



Rajasthan RERA

Rajasthan Real Estate Regulatory Authority

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C-Scheme, Jaipur-302 005 Phone No.: 0141-2851900
Website: <http://rera.rajasthan.gov.in>

No. F1(31)RJ/RERA/2019/590

Date: 16.03.2022

Minutes of the 11th Meeting of the Authority – 10.03.2022

The 11th meeting of the Rajasthan Real Estate Regulatory Authority was held on 10th March, 2022 at 1.30 PM under the Chairmanship of Shri Nihal Chand Goel, Hon'ble Chairman of the Authority, in his chamber at Udyog Bhawan, Jaipur.

Present:

1. Shri Nihal Chand Goel, Hon'ble Chairman (in Chair)
2. Shri Shailendra K. Agarwal, Hon'ble Member
3. Shri Salvinder Singh Sohata, Hon'ble Member

In attendance:

1. Shri Hari Kumar Godara, Adjudicating Officer
2. Shri Ramesh Chandra Sharma, Registrar
3. Shri Kunthi Lal Jain, Accounts Officer

Agenda-wise discussion held and decisions taken:

Agenda-1 Confirmation of the minutes of 10th Meeting of the Authority held on 30th December, 2021

Decision

11.1 The Minutes of 10th meeting of the Authority were confirmed.

Agenda-2 Registration of Power of Attorney

Decision

11.2.1 The members noted that in the case of plotted development projects where the promoter is not the owner of the project land, the Authority has been accepting, in lieu of a development agreement, Power of Attorney executed by the landowner in favour of the promoter. While this Authority has, vide decision taken in its 4th meeting, made registration of development agreement mandatory, the registration of power of attorney

accepted in lieu of development agreement has still not been made mandatory.

- 11.2.2 Having considered the matter, the Authority decided that, for the purpose of registration of a plotted development project where the promoter is not the owner of the project land, the Authority may, in lieu of a registered development agreement, accept a Power of Attorney duly executed by such owner in favour of the promoter, if and only if such Power of Attorney is registered under the Indian Registration Act, 1908. This decision will be applicable from 1st April, 2022, i.e., on the applications for registration filed from 1st April, 2022 onwards.

Agenda-3 To note order of the Hon'ble Supreme Court passed in Union Bank of India V/s Rajasthan RERA & Ors. on 14th February, 2022

Decision

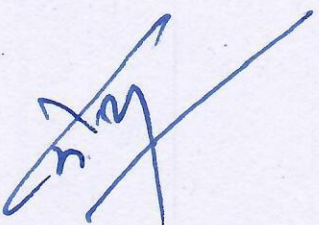
- 11.3 Members took note of the said order.

Agenda-4 Discussion on annual statement of accounts for the year 2020-21

Decision

- 11.4.1 Shri Kunthi Lal Jain, Accounts Officer of the Authority, submitted that annual accounts of the Authority for the year 2020-21 have been prepared in Form-P prescribed under the Rajasthan Real Estate (Regulation and Development) Rules, 2017, with the assistance of the Chartered Accountant firm, M/s Mahaveer Gandhi & Associates, who were engaged for the purpose. He then presented the annual accounts so prepared.

- 11.4.2 The Authority, after due consideration, passed the following resolution:



It was resolved that the compiled and audited annual accounts of the Authority, i.e., Receipts and Payment Account for the year 2020-21, Income and Expenditure Account for the year 2020-21 and Balance Sheet as on 31st March, 2021 be and are hereby received, considered and approved by the Authority.

It was further resolved that the annual accounts so approved and signed in the meeting by the Chairman and both the Members of the Authority will be forwarded by the Registrar of the Authority to the Principal Accountant General, Rajasthan for CAG's audit report thereon.

Agenda-5 Problem of incomplete projects

Decision

11.5 The matter was discussed in detail, particularly in relation to the projects that are stalled or progressing on a slow pace mainly on account of shortage of funds, because the allottees are not paying due instalments, unsold inventory is not getting sold and/or the promoter is unable to mobilise the required funds from SWAMIH Fund or financial institutions.

It was felt that while the Authority is expected to provide appropriate relief to the allottees who have approached it by way of filing a complaint and wish to withdraw from the project, it is also an important objective of the RERA Act and an important duty of this Authority to work towards completion of the incomplete (stalled) projects so that the allottees in general are able to get possession of their allotted units, value sunk in unsold inventory gets unlocked and the claims of the allottees withdrawing from the project and of the lenders can get settled to the maximum possible extent. As and when such cases come up before it, concerned Bench of the Authority may take project-specific decisions, based on facts and circumstances of the case, while keeping in view the larger objective of completion of stalled projects and the larger interest of allottees in the project.

Agenda-6 Any other matter with the permission of Hon'ble Chairman

Additional Agenda-1

Submission of structural drawings for registration of projects (other than plotted development projects)

Decision

11.6.1 In the interest of structural safety of the buildings constructed in registered projects, it was decided that, for registration of

projects other than plotted development projects, it shall be mandatory for the promoter to upload, as part of the online application, the structural drawings, including foundation details, column schedule, retaining wall details, slab and beam structural details, etc., duly sealed and signed by a qualified civil engineer. This decision shall be effective from 1st April, 2022, i.e., for online applications filed from 1st April, 2022 onwards, for registration of projects other than plotted development projects.

Additional Agenda-2

Approval of Authority's Budget for the years 2017-18 to 2022-23

Decision

11.6.2 Members approved the Budget of the Authority for the years 2017-18 to 2022-23, based on actuals for 2017-18, 2018-19, 2019-20 and 2020-21, revised estimates for 2021-22 and estimates for 2022-23. The same was signed in the meeting by the Chairman and both the Members of the Authority.

Additional Agenda-3

Registration of Partnership Firms

Decision

11.6.3 It was resolved that even though registration of a partnership firm with the Registrar of Firms is not compulsory under the Indian Partnership Act, 1932, only such partnership firms shall be allowed to apply for registration of a real estate project under the RERA Act as are registered with the Registrar of Firms. With effect from 1st April, 2022, any application from a partnership firm for registration of a real estate project will be processed for approval only if such firm is registered with the Registrar of Firms and its Registration Certificate is uploaded as part of promoter profile.

Additional Agenda-4

Recall of ex-parte orders passed by the Adjudicating Officer

Decision

11.6.4 In pursuance of a decision taken in 6th meeting of the Authority held on 24th February, 2021, the Authority had issued an order (Order No. F1(31)RJ/RERA/2019/491 dated 12th March, 2021) providing for recall of ex-parte orders passed by the Authority. On the proposal of Adjudicating Officer, the Authority resolved that the said order shall also be applicable and deemed to have always been applicable to the ex-parte orders passed by the Adjudicating Officer of the Authority.

There being no other business, the meeting ended with a vote of thanks to the Chair.


(Ramesh Chandra Sharma)
Registrar

Copy to the following for information and necessary action:

1. PS to Chairman
2. PS to Member (Shri Shailendra K. Agarwal)
3. PS to Member (Shri Salvinder Singh Sohata)
4. PS to Adjudicating Officer
5. PS to Registrar
6. AO-cum-Joint Registrar (Administration)
7. Joint Registrar (Law)
8. Joint Registrar (Projects)
9. Dy. Registrar (Complaints)
10. Dy. Registrar (Court)
11. Dy. Registrar (Legal)
12. Dy. Registrar (Projects)
13. Asstt. Registrar (Projects)
14. Law Officers (all)
15. Guard File
16. Website of RERA


Registrar