



सत्यमेव जयते

राजस्थान भू-सम्पदा विनियामक प्राधिकरण

(Rajasthan Real Estate Regulatory Authority)

वार्षिक प्रतिवेदन

वर्ष 2020-21

राजस्थान



राजस्थान रीयल एस्टेट रेग्युलेटरी ऑथोरिटी

द्वितीय एवं तृतीय तल, आरएसआईसी विंग, उद्योग भवन

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क. परिचय एवं उद्देश्य

भारत सरकार द्वारा डवलपर्स की उपभोक्ताओं के प्रति अधिक जवाबदेही सुनिश्चित करने, साथ ही डवलपर्स के हित में अधिक पारदर्शिता लाने तथा उपभोक्ताओं के साथ होने वाली धोखाधड़ी इत्यादि को रोकने के उद्देश्य से भू-सम्पदा (विनियमन और विकास) अधिनियम, 2016, दिनांक 26 मार्च, 2016 को अधिनियमित किये गये जो 1 मई 2017 से लागू किये गये। इस अधिनियम की धारा 84 के प्रावधानों के अन्तर्गत राजस्थान सरकार द्वारा भू-सम्पदा (विनियमन और विकास) नियम, 2017 अधिसूचित किये गये।

राजस्थान सरकार द्वारा इस अधिनियम को लागू करने के लिये त्वरित कदम उठाये गये। अधिनियम के प्रावधान लागू होते ही राजस्थान सरकार द्वारा आदेश दिनांक 17 फरवरी 2017 द्वारा एक अन्तरिम राजस्थान भू-सम्पदा विनियामक प्राधिकरण को गठित किया गया। तत्पश्चात राजस्थान सरकार द्वारा एक पूर्णकालिक अध्यक्ष एवं सदस्य की नियुक्ति के साथ पूर्णकालीन राजस्थान भू-सम्पदा विनियामक प्राधिकरण का गठन दिनांक 06.03.2019 को किया गया। राजस्थान रेरा में दिनांक 06 मार्च 2019 को श्री निहाल चंद गोयल, पूर्व मुख्य सचिव, सेवानिवृत्त आइ.ए.एस. राजस्थान सरकार को पूर्णकालिक अध्यक्ष तथा श्री राकेश जैन, सेवानिवृत्त उप नियंत्रक एवं महालेखापरीक्षक को पूर्णकालिक सदस्य नियुक्त किया गया था। श्री राकेश जैन द्वारा दिनांक 15 मार्च 2020 को पद से त्याग पत्र देने के फलस्वरूप सदस्य का पद रिक्त हो गया। राजस्थान सरकार के आदेश दिनांक 17.09.2020 को श्री शैलेन्द्र कुमार अग्रवाल, सेवानिवृत्त अतिरिक्त मुख्य सचिव, राजस्थान सरकार एवं श्री सलविन्द्र सिंह सोहाता सेवानिवृत्त शासन सचिव राजस्थान सरकार को पूर्णकालिक सदस्य के रूप में नियुक्त किया गया।

राजस्थान सरकार द्वारा रेरा अधिनियम, नियम और विनियम के अपेक्षानुसार प्राधिकरण में श्री हरि कुमार गोदारा, सेवानिवृत्त जिला न्यायाधीश को न्यायनिर्णायक अधिकारी नियुक्त किया गया।

प्राधिकरण के समक्ष भू सम्पदा के क्षेत्र में व्यवस्था एवं पारदर्शिता लाने की कठिन चुनौती थी। क्योंकि भू सम्पदा क्षेत्र में नियमों के उल्लंघन एवं ग्राहकों के शोषण की खबर आम बात थी। प्राधिकरण ने इस चुनौती को गंभीरता पूर्वक लिया और भू सम्पदा क्षेत्र की व्यवस्था को ठीक करने के उद्देश्य से सक्रियता पूर्वक कार्य करना शुरू किया।

अधिनियम के नियमों का उल्लंघन कर रहे संप्रवर्तकों के विरुद्ध कठोर निर्णय लिये जाने तथा हितधारकों को नये अधिनियम के प्रावधानों के सम्बन्ध में जागरूक करने तथा सभी हितधारकों यथा संप्रवर्तक, भू-सम्पदा अभिकर्ता एवं आवंटियों के हितों की रक्षा के उद्देश्य से रेरा अधिनियम बनाया गया। इस अधिनियम के उद्देश्यों की पूर्ति के लिये प्राधिकरण ने जहां एक तरफ आवंटियों की शिकायतों पर विशेष ध्यान दिया वहीं दूसरी तरफ संप्रवर्तकों एवं भू-सम्पदा अभिकर्ताओं को अधिनियम के प्रावधानों के अनुसार सक्षम ढंग से काम करने के लिये जागरूक किया।

किसी भी अधिनियम के प्रभाव को समझने के लिये 2-3 वर्ष का समय काफी कम है। क्योंकि भू-सम्पदा (विनियमन एवं विकास) अधिनियम, जो पूर्ण रूप से राजस्थान राज्य में मार्च 2019 में पूर्णकालीक प्राधिकरण के गठन के पश्चात प्रभावी हुआ। फिर भी हितधारकों की प्रतिक्रियाओं से यह प्रतीत होता है की अधिनियम के सम्बन्ध में जहां आवंटियों को विश्वास हुआ है वहीं संप्रवर्तकों को यह समझ आया है की उक्त अधिनियम के प्रावधानों को हर हाल में मानना होगा।

वर्ष 2020-21 में सम्पूर्ण विश्व कोरोना महामारी से प्रभावित रहा, जिस कारण भारत सरकार द्वारा कॉरोना महामारी से बचने के लिये दिनांक 23 मार्च 2020 को 21 दिवस का सम्पूर्ण देशभर में लॉकडाउन रहने के आदेश दिये गये थे, तत्पश्चात भारत सरकार द्वारा इस अवधि को बढ़ाकर 30 जून 2020 तक लॉकडाउन प्रभावी रहने के निर्देश दिये गये। विशेष रूप से भू-सम्पदा क्षेत्र में नवीन परियोजनाओं का निबंधन वर्ष के प्रारम्भिक महिनों में अत्यधिक प्रभावित रहा।

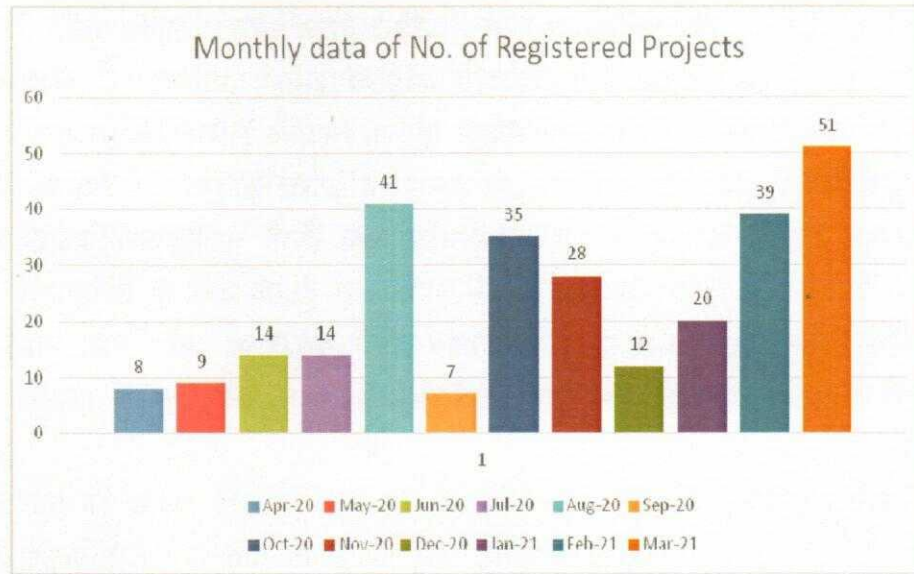
रेरा अधिनियम के प्रावधानों के अनुसार ऑनलाइन पोर्टल पर रियल एस्टेट की चालू परियोजनाओं और नवीन परियोजनाओं के रेरा में पंजीकरण पश्चात उन परियोजनाओं से सम्बन्धित समस्त विवरण यथा प्रमोटर का नाम, योजना से सम्बन्धित भूखण्डों और नक्शों का विवरण, परियोजना से सम्बन्धित फेज एरिया, परियोजना के लिए संचालित बैंक खाते का विवरण, प्रमोटर द्वारा परियोजना के लिए यदि ऋण लिया हो तो उसकी स्थिति एवं समय समय पर परियोजना के स्टेट्स का विवरण और उसमें होने वाले परिवर्तन का विवरण सम्बन्धित प्रमोटर के लिये अपलोड करना आवश्यक किया गया है। इस प्रकार उपलब्ध सूचना से आम जनता को किसी भी परियोजना में निवेश से पूर्व उस परियोजना से सम्बन्धित समस्त विवरण ऑनलाईन पोर्टल पर उपलब्ध हुआ है।

अचल संपत्ति परियोजनाओं, एंजेन्टों के पंजीकरण के साथ-साथ, पीड़ित व्यक्तियों को अपनी शिकायत दर्ज कराने की ऑनलाइन सुविधा प्रदान करना।

भू-संपदा परियोजना का निबंधन

वर्ष 2020-21 में कुल 280 नवीन एवं चालू परियोजनाओं परियोजनाओं का निबंधन हुआ। यह संख्या वर्ष 2017-18 में 620, वर्ष 2018-19 में 250 तथा 2019-20 में 308 से कम है। परन्तु इसका मुख्य कारण प्रारम्भिक वर्ष में चालू परियोजनाओं का निबंधन किया जाना रहा है, साथ ही वर्ष 2020-21, सम्पूर्ण विश्व कोरोना महामारी से प्रभावित रहा, जिस कारण भारत ही नहीं सम्पूर्ण विश्व जगत में व्यापार एवं व्यवसाय प्रभावित हुआ। भारत सरकार द्वारा कॉरोना महामारी से बचने के लिये दिनांक 23 मार्च 2020 को 21 दिवस का सम्पूर्ण देशभर में लॉकडाउन रहने के आदेश दिये गये थे, तत्पश्चात भारत सरकार द्वारा इस अवधि को बढ़ाकर 30 जून 2020 तक लॉकडाउन प्रभावी रहने के निर्देश दिये गये। विशेष रूप से भू-सम्पदा क्षेत्र में नवीन परियोजनाओं का निबंधन वर्ष के प्रारम्भिक महिनों में अत्यधिक प्रभावित रहा। अपितु प्राधिकरण द्वारा रेरा में परियोजनाओं के निबंधन हेतु ऑनलाईन व्यवस्था की गई थी। इसलिये द्वितीय त्रैमास से निरन्तर परियोजनाओं का निबंधन ऑनलाईन माध्यम से किया जाता रहा।

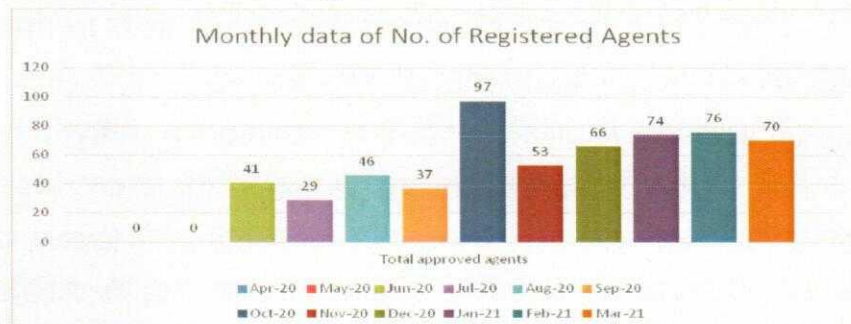
वर्ष 2020-21 में माहवार परियोजनाओं का निबंधन



भू-सम्पदा अभिकर्ताओं का पंजीकरण

जब भू-सम्पदा (विनियमन एवं विकास) अधिनियम प्रभावी हुआ उस समय भू-सम्पदा क्षेत्र में भू-सम्पदा अभिकर्ताओं की भूमिका की अवधारणा को व्यवस्थित रूप में नहीं थी। ऐसे बहुत से व्यक्ति जो संप्रवर्तको के लिये ग्राहक लाने का कार्य करते और इस क्षेत्र में कार्य करते थे उनके कार्य कलापो को नियंत्रित करने के लिये कोई व्यवस्था नहीं थी। राजस्थान राज्य में वर्ष 2017-18 से ही अधिनियम के प्रावधानों की जागरूकता के प्रभाव से भू-सम्पदा अभिकर्ताओं का पंजीकरण सुदृढ़ किया गया और वर्ष 2020-21 में कुल 589 भू-सम्पदा अभिकर्ताओं का पंजीकरण किया गया। वर्ष 2020-21 में सम्पूर्ण विश्व कोरोना महामारी से प्रभावित रहा, जिस कारण भू-सम्पदा क्षेत्र में अभिकर्ताओं का निबंधन वर्ष के प्रारम्भिक महिनों में अत्यधिक प्रभावित रहा। अपितु प्राधिकरण द्वारा रेरा में अभिकर्ताओं के निबंधन हेतु ऑनलाईन व्यवस्था की गई थी। इसलिये द्वितीय त्रैमास से निरन्तर अभिकर्ताओं का निबंधन ऑनलाईन माध्यम से किया जाता रहा।

