



Rajasthan RERA

Rajasthan Real Estate Regulatory Authority

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Phone No.: 0141-2851900 Website: <http://rera.rajasthan.gov.in>

No. F1(146)RJ/RERA/2020/848

Dated 13th May, 2020

ORDER

Whereas the sudden outbreak of Novel Coronavirus Disease (COVID-19) is natural disaster of a scale unprecedented in the last 100 years that has caused a health and economic crisis of monumental proportions not only for Rajasthan, but for the whole country and the whole world. On 11.03.2020, the World Health Organization declared COVID-19 to be a pandemic and called upon countries to take immediate action to save human lives.

Whereas, as part of its efforts to deal with this Corona pandemic, the Government of Rajasthan has ordered a shutdown/lockdown in the whole State continuously from 19.03.2020, whereby many economic activities, including the development of real estate projects, have got disrupted or severely affected. The current assessment is that its spread may start subsiding by July, 2020. But this Corona pandemic and the all-out measures taken to control it have necessarily affected the availability of human, physical and financial resources for real estate projects and given rise to uncertainties and practical difficulties that may cause a delay of upto one year in the completion of real estate projects. Dampened consumer sentiments and capacities to buy real estate and their effect on the already precarious liquidity position of real estate projects will also be contributing to such delays. Unless the erosion of liquidity is controlled, some of these projects may never get completed.

Whereas Corona pandemic is a natural calamity that has affected the regular development of real estate projects and is a case of *force majeure* for the purpose of section 6 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter called 'the Act') and rule 7 of the Rajasthan Real Estate (Regulation and Development) Rules, 2017 (hereinafter called 'the Rules').

And whereas various associations of real estate developers, including CREDAI Rajasthan, TODAR, RAHDA and CREDAI NCR Bhiwadi

Neemrana, have made representations to the Authority to grant various concessions to help the real estate projects survive the adverse effect of Corona pandemic and the same have been considered by the Authority.

Therefore, in exercise of the powers conferred on the Authority under section 6 of the Act read with Proviso to rule 7 of the Rules, section 37 of the Act and all other powers enabling it in this behalf, the Authority issues the following directions with a view to ensure that real estate projects in the State are able to sustain this case of *force majeure* and the attendant circumstances:

Extension of estimated finish date and validity of registration

1. An in-principle, across-the-board approval is hereby granted to extend by 12 months the estimated finish date and the period of validity of registration shown in registration certificate of all real estate projects that were registered and not already completed, lapsed or revoked as on 19.03.2020. This extension will also be available for real estate projects that have been registered after 19.03.2020 upto the date of issue of this order.

Extension to be additional

2. Being on ground of *force majeure*, the aforesaid extension will be in addition to the extension already granted or that may be granted to a project under First Proviso to section 6 or under section 8 of the Act.

Extension for lapsed projects

3. Those projects that had already lapsed before 19.03.2020 will also be allowed the benefit of the aforesaid extension if the promoter of such a project first applies for usual extension and pays extension fee, standard fee and penalty as applicable under Authority's order No. F.4(1)RJ/RERA/2017/D-3080 dated 16.08.2019 and the same is granted by the Authority whereby registration of the project becomes valid as on 19.03.2020.

Extension Fee and Standard Fee

4. For the aforesaid extension, the extension fee, i.e., the fee for extension of registration as prescribed under rule 7 of the Rules, is hereby waived, but the standard fee specified by the Authority's aforesaid order dated 16.08.2019, will be applicable as usual.

Issue of Certificate for Extension

5. For the aforesaid extension, the Certificate for Extension of Registration of Project in Form-F will be issued by the Authority for individual projects on submission of a simple application along with standard fee. For this purpose, the Authority will create, before 30th June, 2020, a special window on its web portal for online submission of such applications and automatic generation of such certificates. These applications can be submitted and certificates generated by a promoter at any time upto 31.03.2021. Those who do not wish to avail of the aforesaid extension for their project need not apply at all. Those who wish to avail of the aforesaid extension but do not submit such application and generate such certificate upto 31.03.2021 will cease to be eligible for the aforesaid extension.

Moratorium on interest and compensation

6. Owing to *force majeure*, no interest or compensation will be payable under section 12 or section 18 of the Act for the period covered by the aforesaid extension in estimated finish date of the project.

Moratorium on execution of refund orders

7. Upto 31.03.2021, no coercive steps will be taken by the Authority for execution of refund orders issued in the past or that may come to be issued in the meanwhile.

Extension of time for statutory compliances

8. The time limit for various compliances (including quarterly and annual reports of projects) under the Act and the Rules or under regulations and orders of the Authority, which were/are due to be made between March, 2020 and December, 2020, is hereby extended upto 31.03.2021, on the ground of *force majeure*.

Alteration in projects under section 14 of the Act

9. Promoters will be allowed to curtail or alter the registered projects on a case-to-case basis, as per the usual practice. They may also be allowed to divide a registered project into two or more projects. And, where, in the opinion of the Authority, such curtailment, alteration or division of the project is beneficial to the allottees or does not adversely affect them, the consent of two-thirds of the allottees will not be insisted upon by the Authority. But, if any alterations are

proposed to be made to the apartments or plots already allotted, previous consent of the concerned allottees would be necessary. And, if the interest of the existing allottees in the common areas/ amenities of the project is adversely affected, previous consent of two-thirds of the allottees would be necessary. Wherever applicable, approval/ consent of the competent authority would also be necessary.

All the above directions shall come into force at once.

(Ramesh Chand Sharma)
Registrar,
Rajasthan RERA, Jaipur
(Ramesh Chandra Sharma)
Registrar

Copy to the following for information and necessary action:

1. PS to Chairman, Rajasthan RERA, Jaipur
2. President, CREDAI Rajasthan, Jaipur
3. President, TODAR, Jaipur
4. President, RAHDA, Jaipur
5. President, CREDAI NCR Bhiwadi Neemrana, Bhiwadi
6. President RERA India Educational & Resources Federation, Jaipur
7. Chairman, RERA Awareness Committee, ICAI, Jaipur Branch, Jaipur
8. Chairman, RERA Committee, Tax Consultants Association, Jaipur
9. Chief Editor, RERA Times, Jaipur
10. All officers of Rajasthan RERA
11. RERA website
12. Guard file
- 13.

(Ramesh Chand Sharma)
Registrar,
Rajasthan RERA, Jaipur
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