, Face Ber2425405, 23557336 Emil: Soc.Sachggjeridgenin,		
15,	Gjatt	Shif C.Y. Sen, U.S. Sonsay Huadra Department, Government of Capata Beckhai, I., Sin Floor Hare Sadrivärya, Carretininger 0,22010 Tet 01552251020, Face 014-21251003 Ends see this standigg july givin		

•

ł.

-31-

er s

	Murana	Shell Shell an Wally of, US Product Secondary Department of Naturing Case of Harpsho Recomps 501, 51 Part Hen Ranyau Coll Societand, Societ IV Davedy and ISO017 The UTION FAC Email polyaming Signed Tank
з.	Начуна	Stafi Anin Namar Geyte, NF Principal Spearing, and Emain Educati, Eliza di Nangara Rigan (a. 122, San Paur Nga Kangan, (1801) Changan, (1801) Fall, Olif 2011 (alg. Fall di 12. 2011 (2011) Fall Olifon, Fall di 12. 2011 (2011) Fall Digital (2011) Sing 2 pagalangan (1801) Sing 2 pagalangan (1801)
-1	House Serves	Her, Maniche Hande, U.S. Lad, Oriel Sombar 100, Nachro & Her, Cool, al Schwarze Pressus Roman co, 103 1 a Jaco Armitale Juliary, Shini I Taz 2017, 522115, Fast Ereck, unsery conference, Nacional Sciences
3	Nound Protein	Skyl Anus Kamar Vinge, 143 Principal Sensing UD, Proving J. 127, 500, 90 Strawna Prakow HP Sensitian Sensia – 11:102 (and 917-521145, Fac 91/7 Vitt 154 Erwit unter op.Brin n.
B.	SAURC	Shel Alay Kamar Saya, 143 Partigla Fernany Wean Development Sciences, Soci, El Joanna 1633 Robel Society, Roya, Nami Spara, Romi Robel States, 2000, 2010 Robel States, 2000, 2010 Robel States, 2000, 2010 States, 2010, 2010, 2010 States, 2010, 2010, 2010 States, 2010, 2010, 2010, 2010 States, 2010, 20
2	Kamdura	tań Santistre Link (AT Radiona Bertanian Uras Dentanian Charman, Cont. A Karatan Rapara – Karat Jangara – Karat Ta (ST 1955) 10 (Stat. (Karatan Ta (ST 1955) 10 (Stat. (Karatan Enek karatanian Janatan
n	Carracita	No Anjura Pareza (A. Sectory o Government, (M. 12) Urgan Revisioned Organizer, (M. 2014) Rosolina, CA, Kin Paur, Villa Statura, O, Y. & America Rosel Langton - 16000 Tel, 200 (2015) 7, Jun 100 (2017) Tel, 200 (2015) 7, Jun 100 (2017) Tel, 200 (2015) 7, Jun 100 (2017)
14. ,	Cancola	36 Kepi Mahar, LA, S Progat Barwar Department of Income, Dan & Agenetica Generation Development Formations Saminatra B, No. 113, Front Washi Southa, Bergalan – 652 201 Yang Southa, Bergalan – 652 201 Tag an Agenetica, 2019 307, San 6369 F2050/16 Banda per Nanding Research of the Pathwaring Systematics
	Source	Shif TK Joog LLS Polytic Boonlary LSD S LSD Department, Social of Goale Soom Hall RDD, No Poly Samatafic Aview This wave appropriate Strict This wave appropriate Strict This wave appropriate Strict This Science Strict Strict Strict Strict Strict Strict Strict Polytics (Science Strict Strict Strict Strict Strict Ender Polytics (Science Strict S
8	20 - 40 AU	ອີກກ່ Anthok Kanad, 185 Sarstay 10, Houang and Phil, Sont of Lowinsternet Barmana di 1 of Lawrence of Renting 6 Statemen Orest, J Kanania Marchi, 182255 Fay, 04255 202256, 192265, 20160 ຊີກແຊ້ Scattering, ກາວເປັນເຮັ້ງ, 1964 ປີກ
P.	עערק קיצעין	Stef Balay Sheimatana, 165 Principal Jamilan Hannya I Smitheren Organizeri, Ugat, al Masteys Presson R. No. 327, Marringa, Han Lague Sharena, Arra Mai, Barana - 42003 Tak of 82, 1950001, Fac of 95 3572145 Enail mandamu@ron1.000 5.7
15	12/1410/03	This Early Kuran, US A.S. Crief Secretary Heading Department, Conf. of Mathematica Units Dakling, Schloss (Mathematica Unitsei - 2000) Mandei - 20002 Tab 02-2020/00, Part 02/2004/2001 Early and Early Strateging (Mathematica)
в	(Lef-arabé)	Eld Langy Singh, 1-55 Principal Sections ( Unan Developmer, Organizer, Coor, el Valenzarion Barnybay), Mader Bane Band, Sections, Raj Coor Hutoria Chevel, Marchai 40002 Tel 022 2020/25/52/2020/410, Face 022-22025828 Emait ver Jouanegimmentales por in,
1	Vanjur	Shi R K Dinesh Singh IAS Carrabatawa Dopt Of Manisha Administrati, Howing & Uttan Developmen, Gon, of Menjour Del Samtala Carolina, Sauta Back Ingale, 19500 Her 0955 245570, 2445225, Sup DES-2455281 Ensit Adman/2005/Datatan, wapane0525285.00
1.	ucyalaya	Dr. Sweenaljan, U.S. Add., Crail Seculary Upper Allain & Hausing Cook of Kegnalaya Additoru Seculari Saddiny ' Recordin, 704, Salaung 192301 Het. Olis-2022021, 2235322, Fec USA-2201202 Email: direction and the Salau 2201202 Email: direction and the Salau 2201202

