

U.P. Real Estate Regulatory Authority
Naveen Bhawan, Rajya Niyojan Sansthan
Kalakankar House, Old Hyderabad, Lucknow - 226007

Order

No. 2789/Tech.Cell/Pr.Ex./2020-21

Date: 06, June, 2020

Subject: Regarding extension of registration of real estate projects due to '*force majeure*' under the provisions of Real Estate (Regulation and Development), Act 2016

The current spread of Coronavirus disease (COVID-19) has created a serious impact on the social and economic life not only in the State of Uttar Pradesh but for whole of the country and the world. Considering the situation created by the pandemic COVID-19 and consequent nation-wide lockdown w.e.f. 25th March 2020, reverse migration of labourers to their native places and break in supply chain of construction material adversely impacting the construction activities of real estate projects across the country, the Ministry of Housing and Urban Affairs, Government of India, in consultation with all the stakeholders, has issued an advisory through its Office Memorandum No. O- 17024/230/2018- housing- UD/EFS- 9056405 dated 13th May 2020 regarding extension of registrations of real estate projects due to '*force majeure*' under the provisions of Real Estate (Regulation and Development), Act 2016 (RERA). The Government of India has advised as follows:-

- Section 6 of RERA, 2016 provides for 'extension of registration of real estate project' on account of '*force majeure*', which includes any calamity caused by nature affecting the regular development of the real estate projects. It is quite evident that current pandemic caused by nature is adversely affecting regular development of real estate projects. Hence, it attracts invoking the provision of '*force majeure*'.
- In order to avoid submission of separate application for extension of each project and orders thereon, the Regulatory Authorities may, in pursuance of section 37 of RERA read with other enabling provisions, in their respective jurisdictions issue following orders/directions to the effect that 'notwithstanding anything contained to the contrary and by virtue of powers conferred under section 37 read with section 34(f) of the RERA, the registration or extension thereto under Section 5, 6, and 7(3) of the RERA or Rules thereunder, all registered projects under jurisdiction of Regulatory Authority for which the completion date or revised completion date or extended completion date as per registration expires on or after 25th March, 2020':

(i) Regulatory Authorities may issue suitable orders/ directions to extend the registration and completion date or revised completion date or extended completion date



automatically by 6 months due to outbreak of COV ID-19 (Corona Virus), which is a calamity caused by nature and is adversely affecting regular development of real estate projects by invoking force majeure clause;

(ii) Regulatory Authorities may, on their own discretion, consider to further extend the date of completion as per registration for another period upto 3 months, if the situation in their respective State or any part thereof, for reasons to be recorded in writing, needs special consideration of invoking '*force majeure*' in view of current pandemic;

(iii) Regulatory Authorities may issue fresh 'Project Registration Certificates' with revised timeline in each such registered real estate project at the earliest; and

(iv) Regulatory Authorities may extend concurrently the timelines of all statutory compliances in accordance with the provisions of RERA and the rules and regulations made thereunder.

In the wake of COVID-19 pandemic, the Authority has received representations from various organisations representing the real estate sector in the State viz. NAREDCO and CREDAI along with individual representations wherein they have explained in detail the issues being faced by the sector as a result of COVID-19 pandemic. Office bearers representing different organisations of the real estate sector and different promoters also raised their concerns in this regard in a meeting of promoters held by the Authority through video conferencing.

Therefore, considering all the aspects, having a detailed deliberation in this regard and also having in view the aforesaid advisory issued by Government of India, the Authority using the powers conferred on it under section 37 read with section 34 (F) of the RERA issues the following directions:-

1. Extension of estimated end date and validity of registration

- (i) Notwithstanding anything contained to the contrary and by virtue of powers conferred under Section 37 read along with Section 34(f) of the RERA, the registration or extension thereto under Section 5,6,7(3) of the Real Estate (Regulation and Development) Act, 2016 or Rules 6 and 7 of the U.P. Real Estate (Regulation and Development) Rules, 2016 thereunder, all registered projects under jurisdiction of U.P. RERA for which the completion date or revised completion date or extended completion date as per registration expires on or after 25th March, 2020, the registration and completion date or revised completion date or extended completion date, as the case may be, is hereby extended by 6 months due to outbreak of COVID-19 (Corona Virus) which is a calamity caused by nature and is adversely affecting regular development of real estate projects by invoking *force majeure* clause.

Provided that the project will not require an extension if the CC/OC of the project has already been obtained.




- (ii) For the aforesaid extension, no fees will be charged from the promoters.
- (iii) The Authority will soon issue fresh 'Project Registration Certificates' with revised timeline in each such registered real estate project.

2. Extension of time for statutory Compliances

The time limit for various compliances (including any of the previous Quarterly Progress Reports and Annual Audit Reports of projects) under the Real Estate (Regulation and Development) Act, 2016, the U.P. Real Estate (Regulation and Development) Rules, 2016, or under U.P. Real Estate Regulatory Authority (General) Regulations, 2019 and the Orders of the Authority, which were due to be made by 31.03.2020, is hereby extended upto 30th June, 2020, on the ground of *force majeure*.

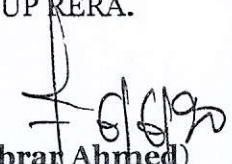
For the aforesaid extension of time-limit for submission of any of the previous QPRs and Annual Audit Reports, the late fee as prescribed in Office Memorandum No. 3206/ U.P.-RERA/Pari. Panjee./ 2019-20 Dated 10th April, 2019 is hereby waived as a onetime measure provided the promoter fills and submits all such reports by 30th June, 2020.

The directions, issued as above, shall come into force immediately.


(Abrar Ahmed)
Secretary

Copy forwarded to the following for information and necessary action at their end

1. Hon'ble Chairman, U.P. RERA.
2. All the hon'ble members, U.P. RERA
3. Principal Secretary, Housing and Urban Planning, Government of Uttar Pradesh.
4. Principal Secretary, Industrial Development, Government of Uttar Pradesh.
5. All the competent authorities, Uttar Pradesh.
6. Adjudicating officers, U.P. RERA
7. All the officers, U.P. RERA,
8. A.D. (Systems), U.P. RERA for uploading the order on the web portal of UP RERA.
9. Project Management Unit, U.P. RERA
10. All the promoters of the projects registered with U.P. RERA


(Abrar Ahmed)
Secretary