

The Centre will soon send a team to urge the [West Bengal](#) government to switch over to the Real Estate Regulatory Act (RERA) to protect home buyers' interest, an [official](#) has said.

At a time when the Centre was trying to implement [RERA](#) in the country, the [West Bengal](#) Housing Industry Regulation Act, 2017 (HIRA), which the state has implemented on its own, is "quite disturbing", the [official](#) said.

"[West Bengal](#) is the first state in the country post [RERA](#) to come out with a separate Act, deviating and diluting from Real Estate (Regulation & Development) Act, 2016 regulations in favour of builders. This is disturbing. A committee will visit the state shortly," said Abhay Upadhyay, [president](#) of the Forum For People's Collective Efforts.

Upadhyay is part of the four-member committee that will visit West Bengal.

"This is a four-member sub-committee of [Central Advisory Council](#) (CAC) and will meet officials of the state to urge them to implement [RERA](#) keeping the consumers' interest in mind. We didn't understand what was the need for a new Act by the state," he said.

Other members of the sub-committee includes Niranjan Hiranandani, president, National Real Estate Development Council, [Lt Gen \(Retd\) S K Bahri](#), [chairman](#) of the Federation of Apartment Owners' Association, and Gautam Chatterjee, [Maharashtra RERA chairman](#).

A recent report by global [real estate consultancy](#) firm [Frank Knight](#) has said that Kolkata is the only major market in the country which lacks a functional RERA.

The central government has set up a CAC to advise on matters concerning the implementation of the RERA.

The [Minister of State](#) for Housing and Urban Affairs will be the [Chairperson](#) of the CAC while it will have eight other members from the central government including [Niti Aayog CEO](#).

Upadhyay said, HIRA has been introduced without any consultation process while, RERA had undergone an extensive and rigorous process for years including several consultations also in Kolkata.

RERA has also passed legal scrutiny at a High Court of Bombay, he said.

We have found two major dilutions in key provisions of RERA in HIRA, which was notified on June 1," he said.

The first is 'force majeure' or unforeseen circumstances that prevent a builder from fulfilling his obligations. RERA has clearly stated the circumstances: war, flood, drought, fire, cyclone, earthquake or any other natural calamity. HIRA makes a significant addition to the clause "...or any other circumstances as may be prescribed".

The second deviation is on garage. While, RERA clearly states that it needs to have a roof and walls on three sides for parking but does not include unenclosed or uncovered parking space. However, HIRA has removed the clause altogether and defined garage as any parking

space sanctioned by the government authority, he said.

The Confederation of Real Estate Developers Association of India, Bengal chapter, could not be reached for comment in this regard.