वर्ष 2020-21 में माहवार भू-सम्पदा अभिकर्ताओं का निबंधन



प्राधिकरण के निर्देशों और अधिनियम और उसके अन्तर्गत बनाये गये नियमों और विनियमों के उल्लंघन के लिए लगाये गये दंड संबंधी विवरण और प्राधिकरण द्वारा निर्देशित ब्याज और क्षतिपूर्ति संबंधी विवरण

अधिनियम की धारा 59 में स्पष्ट प्रावधान है कि यदि कोई संप्रवर्तक अधिनियम की धारा-3 का उल्लंघन करता है तो उस पर शास्ति आरोपित हो सकती है जो उसकी परियोजना लागत की 10 प्रतिशत हो सकती है। इसी प्रकार यदि कोई संप्रवर्तक प्राधिकरण के पारित आदेशों/निर्णयों की पालना नहीं करता है, झूठी जानकारी देता है अन्य धाराओं का उल्लंघन करता है तो शास्ति आरोपित हो सकती है।

प्राधिकरण द्वारा आलौच्य वर्ष 2020-21 में ऐसे कई निर्णय किये गये तथा कई निर्देश जारी किये जिसमें संप्रवर्तकों पर राशि रु 87.42 लाख शास्ति आरोपित की गई।

प्राधिकरण द्वारा त्वरित विवाद समाधान

अधिनियम की धारा 31 के अनुसार शिकायत दर्ज करने की प्रक्रिया को ऑनलाइन किये जाने की प्रक्रिया प्रारम्भ की गई। वर्ष 2020-21 में आवंटियों द्वारा प्राप्त शिकायतों के त्वरित निस्तारण के लिये नियमित सुनवाई की गई। अपितु वर्ष 2020-21, सम्पूर्ण विश्व कोरोना महामारी से प्रभावित रहा, जिस कारण भारत ही नहीं सम्पूर्ण विश्व जगत में व्यापार एवं व्यवसाय प्रभावित हुआ। भारत सरकार द्वारा कोरोना महामारी से बचने के लिये दिनांक 23 मार्च 2020 को 21 दिवस का सम्पूर्ण देशभर में लॉकडाउन रहने के आदेश दिये गये थे, तत्पश्चात भारत सरकार द्वारा इस अवधि को बढ़ाकर 30 जून 2020 तक लॉकडाउन प्रभावी रहने के निर्देश दिये गये। इस कारण वर्ष के प्रारम्भिक त्रैमास में प्राधिकरण द्वारा विवाद समाधान हेतु न्यायिक कार्यवाही बन्द रखी गई, लॉकडाउन के शिथिलन के साथ ही विवाद समाधान हेतु प्राधिकरण में नियमित सुनवाई ई-कोर्ट स्थापित कर की गई। इस हेतु अपिलार्थी, संप्रवर्तक और उनसे सबद्ध विधि व्यवसायी को ऑनलाईन माध्यम से जोड़कर नियमित सुनवाई कर त्वरित विवाद समाधान रेरा प्राधिकरण द्वारा किया गया। इससे आवंटियों का विश्वास प्राधिकरण पर बढ़ा और वो अपनी शिकायतें दर्ज कराने लगे। प्राधिकरण में इस वर्ष में कुल 597 शिकायतें प्राप्त हुई, प्राप्त शिकायतों में से 421 शिकायतों का निस्तारण किया गया, जिसमें शिकायतकर्ताओं को राहत प्रदान की गई। बढ़ती हुई शिकायतों की संख्या लोगों के बढ़ते विश्वास को परिलक्षित करती है।

प्राधिकरण द्वारा वर्ष 2020-21 में आवंटियों की प्राप्त शिकायतों के मैत्रीपूर्ण समाधान (amicable settlement) के लिये समझौता समिति का गठन प्राधिकरण के आदेश दिनांक 14.07.2020 किया गया। जिसमें प्रवर्तक संघो, उपभोक्ता संघो, रियल एस्टेट में कार्यरत संघो (CREDAI, RAHDA, TODAR, RRA, CREDAI Bhiwadi) के सदस्यों को सम्मिलित किया गया। उक्त समझौता समिति द्वारा संप्रवर्तक और आवंटियों के विवादों का निपटारा मैत्रीपूर्ण समझौता करवाकर समाधान किया गया।

उक्त आलौच्य वर्ष में 11 प्रकरण समझौता समिति के समक्ष प्रस्तुत हुये जिनमें सभी प्रकरणों का मैत्रीपूर्ण समाधान कर निस्तारण किया गया।

संप्रवर्तकों के विरुद्ध जारी की गई स्वप्रेरित सूचनाएँ

प्राधिकरण ने 160 से ज्यादा स्वप्रेरित सूचनाएँ वैसे सम्प्रवर्तकों को भेजी जो अधिनियम के प्रावधानों का अनुपालन नहीं कर रहे थे। ऐसे सभी मामलों में प्राधिकरण ने उपलब्ध तथ्यों के आधार पर सूचनाएँ भेजी और ऐसे सम्प्रवर्तकों के विरुद्ध शास्ति भी आरोपित की गई जिससे सम्प्रवर्तकों के पास अपनी चल रही परियोजनाओं को पंजीकृत कराने के अलावा कोई विकल्प नहीं बचा। वर्ष 2020-21 में कुल 160 स्वप्रेरित सूचना भेजी गई, इनमें से 68 मामलों में आर्थिक दण्ड लगाया गया। जिसमें से 55.47 लाख की वसूली की गई।

पुनर्विलोकन वर्ष 2020-21:

अ. लैंडमार्क विनिश्चय:

वर्ष 2020-21 में राजस्थान रेरा द्वारा ऐसे बहुत सारे निर्णय लिये गये जिनका उद्देश्य भू-सम्पदा (विनियमन एवं विकास) के प्रावधानों को प्रभावी ढंग से लागू करना था। राजस्थान रेरा के कई महत्वपूर्ण निर्णय केवल राजस्थान भू-सम्पदा (विनियमन एवं विकास) के लिये ही प्रभावी नहीं थे अपितु सम्पूर्ण देश के लिये भी उक्त निर्णय उक्त क्षेत्र में मील का पत्थर साबित हुये।

वर्ष 2020-21 में सम्पूर्ण विश्व कोरोना महामारी से प्रभावित रहा, जिस कारण भारत ही नहीं सम्पूर्ण विश्व जगत में व्यापार एवं व्यवसाय प्रभावित हुआ। भारत सरकार द्वारा कोरोना महामारी से बचने के लिये दिनांक 23 मार्च 2020 को 21 दिवस का सम्पूर्ण देशभर में लॉकडाउन रहने के आदेश दिये गये थे, तत्पश्चात भारत सरकार द्वारा इस अवधि को बढ़ाकर 30 जून 2020 तक लॉकडाउन प्रभावी रहने के निर्देश दिये गये। विशेष रूप से भू-सम्पदा क्षेत्र में नवीन परियोजनाओं का निबंधन वर्ष के प्रारम्भिक महिनों में अत्यधिक प्रभावित रहा। प्राधिकरण द्वारा कोरोना महामारी के दृष्टिगत आदेश दिनांक 13 मई 2020 द्वारा सभी चालू परियोजनाओं के प्राकृतिक आपदा/देवीय प्रकोप जैसी असाधारण घटनाओं जो मानव नियंत्रण से परे हो के मामले में रेरा अधिनियम की धारा 6 एवं राजस्थान रेरा नियम के नियम 7 में प्रदत्त शक्तियों का प्रयोग कर सभी संप्रवर्तकों को 1 वर्ष के लिये परियोजना में अभिवृद्धि का प्रावधान किया गया।

अन्य प्रमुख लैंडमार्क विनिश्चयों की सूची संलग्न है।

ब. विधायी कार्य:

वर्ष 2020-21 में आवंटियों द्वारा प्राप्त शिकायतों के त्वरित निस्तारण के लिये नियमित सुनवाई की गई। इससे आवंटियों का विश्वास प्राधिकरण पर बढ़ा और वो अपनी शिकायतें दर्ज कराने लगे।

अधिनियम की धारा 31 के अनुसार शिकायत दर्ज करने की प्रक्रिया चूंकी राजस्थान रेरा में गत वर्ष से ही ऑनलाइन कर दी गई थी अतः प्राधिकरण में इस आलौच्य वर्ष में कुल 597 शिकायतें प्राप्त हुई, जिसमें से 421 शिकायतों का निस्तारण किया गया व कुल 59 शिकायतें न्यायनिर्णायक अधिकारी के समक्ष प्राप्त हुई जिनमें से 53 शिकायतों का निपटारा कर दिया गया। जिनमें शिकायतकर्ताओं को राहत प्रदान की गई। बढ़ती हुई शिकायतों की संख्या लोगों के बढ़ते विश्वास को परिलक्षित करती है।

अधिनियम की धारा 84 में दी गई शक्ति का प्रयोग कर राजस्थान भू-सम्पदा (विनियमन एवं विकास) नियम 2017 के नियम 10, 11 एवं प्रपत्र-I एवं प्रपत्र-L में संशोधन राज्य सरकार के नोटिफिकेशन दिनांक 3 जून 2020 द्वारा किया गया।

स. आउटरीच कार्यक्रम:

प्राधिकरण द्वारा जयपुर विकास प्राधिकरण एवं नगरीय विकास विभाग के अधिकारियों का सहयोग लेकर प्रवर्तक संघो, उपभोक्ता संघो, रियल एस्टेट में कार्यरत संघो (CREDAI, RAHDA, TODAR, CREDAI Bhiwadi) आदि कई हितधारकों की मदद से जागरूकता अभियान चलाकर परियोजना प्रमोटर्स को पंजीकरण कराने हेतु प्रेरित किया गया।

क्षमता निर्माण:

राजस्थान रेरा ने भू-सम्पदा क्षेत्र में महत्वपूर्ण भूमिका अदा करने वाले लोगों की क्षमता निर्माण के लिए समय समय पर अनेक कदम उठाये हैं। इन कदमों का मुख्य उद्देश्य भू-सम्पदा (विनियमन एवं विकास) अधिनियम, 2016 के प्रावधानों को सभी के सहयोग से लागू करना है।

इसी उद्देश्य से प्राधिकरण के अध्यक्ष द्वारा समय समय पर प्राधिकरण के अन्तर्गत कार्यरत कार्मिकों, आईटी विशेषज्ञों के साथ क्षमता निर्माण उन्मुखीकरण किया गया।

अंतरराष्ट्रीय वचनबंध:

इस अवधि में अंतरिम प्राधिकरण द्वारा कोई अन्तराष्ट्रीय वचनबंधता नहीं की जा सकी। फिर भी प्राधिकरण इस बात के महत्व को अच्छी तरह से समझता है और आने वाले वर्षों में इस दिशा में जरूरी कदम उठाये जाने का विचार रखता है।

निम्नलिखित पर प्रभाव:

अ. आवंटिती:

रेरा अधिनियम का एक प्रमुख उद्देश्य उपभोक्ताओं के हितों की रक्षा करना और उनके प्रति संप्रवर्तको की जवाबदेही सुनिश्चित करना है। इस हेतु अधिनियम के अन्तर्गत आवंटियों को उनके साथ होने वाली धोखाधड़ी इत्यादि पर रेरा ऑथोरिटी के समक्ष शिकायत दर्ज कराने का अधिकार प्राप्त हुआ। आलौच्य वर्ष में कुल 597 शिकायतें प्राधिकरण में प्राप्त हुई जिसमें से 421 शिकायतों का निपटारा प्राधिकरण द्वारा किया गया साथ ही कुल 59 शिकायतें एडजुडिकेटिंग

ऑफिसर के समक्ष प्राप्त हुई जिनमें से 53 शिकायतों का निपटारा कर आवंटियों को यथायोग्य राहत प्रदान की गई।

ब. संप्रवर्तक:

प्राधिकरण की स्थापना के साथ ही रियल एस्टेट परियोजनाओं के पंजीकरण की प्रक्रिया ऑनलाईन प्रारम्भ कर दी गई थी। आलौच्य वर्ष में प्राधिकरण द्वारा कुल 280 परियोजनाओं को पंजीकृत किया गया।

स. भू-संपदा अभिकर्ता:

प्राधिकरण की स्थापना के साथ ही रियल एस्टेट एजेंटों के पंजीकरण की प्रक्रिया ऑनलाईन प्रारम्भ कर दी गई थी। आलौच्य वर्ष में प्राधिकरण द्वारा कुल 589 एजेंटों को पंजीकृत किया गया।

द. अर्थव्यवस्था:

राजस्थान भू-सम्पदा विनियामक प्राधिकरण एक स्वःवित्त पोषित प्राधिकरण है। प्राधिकरण द्वारा समस्त व्यय स्वयं की आय से किये जाते हैं।

ख. अधिनियम के अधीन संप्रवर्तकों और भू-संपदा अभिकर्ताओं का रजिस्ट्रीकरण:

संप्रवर्तकों के संबंध में:

प्राधिकरण द्वारा इस वर्ष में कुल 280 परियोजनाओं को पंजीकृत किया गया। सभी पंजीकृत परियोजनाओं की जानकारी यथा संप्रवर्तक का नाम, पता, परियोजनाओं का विवरण मय रजिस्ट्रेशन संख्या, रजिस्ट्रीकरण जारी करने की तारीख, वह तारीख जिसको रजिस्ट्रीकरण समाप्त होता है एवं रजिस्ट्रीकरण के विस्तार की अवधि प्राधिकरण के वेब पोर्टल rera.rajasthan.gov.in पर आम जनता के लिए उपलब्ध है।