-32-

3

١.

		Sentay Utan Designen I. Pavety Atonizon Distairmen, Gasi & Masten Arvas J. Jog Pala Roomita. 201 New Seat Left Cartola Utani (Hill) Fait (1953) 275799, 1521421, Fait (1925-1922). Fait (1953) 275799, 1521421, Fait (1925-1922). Fait Lausenborg Synakton, surgenes a Synakton
ц	ilaşılınd	Ind Hervited John Jacritary Workbox Main Sepanner, Cost, et Nappland Signa Devicement Desathean Hagdard CM Secretaria Costan - CR (CM Ind. SIZ 2213 HALF AC Ernet.
4	SER.	land B Statef V Alt mult, 143 Cammalane An Farstuny Hausing and United Demokater Objectivet, Bank, al Colora 1 a Flan, Sale Sectorial, Arnole 3 Probleman / Fland Color (FF) Altabation (Color 44, 1973), Imana Flan, 1374-532-534 (Funt, 1574-532), Fland En al Instance Spiceh,
3	A.Q.(#4)7	SUCH January, US Security of Practica, Cost, of Pratachely Definition of Practica, Security 2000 Definition of Such Para Pathology - SUCH Factory - SUCH Factory - SUCH Factory - SUCH Security - Such Pathols, Flatter, Fac Security Such Pathols, Flatter, Fac
35	Ada	Let, Vin Buhajan 14.5 Nat, Child Sensary Desarter di Anazang uni Linen O secolationa. Desi al Panjan Nana Metalia Secolari Anaz Ataba Secolari Secolari A Madei 160-02 Feb 2017;2015(38), (Fallippi, 2017), Feb 2017-1531(201 Feb 2017);2015(38), (Fallippi, 2017), Feb 2017-1531(201
v	Beacher	Shif Maketh Shama, Ma Vadora Ethio Sheniany Wang Okenegamet K Sucaray on Dhaman, AALAEDOD Anna Na 2011, Mah Labding, Ind Fou Jean Na 2011, Mah Labding, Ind Fou Jean (1997), Zhang Hui (2017) Fou Shi (2017), Ang Hui (2017) Shift, Saudh Shara tan, Ka Lata Shift ang Pan A
и	jiin.	ier of 7 Anala Analan Chuid Engelett Ium Scottany 1931 (Houng Department Guidenting) (Silican 1961) (A. 2009 Station Raid, Araung Gargala/17/10) 16 to 3557-20178, 20110, 7 at 2510-25503 (Januar Laten Manggarial con-
<u>u</u>	Tanê Nêze	Ni, On amendas Fortas Fortas (183 Bantary materija az lutan Do estaplent Deplaturen, Dati al 1 and 1 an 201 Fort, Naradad Katay Malga 21, Darp Stat, Bantaria Denta (Tan Mala) - 1800 19 1 av 101. ješta (18 an 19-1-1801 1876 Estat nan@magna.
ų	Teangura	Nen Christ Annolusion, N.S. Est Christ Senten; Mapping Ogenetics, Est, S. Februaria 4. Boo, Roberto, Holl Christer Roo 7. dergen: Esterbale: Hydroxest - K0002 File enabytefanist(2):460-341, File Challes Estat: Estatefanist(2):460-341, File Challes Estat: Estatefanist(2):460-341, File Challes
8	Talançara	Ref Nacho Kolaut, IAS Lecture Desarrent al Junian Development, Gave, al Eslandonu, Room Nac 252, Dillowi, Taji Papa Falangan Bermand, Taji Davide - SanO22 Fali papa (Jananig Talania - SanO22
12	- Non	Stal ( ok Aunjan, US Nicipial Sentany Usan Development Opportunity, Cont of Frence Cold Sentandor, Opportunity, Francisco, Opportunity, Statuto, France Smalt Sciencien, Afgenetican,
23	Utor Produce	Set Mobul Stagad, US Privada Sectory Randig and Utam Planeng Desartness, Cost of Utar Profess Parameters, 193, Bass Deven Sectorization, Lothers, 2500 Losinger - 2550 UP Tel: 0523-227151, Fac
щ.	Umartik and	Shri Avril Heyi, US Sarray Degarpane of Nounce, God, ef USrathand Re- Daving, Urahland Sarciana Hew Daving, Urahland Sarciana Dermatin - 20200 Feb (USS-201102), Fac (US-2011076 Enab animpi par@grad.tam, paardingi @grad.tam
8	Ucasived	Sine, Radinala Jing, IAS Secretary Utime Development, Double of University 18, Exempti Road, Main Building, University September Detractor = 210001 Feb (1952)11614, Fact 0105-2712050 Enact Stores (path Jung)end/Secret
45.	Wet Borgd	Staf Huafi Abaret, IAS Seculary Department of Haasen, Don't of West Berry/ H. S. Subling Brown As 12 14 Four, 1 & S. Rey Raud Robust, 700001 Tet 033 200027 Star 033-233-2800 Envil: prespringering, englise in .

-33-

1.5 55

4

: •••

5

. . . . . . . . . . . .

1.000

111 0.0

# APPENDIX I (Vide Para 3 of the Introduction)

# MINUTES OF THE THIRTEENTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2017-2018)

The Thirteenth sitting of the Committee (2017-18) was held on Monday, the 23<sup>rd</sup> April, 2018 from 1100 hours to 1200 hours in Chairperson's Room No. 146, Parliament House, New Delhi.

## PRESENT

Shri Dilipkumar Mansukhlal Gandhi

**Chairperson** 

#### MEMBERS

- 2. Shri Shyama Charan Gupta
- 3. Shri Janardan Mishra
- 4. Shri Chandulal Sahu
- 5. Shri Alok Sanjar
- 6. Adv. Narendra Keshav Sawaikar

#### SECRETARIAT

1.	Smt Sudesh Luthra		Additional Secretary
2.	Shri Ajay Kumar Garg	i i	Director
З.	Shri Nabin Kumar Jha	24	Additional Director
4.	Smt Jagriti Tewatia	2	Deputy Secretary

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee. The Committee then considered the following draft Reports:-

- Draft Twenty-eighth Report on the Indian Foreign Service (Recruitment, Cadre, Seniority and Promotion) Rules, 1961 framed under Article 309 of the Constitution.
- (ii) Draft Twenty-ninth Action Taken Report on the Observations / Recommendations contained in the 21<sup>st</sup> Report of the Committee on Subordinate Legislation (16<sup>th</sup> Lok Sabha). regarding Rules / Regulations framed under the Real Estate (Regulations and Development) Act, 2016.
- (iii) Draft Thirtieth Action Taken Report on the Observations/ Recommendations contained in the 7<sup>th</sup> Report of the Committee on Subordinate Legislation (16<sup>th</sup> Lok Sabha).

3. After deliberations, the Committee adopted the same without any modification. The Committee also authorized the Chairperson to present the same to the House.

\_\_\_\_

The Committee then adjourned.

# **APPENDIX II**

# (Vide Para 4 of the Introduction)

# ANALYSIS OF THE ACTION TAKEN BY THE GOVERNMENT ON THE OBSERVATIONS/RECOMMENDATIONS CONTAINED IN THE TWENTY FIRST REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION (SIXTEENTH LOK SABHA)

Ć

1	Total number of recommendations:	6
II	Recommendations that have been accepted by the Government [vide recommendations at SI Nos. 1, 2, 3, 4, 5 and 6	
	Percentage of total:	100%
111	Recommendations which the Committee do not desire to pursue in view of Government's replies at SI Nos. Nil	
	Percentage of total:	0%
IV	Recommendations in respect of which replies of the Government have not been accepted by the Committee at SI Nos. Nil]	
	Percentage of total:	0%
۷	Recommendations in respect of which final replies of the Government are still awaited at SI Nos. Nil	
	Percentage of total:	0%

- 36 -