भू-संपदा अभिकर्ताओं के संबंध में:

प्राधिकरण द्वारा आलौच्य वर्ष में कुल 589 भू-संपदा अभिकर्ताओं (रियल एस्टेट एजेंट्स) को पंजीकृत किया गया। सभी पंजीकृत भू-संपदा अभिकर्ताओं की जानकारी यथा उनका नाम, पता, रजिस्ट्रेशन क्रमांक, रजिस्ट्रेशन जारी करने की दिनांक तथा वह तारीख जिसको रजिस्ट्रेशन समाप्त होना है, प्राधिकरण के वेब पोर्टल यानी rera.rajasthan.gov.in पर आम जनता के लिए उपलब्ध है।

ग. प्राधिकरण और न्यायनिर्णायक अधिकारी के समक्ष विवादों के निपटारे के लिए फाइल किये गये और निपटाये गये मामलों की संख्या:

प्राधिकरण:-

क्र.सं.	तिमाही	अंतिम तिमाही को लंबित मामलों की संख्या	तिमाही के दौरान प्राप्त मामलों की संख्या	निपटारे गये मामलों की संख्या
1.	01.04.2020 से 30.06.2020	859	70	0
2.	01.07.2020 से 30.09.2020	929	175	66
3.	01.10.2020 से 31.12.2020	1038	162	164
4.	01.01.2021 से 31.03.2021	1036	190	191
कुल			597	421

न्यायनिर्णायक अधिकारी:-

क्र.सं.	तिमाही	अंतिम तिमाही को लंबित मामलों की संख्या	तिमाही के दौरान प्राप्त मामलों की संख्या	निपटारे गये मामलों की संख्या
1.	01.04.2020 से 30.06.2020	142	7	0
2.	01.07.2020 से 30.09.2020	149	10	0
3.	01.10.2020 से 31.12.2020	159	22	18
4.	01.01.2021 से 31.03.2021	163	20	35
कुल			59	53

घ. संप्रवर्तकों, आबंटितियों और भू-संपदा अभिकर्ताओं द्वारा अधिनियम के उपबंधों के अनुपालन को मानीटर करने के लिए प्राधिकरण द्वारा संचालित आवधिक सर्वेक्षण पर कथन:

ब्यौरे सहित तिमाही के दौरान संचालित सर्वेक्षण	प्राधिकरण का संप्रेक्षण	उठाये गये उपचारात्मक कदम
सूचना शून्य है।		

ड. संप्रवर्तकों, आबंटितियों और भू-संपदा अभिकर्ताओं द्वारा अधिनियम और तदधीन बनाये गये नियमों और विनियमों के उपबंधों की अननुपालन को कम करने के लिए उठाये गये कदम पर कथन:

क्र.सं.	तिमाही	विषय	उठाये गये कदम	प्राप्त परिणाम
1	01.04.2020 से 30.06.2020		कोरोना महामारी के कारण कोई आदेश पारित नहीं।	
2	01.07.2020 से 30.09.2020	प्राधिकरण के समक्ष 31 प्रकरण प्रस्तुत किये गये।	प्राधिकरण द्वारा 7 प्रकरणों में राशि रु 38,65,000 की शास्ति अधिरोपित की गई।	राशि रु 37,40,000 वसूल किये गये।
3	01.10.2020 से 31.12.2020	प्राधिकरण के समक्ष 84 प्रकरण प्रस्तुत किये गये।	प्राधिकरण द्वारा राशि रु 29,29,000 की शास्ति अधिरोपित की गई।	राशि रु 15,99,000 वसूल किये गये।
4	01.01.2021 से 31.03.2021	प्राधिकरण के समक्ष 45 प्रकरण प्रस्तुत किये गये।	प्राधिकरण द्वारा राशि रु 19,48,000 की शास्ति अधिरोपित की गई।	राशि रु 2,08,000 वसूल किये गये।
	कुल	160 प्रकरण	कुल शास्ति रु 87,42,000 / -	कुल वसूली रु 55,47,000 / -

च. प्राधिकरण के निदेशों और अधिनियम और तदधीन बनाये गये नियमों और विनियमों के उल्लंघन के लिए अधिरोपित शास्ति पर कथन और न्यायनिर्णायक अधिकारी द्वारा आदिष्ट ब्याज और प्रतिकर पर कथन:

संप्रवर्तक:-

प्राधिकरण/न्यायनिर्णायक अधिकारी द्वारा जारी किये गये निदेशों के ब्यौरे	अधिरोपित शास्ति/ब्याज/प्रतिकर	क्या संदत्त किया गया
राशि रु 1,36,33,514 / - की शास्ति अधिरोपित की गई।		

आबंटिती:-

प्राधिकरण/न्यायनिर्णायक अधिकारी द्वारा जारी किये गये निदेशों के ब्यौरे	अधिरोपित शास्ति/ब्याज/प्रतिकर	क्या संदत्त किया गया
सूचना शून्य है।		

भू-संपदा अभिकर्ता:-

प्राधिकरण/न्यायनिर्णायक अधिकारी द्वारा जारी किये गये निर्देशों के ब्यौरे	अधिरोपित शास्ति/ब्याज/प्रतिकर	क्या संदत्त किया गया
सूचना शून्य है।		

छ. प्राधिकरण या न्यायनिर्णायक अधिकारी द्वारा आदिष्ट अन्वेषण और जांच:
सूचना शून्य है।

ज. प्राधिकरण और न्यायनिर्णायक अधिकारी द्वारा पारित आदेश:

कुल 421 शिकायतों का प्राधिकरण एवं 53 शिकायतों का न्यायनिर्णायक अधिकारी द्वारा निपटारा किया गया।

झ. प्राधिकरण के आदेशों का निष्पादन और शास्तियों का अधिरोपण:

(i) मौद्रिक शास्ति:

अधिरोपित शास्ति की वसूली के ब्यौरे	अधिरोपित किन्तु वसूल नहीं की गयी शास्ति के ब्यौरे	मामलों की कुल संख्या	उद्गृहीत की गयी मौद्रिक शास्ति की कुल रकम	नियम 25 की सहायता से वसूल की गयी कुल रकम
विस्तृत ब्यौरे की सूची संलग्न है	31,95,000	68	87,42,000	55,47,000

(ii) न्यायालय को धारा 59 के अधीन निर्दिष्ट मामले:

न्यायालय को वर्ष के दौरान निर्दिष्ट मामलों की कुल संख्या	न्यायालय द्वारा वर्ष के दौरान निपटाये गये मामलों की कुल संख्या	न्यायालय के समक्ष वर्ष के अंत तक लम्बित मामलों की कुल संख्या
4	0	4

(iii) न्यायालय को धारा 40 के अधीन आदेश के निष्पादन के लिए निर्दिष्ट किये गये मामले:
सूचना शून्य है।

ञ. न्यायनिर्णायक अधिकारी के आदेशों का निष्पादन तथा ब्याज और प्रतिकर का अधिरोपण:

(i) ब्याज और प्रतिकर:

अधिरोपित ब्याज और प्रतिकर के ब्यौरे	अधिरोपित किन्तु संदत्त नहीं किये गये ब्याज और प्रतिकर के ब्यौरे	मामलों की कुल संख्या और अधिरोपित ब्याज तथा प्रतिकर की कुल रकम	नियम 25 की सहायता से वसूल की गई कुल रकम
आदेश दिनांक 16.3.21 द्वारा रु 10,14,750/- + एमसीएलआर रेट पर 2 प्रतिशत सहित ब्याज की वसूली	उक्त आदेश की कियान्विती माननीय उच्च न्यायालय के स्थगन आदेश के कारण लम्बित है।	रु 10,14,750/- + एमसीएलआर रेट पर 2 प्रतिशत सहित ब्याज की वसूली	कोई वसूली राशि नहीं।

(ii) न्यायालय को धारा 40 के अधीन आदेश के निष्पादन के लिए निर्दिष्ट किये गये मामले:

न्यायालय को वर्ष के दौरान निर्दिष्ट किये गये मामलों की कुल संख्या	न्यायालय द्वारा वर्ष के दौरान निपटाये गये मामलों की कुल संख्या	न्यायालय के समक्ष वर्ष के अंत तक लम्बित मामलों की कुल संख्या
29	14	15

ट. अपीलें:

सूचना शून्य है।

ठ. धारा 33 के अधीन राज्य सरकार से प्राप्त निर्देश:

सूचना शून्य है।

ड. धारा 33 की उप-धारा (3) के अधीन वकालती अध्यापक:

रेरा अधिनियम और उसके अन्तर्गत बनाये गये नियमों एवं विनियमों के प्रावधानों के बारे में जागरूकता और अनुपालना के लिए राजस्थान रैरा द्वारा अपने वेब पोर्टल पर भू-सम्पदा क्षेत्र से सम्बन्धित जारी किये गये समस्त आदेश/नोटिफिकेशन प्रकाशित किये गये।

ढ. प्रशासन और संस्थापन स्थापन मामले:

क) रियल एस्टेट नियामक प्राधिकरण

राजस्थान रैरा में दिनांक 06 मार्च 2019 को श्री निहाल चंद गोयल, पूर्व मुख्य सचिव, सेवानिवृत्त आइ.ए.एस. राजस्थान सरकार को पूर्णकालिक अध्यक्ष नियुक्त किया गया था। राजस्थान सरकार के आदेश दिनांक 17.09.2020 को श्री शैलेन्द्र कुमार अग्रवाल, सेवानिवृत्त अतिरिक्त मुख्य सचिव, राजस्थान सरकार एवं श्री सलविन्द्र सिंह सोहता सेवानिवृत्त शासन सचिव राजस्थान सरकार को पूर्णकालिक सदस्य के रूप में नियुक्त किया गया।

उक्त आलौच्य वर्ष में ऑथोरिटी का स्वरूप निम्न प्रकार रहा :-

क्र.सं	प्राधिकारी का नाम	पदनाम	अवधि
1	श्री निहाल चन्द गोयल	अध्यक्ष	06 मार्च 2019 से निरन्तर
2	श्री शैलेन्द्र कुमार अग्रवाल	सदस्य	दिनांक 21.09.2020 से निरन्तर
3	श्री सलविन्द्र सिंह सोहाता	सदस्य	दिनांक 21.09.2020 से निरन्तर
4	श्री हरि कुमार गोदारा	न्यायनिर्णायक अधिकारी	दिनांक 13.10.2020 से निरन्तर
5	श्री रमेश चन्द्र शर्मा	रजिस्ट्रार	दिनांक 02.07.2019 से निरन्तर

ख) न्यायनिर्णयन

रेरा अधिनियम, नियम और विनियम के अपेक्षानुसार प्राधिकरण में प्राधिकरण के आदेश दिनांक 13.10.2020 के द्वारा श्री हरि कुमार गोदारा, सेवानिवृत्त जिला न्यायाधीश को न्यायनिर्णायक अधिकारी नियुक्त किया गया।

ग) अपीलीय न्यायाधिकरण

राजस्थान सरकार के आदेश दिनांक 22 मार्च 2021 द्वारा श्री वीरेन्द्र सिंह सिराधना, सेवानिवृत्त न्यायाधीश राजस्थान उच्च न्यायालय जयपुर को अध्यक्ष पद पर नियुक्त किये जाने के साथ ही अपीलीय न्यायाधिकरण दो सदस्यों (श्री ब्रिजेश कुमार डागरा एवं श्री बंशीधर जाट) के साथ प्रभाव में आया।

प्राधिकरण की संरचना:

इस वर्ष में रेरा की कार्य व्यवस्था के लिए अधिकारी/कर्मचारी विभिन्न विभागों से कार्य व्यवस्थार्त लगाये गये। आलौच्य वर्ष में कर्मचारियों की नियमित नियुक्ति नहीं होने के परिणाम स्वरूप राजस्थान प्रशासनिक सेवा एवं अन्य राजकीय विभागों से सेवानिवृत्त अधिकारी/कर्मचारियों को सक्षम स्तर से स्वीकृति प्राप्त कर लगाया गया। उक्त वर्ष में एक कार्मिक जयपुर मेट्रो रेल कॉरपोरेशन से प्रतिनियुक्ति पर लगाया गया।

वर्ष में नियुक्त किये गये अध्यक्ष और सदस्यों तथा जो पद छोड़ चुके हैं, उनका ब्यौरा:

रेरा प्राधिकरण में श्री रांकेश जैन द्वारा दिनांक 15 मार्च 2020 को पद से त्याग पत्र देने के फलस्वरूप सदस्य का पद रिक्त हो गया। राजस्थान सरकार के आदेश दिनांक 17.09.2020 को श्री शैलेन्द्र कुमार अग्रवाल, सेवानिवृत्त अतिरिक्त मुख्य सचिव, राजस्थान सरकार एवं श्री सलविन्द्र सिंह सोहता सेवानिवृत्त प्रमुख शासन सचिव राजस्थान सरकार को पूर्णकालीक सदस्य के रूप में नियुक्त किया गया।

संगठनात्मक ढांचा:

रेरा में आवश्यकतानुसार स्टाफ की व्यवस्था मेनपॉवर एजेन्सी के माध्यम से तथा आरटीपीपी एक्ट/रूल्स के अन्तर्गत सलाहकारी सेवायें प्राप्त कर की गई।

प्राधिकरण में प्रवर्गवार कार्मिक की सूचना (स्वीकृत पद, भरे गये पद, रिक्तियां, वर्ष में की गयी नियुक्तियां इत्यादि) का तालिका रूप में विवरण:

उक्त वर्ष में एक कार्मिक जयपुर मेट्रो रेल कॉरपोरेशन से प्रतिनियुक्ति पर लगाया गया।

ण. नियोजित विशेषज्ञ और परामर्शदाता:

आवश्यकतानुसार विभिन्न पदों पर सेवानिवृत्त अधिकारी परामर्शदाता/सलाहकार के रूप में नियुक्त किये गये।

त. प्राधिकरण द्वारा, नियमित निबंधनों और शर्तों के परे, कर्मचारी कल्याण अध्यापय, यदि कोई हों:

सूचना शून्य है।

थ. बजट एवं लेखा:

सूचना संलग्न है।

द. अन्तरराष्ट्रीय सहयोग:

सूचना शून्य है।

ध. क्षमता निर्माण पहल का व्यय:

सूचना शून्य है।

न. चल रहे कार्यक्रम: (चल रहे कार्यक्रमों का संक्षिप्त विवरण)

भू-सम्पदा परियोजनाओं व भू-सम्पदा अभिकर्ताओं का रजिस्ट्रीकरण व प्राप्त शिकायतों का निपटारा।

प. सूचना का अधिकार:-

वर्ष 2020-21 में प्राधिकरण को सूचना का अधिकार अधिनियम, 2005 के अधीन सूचना चाहने हेतु कुल 68 आवेदन प्राप्त हुए, जिन सभी में वाछित सूचना उपलब्ध करा दी गई थी।

Milestone Judgment

- 1. Since ATS has not been executed, promoter is not allowed to deduct any amount and allottee is not entitled to any interest on the deposited amount.**

Complaint No. RAJ-RERA-C 2019-2932 Date of Order: 09.07.2020

Pradeep Pareek (complainant) Versus Navriti Projects LLP (Respondent)

In the present case, complainant booked a flat in the project of the promoter/respondent vide allotment letter dated 19.08.2016 and deposited a total amount of Rs 1, 02,500. Complainant was found ineligible for loan so no loan could be sanctioned to him. Therefore, complainant requested to cancel the allotment and refund the amount deposited. The non-complainant neither submitted any reply to the show cause notice issued by the Authority nor appeared for the hearing. Authority held that as no agreement for sale has been executed between the parties, the non-complainant promoter is not entitled to make any deduction while cancelling the booking. For the same reason, the complainant is not entitled to any interest on the amount deposited by him. Hence, the authority directed to refund the entire deposited amount without any interest and without any deduction.

- 2. Authority has no power to rectify/amend substantive part of its own order**

Complaint No. RAJ-RERA-C-2018-2383 Pradeep Kumar Sharma (Complainant) Versus Brij Basundhara Group (Respondent)

The present complaint was decided by the Authority vide its order dated 10.12.2019, in terms of the following findings and directions:

"Having heard the counsels of both the parties and having perused record of the case, we find that possession of more than 60 per cent flats had indeed been given before 01.05.2017. That being so, by virtue of clause (ii) of Explanation to Rule 4 of the Rules, the project 'Brij Heights', which is the subject matter of the present complaint, is not an on-going project and, therefore, not liable to be registered under the Act; and the Authority has no jurisdiction to adjudicate upon complaints relating to the said project.

Adv S. K. Bansal has raised an objection that he has not been given a copy of Annexure-1 of affidavit dated 05.12.2019 containing the details of sale consideration received for each of the 25 flats. CA Prateek Rawat states that this is a confidential information which has been shared with the Authority in the affidavit filed before it, but cannot be disclosed to the complainant as it may affect the business interests of the promoter.

We find the stand of the non-complainant to be reasonable in the facts and circumstances of the case. What is crucial in the present matter is whether possession letters have been executed to the desired extent; and counsel of the complainant has been provided with all the details relating to possession of the 25 flats, including the dates on which possession was given in respect of each of the 25 flats, a copy of all the possession letters and a copy of the affidavit dated 10.12.2019 of the non-complainant stating that the allottees have given total sale consideration of the flat before the date mentioned in the possession letter and that 5 out of the 25 allottees have given the security

deposit cheque for the last installment before the date mentioned in the possession letter. These details, in our view, suffice for the purposes of the complainant. The objection of the counsel of the complainant is, therefore, overruled in exercise of the powers conferred on the Authority under Regulation 14 of the Rajasthan Real Estate Regulatory Authority Regulations, 2017.

As discussed above, having come to the conclusion that the project is not liable to be registered under the Act, the Authority has no jurisdiction to adjudicate upon the present complaint relating to the said project.

We, therefore, dismiss the present complaint as not being maintainable under the Act. The interim direction issued on 06.08.2019 to hand over possession of the flat is also set aside. The complainant is, however, at liberty to seek such alternative legal remedies that may be available to him outside the Act.

The complainant submitted a review application along with documentary evidences under section 39 on the ground that the non-complainant made false statement in the affidavit submitted on 10.12.2019, which led to the passing of the aforesaid order dated 10.12.2019. A false affidavit is a mistake apparent on the face of record and, therefore, under section 39 of the Act, the Authority is competent to rectify and review its order of 10.12.2019.

Non-complainant stated that the review application is not maintainable, as the Authority has no powers to review its own orders because under section 39 of the Act substantive part of the order cannot be amended in the name of rectification.

The Authority held that it has no powers under the Act to review its own orders unless the mistake is apparent from the record and such rectification does not have the effect of amending substantive part of the order.

3. Penalty imposed for not handing over the possession of the unit. Authority directed to send the copy of judgment to SDRI, GoR and ED, GoI to inquire into the matter of tax evasion, if any.

Complaint No. RAJ-RERA-C-2019-3243 Shraddha Khandelwal (Complainant) Versus SNG Real Estate Pvt Ltd (Respondent) Date of Order: 05.11.2020

The complainant booked a flat by making a deposit of Rs. 5 lakh. The developer was responsible for completing the construction and handing over possession of the flat upon payment of the remaining Rs. 46 lakh. However, the complainant alleged that the construction work was not being carried out and the possession was being delayed. The respondent argued that the agreement for sale was undervalued and that the actual cost of the flat was Rs. 1 crore. After reviewing the case, the authority determined that the respondent claims contradicted the registered agreement for sale. They emphasized that once the developer had drafted, signed, and registered the document, they could not dispute its contents. The authority concluded that the respondent failed to deliver possession as per the agreement and imposed penalty of 5% (Rs. 2.55 lakh) of the project cost on the developer. Additionally, Registrar was directed to forward the copy of Judgment and the copy of reply submitted by the respondent/developer to the SDRI, GoR and ED, GoI to inquire into the matter if

any tax evasion is affected by the parties due to under valuation of property as per reply submitted by respondent.

4. Brief summary of the case titled “ Suo moto vs Pritam Singh Talwandi and Suo moto vs Engineer Mr Mahendra kumar chouhan”

Facts-

- In the instant case the project “Gulab Vihar” is registered with the Authority bearing registration no RAJ/P/2019/922 in the plotted scheme.
- In this project the engineer issued the completion certificate of the project in which it was mentioned that “ completion of buildings including completion of doors/windows/floorings/sanitary etc”
- When a show cause was issued to the engineer to explain how a building can be completed including doors etc on a plotted project then it was found that whatever on the site was seen it was mentioned in the completion certificate.
- The Authority afterwards ordered the site inspection of the project in which it was found that the a group housing project was developed and it was also found that all the villas were of same size and style.
- The promoter of the project registered the project in the plotted category and to save the money and to evade the Authority’s fees he later on developed the group housing project there.

Issues-

- Whether the promoter has committed any violation of the RERA Act and regulations?

Judgment

- The Authority in its earlier cases decided the principle of “what you market not what you sell”

What you market not what you make”. The aforesaid view is expressed by the Full Bench of the Authority in the matter of Sankalp Developers file no. F.5 (482) RJ/RERA/Comp./218 order dt. 13.11.2019, Okay Plus Builders LLP file no. 5 (483) RJ/RERA/C/218 order dt. 24.09.2020 and Unique Dream Builders file no. F.5 (484) RAJ-RERA-C-2018 order dt. 24.09.2020 and Vivek Chordia file no. F.3 (478)RAJ/RERA/P-2017 and connected matters decided on 07.01.2022.

- The Authority found that the promoter has violated the provisions of the Act and laid penalty under the provisions of section 60 for misrepresentation and providing false information to the Authority a penalty upto the tune of Rs.10 lac.
- The Authority also directed the the Promoter to register his project after remittance requisite fee under the statutory provisions for registration of project under Group Housing category.

I. Execution of the orders of the Authority and imposition of penalties:

(i) Monetary penalties:

(Details of recovery of penalty imposed, details of penalty imposed but not recovered, total number of matters and total amount of monetary penalty levied, total amount realized by resorting to rule 25)

Ans. During the period 1.4.2020 to 31.3.2021:-

Total number of cases in which penalty imposed	68
Total amount of penalty imposed	8742000
Total number of cases in which penalty recovered	41
Total amount of penalty which was recovered	5547000
Total number of cases in which penalty not received	27
Total amount of penalty which was to be recovered.	3195000

FY 2020-21						
S.No.	Date of order	Complaint / File Number	Name of Promoter	Name of Project	Amount of penalty imposed	Amount of penalty recovered.
1	22.07.2020	F15(8)2020	Renaissance Buildhome Pvt. Ltd.	Vedanta Jaipur	10000	10000
2	24.07.2020	F15(37)2019	Amar Adeshwar Infrastructure	Indraprasth Phase 1,2,3,4,5,6	500000	500000
					700000	700000
					300000	300000
					100000	100000
					200000	200000
					1800000	1800000
3	28.07.2020	F15(3)2020	Navriti Projects LLP	Aavya Homes Jaipur	10000	10000
4	29.07.2020	F15(89)2020	Jaipur Development Authority	Shiv Enclave	10000	10000
5	04.08.2020	F5(860)2019	1.Ravi Surya Affordable Homes,2.Ravindra Pratap Singh, 3.Shweta Pratap Singh,3. Ravi Surya Builders Pvt. Ltd.	Surya Residency	100000	100000
6	04.08.2020	F15(31)2019	Ratnawat Infra Structure Constriction Company LLP	Pinnacle	10000	10000
7	05.08.2020	F15(44)2019	Shivaaz Developer LLP	Riddhi Siddhi Vihar Jodhpur	100000	
8	05.08.2020	F15(32)2019	Harsh Macro Buildhome Pvt. Ltd.	The Coronation	25000	
9	06.10.2020	F15(71)2020	K G V Infra Pvy. Ltd.	Gold Tamara Kota	10000	10000

10	07.10.2020	F15(48)2020	Suwalka and Suwalka Properties And Builders Pvt. Ltd.	Suwalka Riddhi Siddhi Residency kota	50000	
11	09.10.2020	F15(93)2020	Ground Craft Planners and Developers and others	Karani Vihar ,Barmer	50000	50000
12	14.10.2020	F15(73)2020	Rajasthan Housing Board	Ayush Market	2000	2000
13	14.10.2020	F15(69)2020	Rajasthan Housing Board	MM Rajya Sahayak Awasiya Karamchhari Yojana	2000	2000
14	21.10.2020	F15(8)2019	U. I. T. Chittirgarh	Farm House Project	10000	10000
15	21.10.2020	F13(1)2019	Unique Builders and Others	Unique New Town Phase I	5000	5000
16	27.10.2020	F15(74)2020	Jaipur Development Authority	Pristine,	5000	5000
17	03.11.2020	F15(32)2020	Ekam Buildmart	Unique Sapphire,	5000	5000
18	03.11.2020	F-15(87)2020	Udairaj Palace Pvt. Ltd.	Unique Emporia	5000	5000
19	03.11.2020	F-15(96)2020	Akanksha infra housing	Mohan Lal Sukhadia Nagar	5000	
20	03.11.2020	F-15(538)2018	Khedapati Balaji Build State Pvt .Ltd.	Ekam Buildmart	50000	50000
21	04.11.2020	F-15(482)2018	Sankalp Developers	Udayraj	50000	50000
22	04.11.2020	F-15(43)2020	U I T Kota	Akansha Deep Heights	25000	25000
23	04.11.2020	F-15(104)2020	Ashapurana Buildcon Ltd.	Royal Green Valley Jaipur	50000	50000
24	04.11.2020	F-15(401)2017	M G I Infratech Pvt. Ltd	Suparshwa Aangan	50000	50000
25	06.11.2020	F-15(98)2020	D K Builders	seven projects adv.	10000	
26	10.11.2020	F05(888)2019	Shree Govind Raj Constrution Pvt. Ltd.	Ashapurna Anmol Phase I	20000	20000
27	10.11.2020	F15(4)2020	Kedia Builders and Colnisers Pvt. Ltd.	Sanskar Residency ,Alwar	100000	100000
28	12.11.2020	F15(29)2020	Paramjeet Associates	Neminath Nagar,Sagwara	200000	200000
				Royal Jain City	100000	
				Anant Villas	50000	50000
				Gurumanak Housing,Kota	250000	250000

29	12.11.2020	F15(34)2020	Sumangalam Developers (Subh Atlantis)	Subh Atlantis	300000	300000
30	13.11.2020	F3(1278)F16(23)2020	G.K.Builders (Dholpur)	G.K. City Dholpur	200000	
31	07.12.2020	F15(139)2020	F S Housing Pvt. Ltd.	The crest	100000	
32	07.12.2020	F15(141)2020	Ratnawat Infra Structure Constnrtion Company LLP	Pinnacle	100000	100000
33	07.12.2020	F15(138)2020	Palak Buildvision LLP	Mall Of Jaipur	100000	100000
34	07.12.2020	F15(140)2020	Harsh Macro Buildhome Pvt. Ltd.	The Coronation	200000	
35	09.12.2020	F15(10)2020	Ahluwalia Contract India Ltd.	The Great Mall of Kota	50000	
36	14.12.2020	F15(133)2020	Defined Builders and Colonizers LLP	Sharda Residency	10000	
37	14.12.2020	F15(115)2020	ABP Affordable Housing	Vasundhara Kutub and 5 other	5000	5000
38	14.12.2020	F15(116)2020	Ravi Surya Affordable	Surya Residency	5000	
39	14.12.2020	F15(117)2020	Om Real Developers	Shyam Apartment	5000	
40	14.12.2020	F15(118)2020	Ravi Surya .	Ravi River Front Home	5000	
41	14.12.2020	F15(119)2020	Aditya House	Swaraj Apna Ghar	5000	
42	14.12.2020	F15(120)2020	Love Homes LLP	Love Homes	5000	
43	21.12.2020	F15(123)2020	Mojika Real State and Developers Pvt. Ltd.	Mojika Laxmi Vihar	5000	5000
44	21.12.2020	F15(132)2020	Unimaxe Buildestate Pvt. Ltd.	Pink Pride, The Suites	20000	
45	21.12.2020	F2(1846)2020	Bhatratavas Yojna Ltd	Bharat Avas Yojana	500000	
46	21.12.2020	F15(131)2020	Real Revolution Developers Pvt. Ltd.	AVANI HOMES	10000	
47	21.12.2020	F15(136)2020	Chopra Awas Vikas LLP	SUKHIJA VIHAR-A	10000	10000
48	24.12.2020	F15(94)2020	BSK Buildcon Pvt. Ltd.(Prakash Chand Parmar)	Satyam City	20000	20000
49	28.12.2020	F15(114)2020	Rajasthan Housing Board	Dwarka Apartment	20000	20000
50	31.12.2020	F15(103)2020	S N Associates	Neelkanth Apartments	100000	100000
51	31.12.2020	F15(90)2020	N Z Buildcon Pvt. Ltd.	Ojasvi,Trinetra,Row Bungalow	50000	50000

52	06.01.2021	F15(36)2020	Shree Govind Group	Shyam Aangan	50000	
53	13.01.2021	F5(541)2018	Unique Dream Builders		20000	
54	18.01.2021	F16(12)2020	Kreative Buildheight Pvt.Ltd.	Silver Palm	500000	
55	25.01.2021	F15(16)2020	Lariya Buildcon	Lariya Valley Phase 1	10000	10000
56	25.01.2021	F15(11)2020	Rajasthan Housing Board	RHB Aatish Market	10000	10000
57	08.02.2021	2018-2134	MVL Ltd		1000000	
58	11.02.2021	F15(19)	Ground Craft	Apna Awas	20000	20000
59	11.02.2021	F15(100)	UIT Kota	Rajeev Gandhi Nagar	20000	
60	12.02.2021	F7(15)	Radha Govind Colonisers	The Oxygen	100000	100000
61	12.02.2021	F15(21)	Navriti Projects LLP	Suurya Nagar commercial plots	100000	
62	01.03.2021	F15(73)	Rajasthan Housing Board	Ayush Market	8000	8000
63	01.03.2021	F15(128)	Agaro Prime Heights	Sitapura Residency	10000	10000
64	15.03.2021	F15(158)	Kedia Landmarks	Kedias Capital	10000	10000
65	15.03.2021	F15(160)	Elegant Buildcon	Elegant Wonder	20000	20000
66	15.03.2021	F15(161)	Dhanuka Realty	Sunshine Aditya	10000	10000
67	22.03.2021	F15(185)	UIT Alwar	Surya Nagar commercial plots	50000	
68	26.03.2021	F15(102)	Sanjeevani Group		10000	10000
Total					8742000	5547000

RAJASTHAN REAL ESTATE REGULATORY AUTHORITY
Budget Estimate for the year of 2020-21

		(Amount in Lakhs)
A/C Code	Particular	2020-21
	Opening Balance	
31.1	Investments and Deposit	2670.00
33	Loans And Advances	15.00
36	Cash and Bank balance	56.00
43	Fixed Assets	102.00
46	Other Current assets	1.00
	Total	2844.00
	Realisation of Fund	
2.1	Fees	1877.00
2.3	Fines (Penalty)	136.00
7.1	Income On Investments	258.00
7.2	Income On Deposits	5.00
11.3	Miscellaneous Income	1.00
	Total	2277.00
	Grand Total	5121.00
	Appropriation of Fund	
2.3	Fines (Penalty)	
13.1	Pay And Allowance (Chairperson And Members)	45.50
13.2	To other benefits (Medical Reimbursement)	2.00
13.3.2	Travelling Allowance (Domestic)	0.20
14.1	Pay And Allowance (Officers)	30.50
14.4.2	Travelling Allowance (Domestic)	
15.1	Pay And Allowances (Staff)	119.50
15.4.2	Travelling Allowance (Domestic)	0.20
16	Hiring Of Conveyance	10.50
19	Honoriam	0.50
20	Other Office Expenses	46.00
22	Consultation Expenses	67.50
23	Seminars And Conferences	
24	Publications Of Authority	3.50
25	Rent And Taxes	108.50
28	Membership Fee	3.60
35.3	Audit Fees	0.50
43	Fixed Assets Purchase	24.50
	Total	463.00
	Closing Balances	
31.1	Investments	4354.00
33	Loans And Advances	41.00
36.1	Bank	108.00
43	Fixed Assets	154.00
46	Other Current assets	1.00
	Total	4658.00
	Grand Total	5121.00

Rajasthan Real Estate Regulatory Authority, Jaipur

Annual Statement of Accounts
(alongwith the audit report thereon)

For the Year 2020-21

Confidential

Atoorva Sinha



6543/15/103 स्टा. फाइल

23/3/22
महालेखाकार (लेखापरीक्षा-II)
राजस्थान

जनपथ, जयपुर-302 005

ACCOUNTANT GENERAL (AUDIT-II)

RAJASTHAN

JANPATH, JAIPUR- 302 005

D.O. No. AMG-I/UD/K-2084/2022-23/472

Date 22-7-22

28-11
Pst no 16

Dear Shri Meena

I enclose a certified copy of the Accounts of the Rajasthan Real Estate Regulatory Authority, Jaipur for the year ended on 31 March 2021, together with Separate Audit Report thereon for presentation to the Rajasthan Vidhan Sabha in terms of Section 77 (4) of the Real Estate (Regulation and Development) Act, 2016. These documents may be treated as confidential till these are presented to the Vidhan Sabha.

2. In case a Hindi translation to this report and the accounts are prepared by the State Government for presentation along with the English version, the fact that the original report is in English and in case of doubt, English version will be treated as authentic, may be indicated in the Hindi version.

3. The date of presentation of the Accounts and the Audit Report to the Vidhan Sabha may be intimated to this office in due course.

4. The receipt of the above documents may be acknowledged.

with regards

Yours Sincerely,

Atoorva Sinha

Shri Kunji Lal Meena.
Principal Secretary,
Urban Development and Housing Department,
Government of Rajasthan, Jaipur - 302005

Separate Audit Report of the Comptroller & Auditor General of India
on the Accounts of Rajasthan Real Estate Regulatory Authority, Jaipur
for the year ended 31 March, 2021

1. We have audited the attached Balance Sheet of the Rajasthan Real Estate Regulatory Authority, Jaipur as at 31 March 2021, the Income and Expenditure Account and the Receipts and Payments Account for the year ended on that date under Section 19 (2) of the Comptroller & Auditor General's (Duties, Powers & Conditions of Service) Act 1971. The audit has been entrusted under section 77 of the Real Estate (Regulation and Development) Act, 2016. These financial statements are the responsibility of Rajasthan RERA's Management. Our responsibility is to express an opinion on these financial statements based on our audit.

2. This Separate Audit Report contains the comments of the Comptroller & Auditor General of India (C&AG) on the accounting treatment only with regard to classification, conformity with the best accounting practices, accounting standards, disclosure norms, etc. Audit observations on financial transactions with regard to compliance with the Law, Rules & Regulations (Propriety and Regularity) and efficiency-cum-performance aspects, etc., if any, are reported through Inspection Reports/C&AG's Audit Reports separately.

3. We have conducted our audit in accordance with the Auditing Standards generally accepted in India. These standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatements. An audit includes examining on a test basis, evidences supporting the amounts and disclosure in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall presentation of financial statements. We believe that our audit provides a reasonable basis for our opinion.

4. Based on our audit, we report that:

i. We have obtained all the information and explanations, which to the best of our knowledge and belief were necessary for the purpose of our audit.

ii. The Balance Sheet, Income & Expenditure Account and Receipt & Payment Account dealt with by this report have been drawn up in the Form-P required under rule 37 of the Rajasthan Real Estate (Regulation and Development) Rules, 2017.

iii. In our opinion, proper books of accounts and other relevant records have been maintained by the Rajasthan RERA, Jaipur as required under rule 37 of the Rajasthan Real Estate (Regulation and Development) Rules, 2017 so far as it appears from our examination of such books.

iv. We further report that:

A. Balance Sheet

Investments and Deposits: ₹ 4353.37 lakh (Schedule-N)

This is overstated by ₹ 67.19 lakh. As per the interest certificates issued by Banks the amount of accrued interest as on 31 March 2021 is ₹ 18.97 lakh, whereas the Authority has shown accrued interest as ₹ 86.16 lakh in schedule N. This has resulted into overstatement of Investment and Deposits by ₹ 67.19 lakh and the Excess of Income over Expenditure is also overstated by the same amount.

B. General

As per section 76(2) of the Real Estate (Regulation and Development) Act, 2016, all sums realised, by way of penalties, imposed by the Authority, in a State, shall be credited to such account as the State Government may specify. As the State Government had not specified any account for this purpose, the Authority had kept the penalty amount recovered in other bank accounts of the Authority in the year 2017-18 to 2020-21. Though the penalty amount has now been deposited to the State Government (April, 2022), the interest earned on the above amount has been wrongly booked as its own income by the Authority. Due to not keeping the penalty amount in a separate account, the impact of the interest amount wrongly booked as own income cannot be quantified.

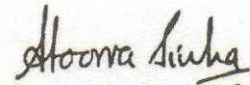
v. Subject to our observation in the preceding paragraphs, we report that the Balance Sheet, Income and Expenditure Account and Receipts and Payments Account dealt with by this report are in agreement with the books of accounts.

vi. In our opinion and to the best of our information and according to the explanations given to us, the said financial statements, read with the Accounting Policies and Notes on Accounts, and subject to the comments mentioned in para 4(iv) and other matters mentioned in Annexure to this Audit Report, give a true and fair view in conformity with accounting principles generally accepted in India.

a. In so far as it relates to the Balance Sheet, of the state of affairs of the Authority as at 31 March 2021 and

- b. In so far as it relates to the Income and Expenditure Account, of the surplus for the year ended on that date.

For and on behalf of the
Comptroller & Auditor General of India



(Atoorva Sinha)

Accountant General (Audit-II)

Rajasthan, Jaipur

Place: Jaipur

Date: 21/07/2022

Annexure

1. Adequacy of Internal Audit System

Internal audit was out sourced to a Chartered Accountants Firm. There was no internal audit wing and internal audit manual in Rajasthan RERA. The compliance of the observation and suggestions given by the CA Firm was pending. In our opinion and according to the information and explanations given to us and on the basis of such checks as we considered necessary/appropriate, the internal audit system does not appear to be adequate.

2. Adequacy of Internal Control System

The delegation of powers were not specified. In our opinion and according to the information and explanations given to us and on the basis of such checks as we considered necessary/appropriate, the internal control system does not appear to be adequate.

3. Physical Verification

Physical verification of fixed assets and inventory was not conducted during 2020-21. This was also highlighted previously for 2019-20 during Financial Audit.

4. Regularity in payment of statutory dues

In our opinion and according to the information and explanations given to us and on the basis of such checks as we considered necessary / appropriate, the Authority was regular in depositing undisputed statutory dues.

5. Any other observation, suggesting risk to financial reporting

Compliance Audit (Transaction Audit) of the Authority is required to be conducted by the CAG under Section 19 (2) of the Comptroller & Auditor General (Duties, Powers & Conditions of Service) Act, 1971 read with Regulations on Audit & Accounts, 2020 and Section 77 of Real Estate (Regulation and Development) Act, 2016. However, the Authority did not agree for the same despite repeated requests. Hence, Compliance Audit could not be undertaken since inception for the Authority. In our opinion the financial reporting carries significant risk in absence of External Audit by CAG.

For and on behalf of the
Comptroller & Auditor General of India


(Atoorva Sinha)

Accountant General (Audit-II)
Rajasthan, Jaipur

Place: Jaipur

Date: 21/07/2022



MAHAVEER GANDHI & ASSOCIATES Chartered Accountants

Auditor's Report

I have examined the balance sheet of RAJASTHAN REAL ESTATE REGULATORY AUTHORITY (PAN: AAAGR0430E) as at 31/03/2021, Income & Expenditure and the Receipt and Payment for the year ended on that date which are in agreement with the books of account maintained thereat.

I have obtained all the information and explanations which to the best of my knowledge and belief were necessary for the purposes of the audit. In my opinion, proper books of account have been kept by the office of the above-named authority visited by me so far as appears from my examination of the books, and proper Returns adequate for the purposes of audit have been received from office subject to the comments given below:

In my opinion and to the best of my information, and according to information given to me the said accounts give a true and fair view: -

- i. In the case of the balance sheet of the state of affairs of the above-named authority as at 31/03/2021.
- ii. In the case of the Income & Expenditure account, of the surplus (Excess of income over Expenditure) of its accounting year ending on 31/03/2021.
- iii. In the case of Receipt & Payment account (Form-P), of the transactions made through bank of the above named authority as at 31/03/2021.

For MAHAVEER GANDHI AND ASSOCIATES
Chartered Accountants



Place : JAIPUR
Date : 10.03.2022

Branch Address:
Office 103, Jagdish Enclave,
Hawa Sadak, Civil Lines Circle,
22 Godam, Jaipur-302006

Contact:
mahaveergandhi.jaipur@gmail.com
+91 141 4069434

Observation and suggestions:

1. The Department is in need to form E-Governance within the organization. The Software has to equip with automatic voucher generation system so that there is real time accounting of the transactions. Further the voucher coding system should be as defined in the Rajasthan Real Estate (Regulation and Development) Rules, 2107.
2. For every receipt of payment through web portal one customer copy is generated by the departmental web portal. There should be generation of one departmental copy with each transaction for proper records.
3. Nature of the receipts should be identified as and when payment is received.
4. Looking at the volume of the funds the accounts department should be IT equipped for more effective and efficient departmental working.

For MAHAVEER GANDHI AND ASSOCIATES
Chartered Accountants


(CA ANKIT RATHORE)
Partner
Registration No: 010756C
UDIN: 22433797AFASZX4134

Place : JAIPUR
Date : 10.03.2022

RAJASTHAN REAL ESTATE REGULATORY AUTHORITY

2nd & 3rd Floor, RSIC Wing, Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur-302005

FORM-P (See Rule No. 37)

RECEIPTS AND PAYMENT ACCOUNT

FOR THE YEAR 2020-21

A/C Code	Receipts	Current Year As on 2021	Previous Year As on 2020	A/c Code	Payments	Current Year As on 2021	Previous Year As on 2020
1	2	3	4	5	6	7	8
1	To Balance Brought Down	-	-	13	By Chairperson and Members;	-	-
1.1	To Bank	55,60,959.06	92,01,703.80	13.1	By Pay and Allowances	-	-
1.2	To Cash in Hand	-	-	13.2	By Other benefits	38,74,468.00	28,57,354.00
2	To Fee, Charges and Fine	-	-	13.3	By Travelling expenses	-	-
2.1	To Fees	19,05,51,114.20	9,04,87,774.96	13.3.1	By Overseas	-	-
2.2	To Charges	-	-	13.3.2	By Domestic	-	-
2.3	To Fines (Penalty)	1,35,86,014.00	2,28,69,776.00	14	By Officers;	7,905.00	1,12,097.00
2.4	To Others	-	-	14.1	By Pay and Allowances	-	-
3	To Grants;	-	-	14.2	By Retirement Benefits	30,40,065.00	15,73,684.00
3.1	To Accounts with Government	-	-	14.3	By Other benefits	-	-
3.2	To Others (Specify)	-	-	14.4	By Travelling expenses	-	-
4	To Gifts	-	-	14.4.1	By Overseas	-	-
5	To Seminars and Conferences	-	-	14.4.2	By Domestic	-	-
6	To Sale of Publications	-	-	15	By Staff;	-	-
7	To Income on Investment and Deposit	-	-	15.1	By Pay and Allowances	-	-
7.1	To Income on Investment	1,13,18,188.00	1,25,05,900.00	15.2	By Retirement Benefits	1,19,32,288.00	62,47,298.00
7.2	To Income on Deposits	-	-	15.3	By Other Benefits	-	-
8	To Loans;	-	-	15.4	By Travelling Expenses	-	-
8.1	To Government	-	-	15.4.1	By Overseas	-	-
8.2	To Other (specify)	-	-	15.4.2	By Domestic	-	-
9	To Sale of Assets	-	-	16	By Hire of Conveyance	3,000.00	31,698.00
10	To Sale of Investment	18,22,54,290.00	14,00,00,000.00	17	By Wages	8,57,608.00	7,01,795.00
11	To Recoveries from pay bills	-	-	18	By Overtime	-	-
11.1	To Loans and Advances Principal Amount	-	-	19	By Honorarium	-	-
11.2	To Interest on Loans and Advances	-	-	20	By Other Office Expenses	-	-
11.3	To Miscellaneous	-	-	21	By Expenditure on Research	1,19,41,627.50	19,43,945.20
51	To Other	-	-	22	By Consultation Expenses	-	-
-TDS	-	35,23,249.00	22,75,643.00	23	By Seminars and Conferences	67,28,028.00	46,69,419.00
-Other	-	44,01,193.00	1,12,37,000.00	24	By Publications of Authority	-	25,026.00
-TDS GST	-	2,54,018.00	1,86,325.00	25	By Rent and Taxes	3,39,589.00	6,71,184.00
				26	By Interest on Loans	76,46,400.00	44,39,844.00
				27	By Promotional Expenses	-	-
				28	By Membership Fee	-	-
				29	By Subscription	3,54,000.00	1,00,000.00
				30	By Purchase of Fixed Assets (specify)	-	-
				31	By Investment and Deposits;	47,51,993.00	1,13,20,097.00
				31.1	By Investments	-	-
				31.2	By Deposits	33,09,93,000.00	22,24,93,000.00
				32	By Security Deposits	-	-
				33	By Loans and Advances to;	-	-
				33.1	By Employees;	-	1,30,13,738.00
				33.1.1	By Bearing Interest	-	-
				33.1.2	By Not Bearing Interest	-	-
				33.2	By Suppliers/Contractors	-	-
				33.3	By Other	-	-
				34	By Repayment of Loan	64,18,398.00	66,03,625.00
				35	By Others (Fee Refund)	-	-
				35.1	By Leave Salary and Pension	27,66,028.30	83,34,901.50
				35.2	By Contribution	-	-
				35.3	By Audit Fees	-	-
				35.4	By Misc;	25,060.00	-
				36	By Balance carried down;	-	-
				36.1	By Bank	1,07,68,570.56	55,60,959.06
				36.2	By Cash in Hand	-	-
	Total	41,14,48,928.26	28,87,04,122.76		Total	41,14,48,928.26	28,87,04,122.76

(Guruch Lal Jain) Accounts Officer
 (Ramesh Chandra Sharma) Registrar
 (Salvindra Singh Sobhai) Member
 (Shailendra Agarwal) Member
 (Nihal Chand Goyal) Chairman

Date: 10.03.2022
Place: Jaipur

As compiled and audited from the books of accounts made available to us

For Mahaveer Gandhi & Associates



RAJASTHAN REAL ESTATE REGULATORY AUTHORITY
2nd & 3rd Floor, RSIC Wing, Udyog Bhawan, Tikak Marg, C-Scheme, Jaipur-302005
INCOME AND EXPENDITURE ACCOUNT
For the 1st April 2020 to 31st March 2021

A/c Code	Expenditure	Schedule	Current Year As on 2021	Previous Year As on 2020	A/c Code	Income	Schedule	Current Year As on 2021	Previous Year As on 2020
1	2	3	4	5	6	7	8	9	10
13	To Chairperson and Members		-	-	2	By Fees Charges and Fine	A	-	-
13.1	To Pay and Allowance		45,26,462.00	30,39,530.00	2.1	By Fee		-	-
13.2	To Other Benefits		1,96,894.00	-	2.2	By Charges		11,76,83,916.20	8,84,45,172.46
13.3	To Travelling Expenses	C	-	-	2.3	By Finc		-	-
13.3.1	To Overseas		-	-	2.4	By Other (specify)		-	-
13.3.2	To Domestic		-	-	3	By Grants		-	-
14	To Officers		7,905.00	1,12,097.00	3.1	By Account With Government	B	-	-
14.1	To Pay and Allowance		-	-	3.2	By Other (specify)		-	-
14.2	To Retirement Benefits	D	30,40,065.00	18,03,788.00	4	By Gifts		-	-
14.3	To Other Benefits		-	-	5	By Seminars and Conference		-	-
14.4	To Travelling Expenses	C	-	-	6	By Sale of Publications		-	-
14.4.1	To Overseas		-	-	7	By Income on Investments and Deposits		-	-
14.4.2	To Domestic		-	-	7.1	By Income on Investments		-	-
15	To Staff		-	4,458.00	7.2	By Income on Deposits		2,26,63,354.63	1,47,68,861.00
15.1	To Pay and Allowance		-	-	11.2	By Interest on Loan and Advance		2,31,889.00	4,42,237.00
15.2	To Retirement Benefits	D	1,19,32,289.00	68,66,244.00	12	By Miscellaneous Income		1,23,741.76	-
15.3	To Other Benefits		-	-	12.1	By Gain on Sales of Assets		43,177.00	10,713.00
15.4	To Travelling Expenses	C	-	-				-	-
15.4.1	To Overseas		-	-				-	-
15.4.2	To Domestic		-	-				-	-
16	To Hire of Conveyance		3,000.00	35,648.00				-	-
17	To Wages		10,30,587.00	7,01,795.00				-	-
18	To Overtime		-	-				-	-
19	To Honorarium		-	-				-	-
20	To Other Office Expenses		31,000.00	-				-	-
21	To Expenditure on Research	E	45,68,013.80	89,90,945.20				-	-
22	To Consultation Expenses		-	-				-	-
23	To Seminars and Conferences		67,24,525.00	51,61,619.00				-	-
24	To Publications of Authority		-	25,026.00				-	-
25	To Rent and Taxes		3,43,791.00	6,71,184.00				-	-
26	To Interest on loans		1,06,08,300.30	50,77,044.00				-	-
27	To Promotional Expenses		-	-				-	-
28	To Membership Fee		-	-				-	-
29	To Subscription	F	3,54,000.00	1,00,000.00				-	-
30	To Others	G	-	-				-	-
35.1	To Leave Salary and Pension		-	-				-	-
35.2	To Contribution		-	-				-	-
35.3	To Audit Fees		-	-				-	-
35.4	To Misc		2,36,080.00	47,200.00				-	-
37	To Depreciation		-	-				-	-
48	To Loss on sale of Assets	H	24,16,177.12	11,87,382.35				-	-
49	To Bad Debts Written off		-	-				-	-
50	To Provision for Bad & Doubtful		-	-				-	-
	To Balance of Income Over Expenditure (Transferred to Capital Fund Account)		16,47,46,990.37	6,98,43,022.91		By Excess of expenditure over income (Transferred to Capital Fund Account)		-	-
	Total		21,07,66,078.59	10,36,66,983.46		Total		21,07,66,078.59	10,36,66,983.46

(Kunthi Lal Jain)
Accounts Officer

(Ramesh Chandra Sharma)
Registrar

(Salvindra Singh Schata)
Member

(Shailendra Agarwal)
Member

(Nihal Chand Goul)
Chairman

As compiled and audited from the books of accounts made available to us
For Mahaveer Gandhi & Associates



Date: 10.03.2022
Place: Jaipur

RAJASTHAN REAL ESTATE REGULATORY AUTHORITY
2nd & 3rd Floor, RSIC Wing, Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur-302005
Balance Sheet as on 31st March, 2021

Code	Liabilities	Schedule	Current Year As on 2021	Previous Year As on 2020	A/c Code	Assets	Schedule	Current Year As on 2021	Previous Year As on 2020
40	Funds	I			43	Fixed Assets	II		
40.1.	Capital Funds				43.1.	Gross Block at Cost			
	Add: Excess of Income over Expenditure less excess of Expenditure over Income		20,67,59,041.71	13,69,16,018.80	37	Less: Depreciation			
			16,47,46,990.37	6,98,43,022.91					
40.2.	Other Funds (specify)								
41	Reserves	J	-	-	43.2	Net Block		1,53,59,232.53	1,01,32,714.65
8	Loans	K	-	-	44	Capital Work in Progress	M	-	-
8.1.	Government		-	-	31	Investment & Deposits	N	-	-
8.2.	Others		-	-	31.1.	Investment		43,53,37,421.63	26,09,94,704.00
42	Current Liabilities and Provisions	L	9,41,85,708.40	7,74,45,641.00	31.2.	Deposits		-	-
					33	Loans and Advances	O	41,08,462.76	14,59,487.00
					3.1.	Account with Government	S	-	-
					45	Sundry Debtors	P	-	-
					36	Cash and Bank Balances	Q	1,07,68,570.56	55,60,959.06
					46	Other Current Assets	R	1,18,053.00	56,818.00
	Total		46,56,91,740.48	28,42,04,682.71		Total		46,56,91,740.48	28,42,04,682.71

Accounting Policies and Notes to

(Kumda Lal Jain)
Accounts Officer

(Ramesh Chandra Sharma)
Registrar

(Salvendra Singh Sahota)
Member

(Shubendra Agarwal)
Member

(Nihal Chund Goel)
Chairman

As compiled and audited from the books of accounts made available to
For Mahaveer



Date: 10.03.2022
Place: Jaipur

RAJASTHAN REAL ESTATE REGULATORY AUTHORITY
2nd & 3rd Floor, RSIC Wing, Udyog Bhawan, Tilak Marg, C-Scheme, Jaipur-302005
For the 1st April 2020 to 31st March 2021

Schedule A			
A/c Code	PARTICULARS	As at 31.03.2021	As at 31.03.2020
2	By Fees Charges and Fine		
2.1.	By Fee		
	Agent Registration Fee	67,08,096.00	64,72,201.80
	Processing Fee	2,16,282.00	15,42,288.00
	Changes Fee	76,33,636.00	42,66,714.66
	Complaint Fee	6,47,500.00	9,42,885.90
	Extention Fee	1,43,37,269.00	47,89,824.10
	Project Registration Fee	15,78,85,426.20	7,02,86,258.00
	Tribunal Fee	35,000.00	1,45,000.00
12	By Miscellaneous Income	18,76,83,916.20	8,84,45,172.46
	Misc. Receipts		4,496.00
	Certified Copy	5,700.00	
	Recovery of Car Rent	25,254.00	1,345.00
	RTI Fee	9,723.00	4,872.00
	Tender Fee	2,500.00	
	TOTAL	43,177.00	10,713.00

Schedule B			
A/c Code	PARTICULARS	As at 31.03.2021	As at 31.03.2020
3	By Grants		
3.1.	By Account With Government		
3.2.	By Other (specify)		
	TOTAL		

Schedule C			
A/c Code	PARTICULARS	As at 31.03.2021	As at 31.03.2020
13.2	To Other Benefits		
	Medical Reimbursement of Sh NC Gool		
14.3.	To Other Benefits	1,96,894.00	
15.3	To Other Benefits		
	TOTAL	1,96,894.00	

Schedule D			
A/c Code	PARTICULARS	As at 31.03.2021	As at 31.03.2020
14.2.	To Retirement Benefits		
	TOTAL		

Schedule E			
A/c Code	PARTICULARS	As at 31.03.2021	As at 31.03.2020
20	To Other Office Expenses		
	Legal Expenses	3,58,580.00	97,660.00
	Printing & Stationary Exp	2,70,394.00	3,54,314.00
	Telephone Expenses	2,66,410.00	2,11,858.00
	Bank Charges	371.70	460.20
	Postage Expenses	3,92,681.00	2,77,441.00
	Electricity Expenses	8,24,956.10	2,22,075.00
	Repair & Maintenance Expenses Vehicle	2,03,945.00	1,01,409.00
	Repair & Maintenance Expenses Office Equipments	41,666.00	20,024.00
	Repair & Maintenance Expenses Software & Computer		5,57,454.00
	Repair & Maintenance Expenses Furniture Exp.	49,418.00	10,499.00
	Library Books	16,317.00	4,590.00
	Newspaper Expenses	18,576.00	11,171.00
	Office Expenses	10,48,508.00	7,36,327.00
	Office Expenses REAT	1,38,392.00	
	Office Equipment	7,080.00	
	Interest on TDS	3,013.00	
	Upgradation of Rental Premises (RSIC)	20,55,787.00	63,74,299.00
	Vehicle Insurance (RJ-45CII-7399)	22,727.00	11,364.00
	Website Development & Maintenance Exp.	29,60,766.00	
	TOTAL	45,68,013.80	89,90,945.20



Schedule F			
A/c Code	PARTICULARS	As at 31.03.2021	As at 31.03.2020
28	To Membership Fee All India Forum of Real Estate Authority		
	TOTAL	3,54,000.00	1,00,000.00
		3,54,000.00	1,00,000.00

Schedule G			
A/c Code	PARTICULARS	As at 31.03.2021	As at 31.03.2020
29	To Subscription		
	TOTAL	-	-
		-	-

Schedule H			
A/c Code	PARTICULARS	As at 31.03.2021	As at 31.03.2020
43.1	Gross Block at Cost		
37	Less: Depreciation		
43.2	Net Block	1,77,75,409.63	1,13,20,097.00
		24,16,177.12	11,87,382.35
		1,53,59,232.53	1,01,32,714.65

Schedule I			
A/c Code	PARTICULARS	As at 31.03.2021	As at 31.03.2020
40.1	Capital Funds		
	Add: Opening Balance of Capital Fund	-	-
	Add: Excess of Income over Expenditure/less excess of Expenditure over Income	20,67,59,041.71	13,69,16,018.80
	TOTAL	16,47,46,990.37	6,98,43,022.91
		37,15,06,032.08	20,67,59,041.71

Schedule J			
A/c Code	PARTICULARS	As at 31.03.2021	As at 31.03.2020
41	Reserves		
	TOTAL	-	-
		-	-

Schedule K			
A/c Code	PARTICULARS	As at 31.03.2021	As at 31.03.2020
8	Loans		
	TOTAL	-	-
		-	-

Schedule L			
A/c Code	PARTICULARS	As at 31.03.2021	As at 31.03.2020
42	Current Liabilities & Provisions		
	Tax Payable		
	IDS Payable U/s 192		77,000.00
	IDS Payable U/s 194C		15,498.00
	IDS Payable U/s 194J		88,557.00
	IDS Payable U/s 194I	2,946.00	63,720.00
	GST TDS Payable	-	16,214.00
	Provisions	1,970.00	
	Other Outstanding Liabilities		
	Other Liabilities	59,50,318.40	21,88,654.00
	Earnest Money		
	Advance from Builders	1,71,614.00	1,100.00
	BID Security		1,69,398.00
	Security Deposit	4,900.00	12,00,000.00
	Penalty Charges	1,50,545.00	
	Patrakar Kalyan Kosh	8,72,52,380.00	7,36,18,866.00
	State GPF	7,086.00	6,634.00
	Time Barred Cheque	50,000.00	
	Recoverable Expense	3,50,604.00	
	Bharti Awas Yojana Ltd.		
	TOTAL	2,43,145.00	-
		9,41,85,708.40	7,74,45,641.00



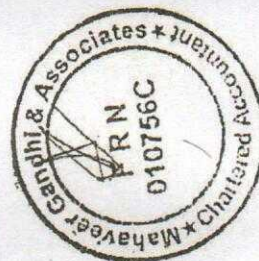
RJASTHAN REAL ESTATE REGULATORY AUTHORITY
(Annexed in and part of Balance Sheet as at 31st March, 2021)

As Per II Act
Schedule II

S. No.	PARTICULARS	RATE OF DEPR.	Original Cost of Assets	OPENING WDV			Deduction	TOTAL	DEPRECIATION			SOLD/W/ OFF	CLOSING WDV	
				Opening Balance	Up to 30.09.2020	Addition After 30.09.2020			Up to 31.03.2020	During the Year	Total		W.D.V. 31.03.2021	W.D.V. 31.03.2020
1	Computer	40%	35,81,396.00	13,30,035.60	8,78,144.00	7,71,204.00	-	30,72,463.60	5,08,932.40	10,00,737.04	15,09,669.44	-	20,71,276.56	13,90,085.60
2	Furniture	10%	73,00,665.00	69,03,042.50	4,425.00	77,204.00	-	69,84,671.50	3,81,993.50	9,94,606.95	10,76,600.45	-	52,40,064.55	69,03,042.50
3	Furniture REAT Office	10%	26,49,892.00	-	-	26,49,892.00	-	26,49,892.00	-	-	-	-	26,49,892.00	-
4	Air Conditioner	10%	20,55,787.00	-	20,55,787.00	-	-	20,55,787.00	-	2,98,089.11	2,98,089.11	-	17,57,697.89	-
5	Software	25%	96,920.00	-	96,920.00	-	-	96,920.00	-	34,230.00	24,230.00	-	72,690.00	-
6	Printer	15%	10,85,392.00	6,31,807.80	1,98,991.00	1,64,136.00	-	9,94,931.80	90,460.20	1,24,619.68	2,15,080.08	-	8,70,311.97	6,31,807.80
7	Battery	15%	20,000.00	18,500.00	-	-	-	18,500.00	1,500.00	2,775.00	4,275.00	-	15,225.00	18,500.00
8	Karn RO	15%	59,980.00	50,983.00	-	-	-	50,983.00	8,997.00	2,647.45	16,644.45	-	43,335.55	50,983.00
9	Paper Shredder	15%	14,370.00	-	14,370.00	-	-	14,370.00	-	2,155.50	2,155.50	-	12,214.50	-
10	Car Chair (31-45CH-7599)	15%	10,39,555.00	8,83,596.25	-	-	-	8,83,596.25	1,55,938.75	1,22,536.44	2,88,468.19	-	7,59,156.81	8,83,596.25
11	Room Heater	15%	58,280.00	35,612.50	-	19,780.00	-	55,392.50	2,887.50	6,821.38	9,712.88	-	48,467.13	35,612.50
12	Samsung LED	15%	4,57,450.00	1,26,262.50	-	3,20,950.00	-	4,47,212.50	10,337.50	45,016.63	55,346.13	-	4,04,301.88	1,26,262.50
13	Samsung Mobile Galaxy	40%	99,980.00	-	99,980.00	-	-	99,980.00	39,996.00	39,996.00	39,996.00	-	59,984.00	-
14	Sony LED	15%	1,37,000.00	-	1,37,000.00	-	-	1,37,000.00	-	10,275.00	10,275.00	-	1,26,725.00	-
15	Telephone Instrument	15%	31,850.00	27,072.50	-	-	-	27,072.50	4,777.50	4,060.88	8,838.38	-	23,011.63	27,072.50
16	UPS	40%	24,200.00	20,532.00	-	-	-	20,532.00	13,688.00	8,212.80	21,800.80	-	12,319.20	20,532.00
17	Video Conferencing End P	15%	1,13,575.00	-	-	1,13,575.00	-	1,13,575.00	-	8,518.13	8,518.13	-	1,05,056.88	-
18	Water Dispenser	15%	2,300.00	-	7,300.00	-	-	7,300.00	1,095.00	1,095.00	1,095.00	-	6,205.00	-
19	Wall Fan	15%	3,600.00	3,060.00	-	-	-	3,060.00	540.00	459.00	999.00	-	2,601.00	3,060.00
20	Water Cooler	15%	49,600.00	42,160.00	-	-	-	42,160.00	7,440.00	6,324.00	13,764.00	-	35,836.00	42,160.00
TOTAL				1,01,32,714.65	33,55,927.00	42,86,768.00	-	1,77,75,409.65	11,87,382.35	24,16,171.32	36,03,559.47	-	1,53,59,232.53	1,01,32,714.65

Notes 1. Depreciation on Furniture REAT Office was not taken/considered due to not put use till 31st March 2021

2. Expenditure on Air Conditioner (Work done by PWD on UC Basis) was taken as per advice of AG Audit in Fixed Assets in place of office expenses in FY 2019-20.



Schedule M			
A/c Code	PARTICULARS	As at 31.03.2021	As at 31.03.2020
44	Capital Work in Progress		
	TOTAL	-	-

Schedule N			
A/c Code	PARTICULARS	As at 31.03.2021	As at 31.03.2020
31.1	Investments & Deposits		
	Investments		
	Fixed Deposit in HDFC Bank	26,16,81,402.00	26,05,05,340.00
	Fixed Deposit in ICICI Bank	6,49,98,000.00	50,00,000.00
	Fixed Deposit in IDFC First Bank	1,00,00,000.00	-
	Fixed Deposit in Indusind Bank	6,50,00,000.00	-
	Fixed Deposit in RBI Bank	2,00,00,000.00	-
	Fixed Deposit in SBI Bank	50,00,000.00	-
	Add: Accrued Interest FY 2020-21	85,03,764.63	14,41,173.00
	Add: Accrued Interest FY 2019-20	1,12,562.00	-
	Accrued Interest		
	Interest on SD (50100219459869)	1,301.00	8,168.00
	Interest on SB (50100219361703)	40,392.00	40,023.00
	TOTAL	43,53,37,421.63	26,69,94,704.00

Schedule O			
A/c Code	PARTICULARS	As at 31.03.2021	As at 31.03.2020
33	Loans and Advances		
	Advance to RSIL		
	Advance to BPCL	38,08,892.76	11,14,907.00
	Advance to Rajasthan Rajya Sahkari Upphokta Sangh	-	50,000.00
	Advance to XEN, Electric Div. PWD	10,000.00	10,000.00
	Advance to XEN, City Div-II, PWD	1,61,190.00	1,61,190.00
	Advance to Deependra Jandu	1,08,390.00	1,08,390.00
	Advance to Hari Krishan Saini	-	10,000.00
	Advance to Pawan Kabra REAT	-	5,000.00
	TOTAL	20,000.00	-
		41,08,462.76	14,59,487.00

Schedule P			
A/c Code	PARTICULARS	As at 31.03.2021	As at 31.03.2020
45	Sundry Debtors		
	TOTAL	-	-

Schedule Q			
A/c Code	PARTICULARS	As at 31.03.2021	As at 31.03.2020
36	Cash & Bank Balances		
	HDFC Bank A/c (50100219459869)		
	HDFC Bank A/c (50100219361703)	4,831.50	5,72,069.50
	ICICI Bank A/c (678601700796)	2,19,579.36	13,83,353.56
	SBI Bank A/c (38706063160)	1,11,079.00	13,97,927.00
	ICICI Bank A/c (REAT 678601700852)	4,04,809.70	22,07,609.00
	Cash Balance	1,00,28,271.00	-
	TOTAL	1,07,68,570.56	55,60,959.06

Schedule R			
A/c Code	PARTICULARS	As at 31.03.2021	As at 31.03.2020
46	Other Current Assets		
	Pre-paid Insurance (RJ-45CH-7399)		
	TDS Receivable FY 2020-21	34,091.00	56,818.00
	TOTAL	83,962.00	-
		1,18,053.00	56,818.00

Schedule S			
A/c Code	PARTICULARS	As at 31.03.2021	As at 31.03.2020
3.1	Account with Government		
	TOTAL	-	-



Schedule-T

ACCOUNTING POLICIES AND NOTES TO ACCOUNTS

Basis of preparation

The Financial Statements are prepared under historical cost convention on the accrual basis of accounting. The accounting policies adopted in the preparation of financial statements are in consistent with those of previous year.

Summary of significant Accounting Policies

(a) Recognition of Income and Expenditure

The Authority generally follows mercantile system of accounting and recognizes significant items of Income and Expenditure on accrual basis except those sums which are not reasonably certain of realization are recognized on cash basis.

(b) Fixed Assets

Fixed assets are purchase in relevant F.Y. 2020-21 by authority. The fixed assets are valued as on 31st March 2021 at a price approved by authority.

(c) Investments & Deposits

Short term Investments & Deposits are stated as actual deposits in bank FDR. Calculation of accrued interest on FDR as per provided by bank.

S. No.	FD Amount	Accrued Interest as on 31 st March 2021	Bank Name & Branch
1.	26,16,81,402.00	38,79,226.00	HDFC, New Sanganer Road, Jaipur
2.	6,49,98,000.00	4,88,099.00	ICICI Bank, Udyog Bhawan, Jaipur
3.	1,00,00,000.00	4,83,422.00	IDFC First Bank, Vaishali Nagar, Jaipur
4.	6,50,00,000.00	27,50,757.63	Indusind Bank, Malviya Nagar, Jaipur
5.	2,00,00,000.00	9,50,841.00	RBL Bank, Vaishali Nagar, Jaipur
6.	50,00,000.00	63,981.00	State Bank of India, Secretariat, Jaipur
Total	42,66,79,402.00	86,16,326.63	

(d) Depreciation

Depreciation is charged as per rates Income Tax Act, 1961. For assets acquired and put to use on or before 30th September, depreciation is charged for the full year. Depreciation is provided for half year if assets are put to use after 30th September and no depreciation is provided in the year in which the assets are sold/disposed off.

(e) Provisions against payables

Provisions against payables are made based past experience of the management

(f) Taxes on Income:-

Provision for current tax is not requirement of the authority is received exemption notification u/s 10(46) of Income Tax Act, 1961 for the current accounting year.

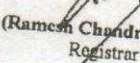


Notes to Account

1. As per section 76(2) RERA Act, 2016, amount received towards penalties imposed by the Appellate Tribunal or the Authority was to be deposited in the State Government budget head in such account as specify by the state government. But due to not availability budged head the same was not deposited. As the new budget head for the purpose thereof, was created by state government in its budget FY 2022-23 on dated 23.02.2022, therefore, a provision of Rs. 1,36,33,514/- received towards penalties during the current financial year is made.
2. Prepaid expenses and prior period expenses/income of items of Rs. 5000/- and below are charged to the respective head of accounts in which such payment/income is received.
3. All transactions were made by REAT, are also included as per section 75 (2) (a) of RERA Act, 2016.

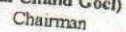
RAJASTHAN REAL ESTATE REGULATORY AUTHORITY


(Kunthi Lal Jain)
Accounts Officer


(Ramesh Chandra Sharma)
Registrar


(Salvindra Singh Sohata)
Member


(Shailendra Agarwal)
Member


(Nihal Chand Goel)
Chairman

For MAHAVEER GANDHI AND ASSOCIATES
Chartered Accountants



Date: 10.03.2022

Place: Jaipur

THE RAJASTHAN REAL ESTATE REGULATORY AUTHORITY,
JAIPUR

Complaint No. RAJ-RERA-C 2019-3073

AVADH BIHARI TANDON

.....Complainant (Applicant)

Versus

FS HOUSING PVT. LTD.
Applicant)

.....Non-Complainant (Non-

GIST OF THE JUDGMENT

Demonetization and shortage of construction material and Labour, is not acceptable as force majeure:

In the present order the Authority had held that the plea of force majeure taken by the non-complainant in its reply for the untimely delivery of possession, neither of the given two reasons, of demonetisation and shortage of construction material and labour, is acceptable as force majeure. The Authority had also held that these reasons cited by the non-complainant may be good reasons for justifying the delay, but, in the light of specific definition of 'force majeure' provided in Explanation to section 6 of the Act, these cannot be accepted as force majeure so as to deprive the complainant of interest for the period of delay.

THE RAJASTHAN REAL ESTATE REGULATORY AUTHORITY,

JAIPUR

Complaint No. RAJ-RERA-C-2018-2383

Pradeep Kumar Sharma Complainant

Versus

BrijBasundhara Group Respondent

GIST OF THE JUDGMENT

Authority has no power to rectify/amend substantive part of its own order

The present complaint was decided by the Authority vide its order dated 10.12.2019, in terms of the following findings and directions:

“Having heard the counsels of both the parties and having perused record of the case, we find that possession of more than 60 per cent flats had indeed been given before 01.05.2017. That being so, by virtue of clause (ii) of Explanation to Rule 4 of the Rules, the project ‘Brij Heights’, which is the subject matter of the present complaint, is not an on-going project and, therefore, not liable to be registered under the Act; and the Authority has no jurisdiction to adjudicate upon complaints relating to the said project.

Adv S. K. Bansal has raised an objection that he has not been given a copy of Annexure-1 of affidavit dated 05.12.2019 containing the details of sale consideration received for each of the 25 flats. CA Prateek Rawat states that this is a confidential information which has been shared with the Authority in the affidavit filed before it, but cannot be disclosed to the complainant as it may affect the business interests of the promoter.

We find the stand of the non-complainant to be reasonable in the facts and circumstances of the case. What is crucial in the present matter is whether possession letters have been executed to the desired extent; and counsel of the complainant has been provided with all the details relating to possession of the 25 flats, including the dates on which possession was given in respect of each of the 25 flats, a copy of all the possession letters and a copy of the affidavit dated 10.12.2019 of the non-complainant stating that the allottees have given total

sale consideration of the flat before the date mentioned in the possession letter and that 5 out of the 25 allottees have given the security deposit cheque for the last installment before the date mentioned in the possession letter. These details, in our view, suffice for the purposes of the complainant. The objection of the counsel of the complaint is, therefore, overruled in exercise of the powers conferred on the Authority under Regulation 14 of the Rajasthan Real Estate Regulatory Authority Regulations, 2017.

As discussed above, having come to the conclusion that the project is not liable to be registered under the Act, the Authority has no jurisdiction to adjudicate upon the present complaint relating to the said project.

We, therefore, dismiss the present complaint as not being maintainable under the Act. The interim direction issued on 06.08.2019 to hand over possession of the flat is also set aside. The complainant is, however, at liberty to seek such alternative legal remedies that may be available to him outside the Act.

The complainant submitted a review application along with documentary evidences under section 39 on the ground that the non-complainant made false statement in the affidavit submitted on 10.12.2019, which led to the passing of the aforesaid order dated 10.12.2019. A false affidavit is a mistake apparent on the face of record and, therefore, under section 39 of the Act, the Authority is competent to rectify and review its order of 10.12.2019.

Non-complainant sated that the review application is not maintainable, as the Authority has no powers to review its own orders because under section 39 of the Act substantive part of the order cannot be amended in the name of rectification.

The Authority held that it has no powers under the Act to review its own orders unless the mistake is apparent from the record and such rectification does not have the effect of amending substantive part of the order.

Date of Order: 09.07.2020

THE RAJASTHAN REAL ESTATE REGULATORY AUTHORITY,

JAIPUR

Complaint No. RAJ-RERA-C 2019-2932

Pradeep Pareek

.....Complainant

Versus

Navriti Projects LLP

..... Respondent

GIST OF THE JUDGMENT

Since ATS has not been executed, promoter is not allowed to deduct any amount and allottee is not entitled to any interest on the deposited amount.

In the present case, complainant booked a flat in the project of the promoter/respondent vide allotment letter dated 19.08.2016 and deposited a total amount of Rs 1, 02,500. Complainant was found ineligible for loan so no loan could be sanctioned to him. Therefore, complainant requested to cancel the allotment and refund the amount deposited. The non-complainant neither submitted any reply to the show cause notice issued by the Authority nor appeared for the hearing. Authority held that as no agreement for sale has been executed between the parties, the non-complainant promoter is not entitled to make any deduction while cancelling the booking. For the same reason, the complainant is not entitled to any interest on the amount deposited by him. Hence, the authority directed to refund the entire deposited amount without any interest and without any deduction.

THE RAJASTHAN REAL ESTATE REGULATORY AUTHORITY,
JAIPUR

Complaint No. RAJ-RERA-C 2019-2932

Pradeep Pareek

.....Complainant

Versus

Navriti Projects LLP

..... Respondent

GIST OF THE JUDGMENT

Since ATS has not been executed, promoter is not allowed to deduct any amount and allottee is not entitled to any interest on the deposited amount.

In the present case, complainant booked a flat in the project of the promoter/respondent vide allotment letter dated 19.08.2016 and deposited a total amount of Rs 1, 02,500. Complainant was found ineligible for loan so no loan could be sanctioned to him. Therefore, complainant requested to cancel the allotment and refund the amount deposited. The non-complainant neither submitted any reply to the show cause notice issued by the Authority nor appeared for the hearing. Authority held that as no agreement for sale has been executed between the parties, the non-complainant promoter is not entitled to make any deduction while cancelling the booking. For the same reason, the complainant is not entitled to any interest on the amount deposited by him. Hence, the authority directed to refund the entire deposited amount without any interest and without any deduction.

Date of Order: 05.11.2020

THE RAJASTHAN REAL ESTATE REGULATORY AUTHORITY,

JAIPUR

Complaint No. RAJ-RERA-C-2019-3243

ShraddhaKhandelwal

.....Complainant

Versus

SNG Real Estate Pvt Ltd

..... Respondent

GIST OF THE JUDGMENT

Penalty imposed for not handing over the possession of the unit. Authority directed to send the copy of judgment to SDRI, GoR and ED, GoI to inquire into the matter of tax evasion, if any.

The complainant booked a flat by making a deposit of Rs. 5 lakh. The developer was responsible for completing the construction and handing over possession of the flat upon payment of the remaining Rs. 46 lakh. However, the complainant alleged that the construction work was not being carried out and the possession was being delayed. The respondent argued that the agreement for sale was undervalued and that the actual cost of the flat was Rs. 1 crore. After reviewing the case, the authority determined that the respondent claims contradicted the registered agreement for sale. They emphasized that once the developer had drafted, signed, and registered the document, they could not dispute its contents. The authority concluded that the respondent failed to deliver possession as per the agreement and imposed penalty of 5% (Rs. 2.55 lakh) of the project cost on the developer. Additionally, Registrar was directed to forward the copy of Judgment and the copy of reply submitted by the respondent/developer to the SDRI, GoR and ED, GoI to inquire into the matter if any tax evasion is affected by the parties due to under valuation of property as per reply submitted by respondent.

Brief summary of the case titled

“Suo moto vs Pritam Singh Talwandi and Suo moto vs Engineer Mr Mahendra kumar chouhan”

Facts-

- In the instant case the project “Gulab Vihar” is registered with the Authority bearing registration no RAJ/P/2019/922 in the plotted scheme.
- In this project the engineer issued the completion certificate of the project in which it was mentioned that “completion of buildings including completion of doors/windows/floorings/sanitary etc”
- When a show cause was issued to the engineer to explain how a building can be completed including doors etc on a plotted project then it was found that whatever on the site was seen it was mentioned in the completion certificate.
- The Authority afterwards ordered the site inspection of the project in which it was found that the a group housing project was developed and it was also found that all the villas were of same size and style.
- The promoter of the project registered the project in the plotted category and to save the money and to evade the Authority’s fees he later on developed the group housing project there.

Issues-

- Whether the promoter has committed any violation of the RERA Act and regulations?

Judgment

- The Authority in its earlier cases decided the principle of “what you market not what you sell” What you market not what you make”. The aforesaid view is expressed by the Full Bench of the Authority in the matter of Sankalp Developers file no. F.5 (482)RJ/RERA/Comp./218 order dt. 13.11.2019, Okay Plus Builders LLP file no. 5 (483)RJ/RERA/C/218 order dt. 24.09.2020 and Unique Dream Builders file no. F.5 (484) RAJ-RERA-C-2018 order dt. 24.09.2020 and Vivek Chordia file no. F.3 (478)RAJ/RERA/P-2017 and connected matters decided on 07.01.2022.
- The Authority found that the promoter has violated the provisions of the Act and laid penalty under the provisions of section 60 for misrepresentation and providing false information to the Authority a penalty upto the tune of Rs.10 lac.
- The Authority also directed the the Promoter to register his project after remittance requisite fee under the statutory provisions for registration of project under Group Housing category.

राजस्थान रीयल एस्टेट रेग्युलेटरी ऑथोरिटी

द्वितीय एवं तृतीय तल, आरएसआईसी विंग, उद्योग भवन

तिलक मार्ग, सी-स्कीम, जयपुर-302005

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