SOLUTION FOR STALLED REAL ESTATE PROJECT

By

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Introduction:

It is well settled that the Real Estate (Regulation and Development) Act, 2016 requires mandatory compliance from promoter towards real estate project registration and also sepcifies the revocation of registration if his activity found in contravention to the provisions of the same. If the situation so arise the question may come as to what will happened to the ongoing real estate project and individuals having interest in it.

Section 8 of the act empowers the authority to take certain action after consultation of the concerned government for the purpose of protecting the the interest of other parties who through mortgage or other investments are interested in the real estate project by carrying out the remaining development works by competent authority or by the association of allottees or in any other manner, as may be determined by the Authority.

The authority will also give notice to bank listed in encumbrance certificate and the other party having third party interest in the real estate project. Such parties includes Scheduled Banks, Housing Finance Companies, Insurance Companies, Non-Banking Finance Companies operating as Asset Finance Companies, Investment Companies, Loan Companies, Investment Finance Companies, Infrastructure Debt Funds, Micro-finance Institutions, Foreign Direct Investors, Private Equity Funds and the Real Estate Investment Trust.

Usually, the RERA authorities will step in and direct the Association of Allottees (herein after AoA) to undertake the pending development work only if the project is nearing its completion stage. However if the project is still in its early stages, it may become very difficult for the AoA to take over and the authorities will be more likely to direct the promoters to provide a refund of their monies along with interest and compensation.

The MahaRERA vide order no. 8/2019 dated 28.03.2019 provides the detail procedure on how the action under section 7 and 8 of the act be proceeded with.

Procedure:

- Designated Resolution Panel be constituted which will consist of one member from the promoter's association and other member consumer forum. The member of the said panel would be selected out of the existing conciliation forum members having adequate professional experience in the real estate sector or is a chartered accountant, architect, engineer, lawyer.
- The association of allottee with the help of such panel members prepare a blueprint for completion of the project
- The blue print usually contain below details:
- Financial blueprint containing detailed current financial status of the real estate project such as cash in hand, liabilities, expected revenue etc, financial estimate to complete the project and roadmap of the same
- Construction blue print containing amount of construction work needed to complete the project, roadmap, selection of contractor etc.

- Overall detail blueprint of the completion of project
- Existing professional attached to the authority such as Architect, Engineer, chartered accoutant, they will also assist the panel in preparing blue print

A four months time is given for the preparation of blue print as above. Afterward it will submitted to the authority. Once approved the construction work will commenced according to the blue print, and association of allottees are required to monthly update the authority with regard to construction work.

Few websites for reference:

- 1. The Revenue Department https://rfd.maharashtra.gov.in/en
- 2. The Development Authority/ or the local Municipal Authority (in case of Mumbai district this may be obtained from Bombay Municipal Corporation https://portal.mcgm.gov.in/irj/portal/anonymous)
- 3. The Building Proposal Office https://autodcr.mcgm.gov.in/bpamsclient2/Login.aspx
- 4. Tree Authority Committee/ Water and Drain Department/ Sewage Department/ Electrical Department/ Traffic and Co-ordination department/ Chief Fire Officer under Municipal Corporation https://portal.mcgm.gov.in/irj/portal/anonymous
- 5. The Ministry of Environment, Forest and Climate Change / the State Environment Impact Assessment Authority (SEIAA)/ State level expert Appraisal Committeehttp://environmentclearance.nic.in/
- 6. The Archeological survey of India http://asiegov.gov.in/
- 7. The Pollution control board https://mpcb.gov.in/node
- 8. The Civil Aviation Departmenthttps://www.civilaviation.gov.in/
- 9. The Central Ground Water Authorityhttp://cgwa-noc.gov.in/LandingPage/index.htm
- 10. The Coastal Zone Management Authority https://mczma.gov.in/
- 11. The Public Work Departmenthttps://pwd.maharashtra.gov.in/

- 12.https://rera.ap.gov.in/RERA/Views/Home.aspx
- 13.https://rera.ap.gov.in/
- 14.http://123.63.38.197/
- 15.https://rera.cgstate.gov.in/
- 16.https://rera.goa.gov.in/reraApp/home
- 17. https://gujrera.gujarat.gov.in/
- 18.www.harayanarera.gov.in
- 19. www.harayanarera.gov.in
- 20.http://www.hprera.in/WebSite/Home
- 21. https://jharera.jharkhand.gov.in/
- 22.<u>https://rera.karnataka.gov.in/home?language=en</u>
- 23. https://rera.kerala.gov.in/
- 24.http://www.reat.mp.gov.in/contact-us
- 25.https://maharera.mahaonline.gov.in/
- 26.http://udpamizoram.nic.in/RERA.html
- 27.https://rera.odisha.gov.in/
- 28. https://www.rera.punjab.gov.in/index.html
- 29. https://rera.rajasthan.gov.in/
- 30.<u>https://rera.rajasthan.gov.in/Tribunal</u>
- 31.https://www.rera.tn.gov.in/
- 32. http://rera.telangana.gov.in/
- 33.https://rera.tripura.gov.in/
- 34. http://www.uhuda.org.in/
- 35.<u>https://www.up-rera.in/index.aspx</u>
- 36.<u>http://rera.chbonline.in/</u>
- 37. https://rera.delhi.gov.in/
- 38.<u>http://prera.py.gov.in/</u>

Other

Ministry of Housing and UrbanAffair	http://mohua.gov.in/
SAtal Mission for Rejuvenatio n and Urban Transformati on (AMRUT), Govt. of	http://amrut.gov.in/content/
India Building Materials and Technology Promotion Council (BMTPC) CPWD	https://www.bmtpc.org/
Sewa - Central Public Works Department (CPWD)	https://cpwdsewa.gov.in/
Central Government Employees Welfare Housing Organisation (CGEWHO)	https://www.cgewho.in/
Central Public Health and Environment al Engineering Organisation (CPHEEO)	http://cpheeo.gov.in/

Central Public Works https://cpwd.gov.in/ <u>Department</u> (CPWD) Complaint Registration and https://cpwdsewa.gov.in/ Monitoring System, **CPWD Environment** Protection in Government http://epgc.gov.in/ Colonies, Directorate of Estates Geo Portal for Urban Mission, Ministry of http://geourbanmissions.gov.in/ Housing and Urban **Affairs** Global Housing **Technology** Challenge https://ghtc-india.gov.in/ India (GHTC -India) Ministry of Micro, Small https://msme.gov.in/ & Medium Enterprises Housing and Urban Developmen https://www.hudco.org/ Corporation Limited (HUDCO) Land and Developmen https://ldo.gov.in/ t Office,

Ministry of

Urban <u>Developmen</u> **National Capital** Region http://ncrpb.nic.in/ Planning Board (NCRPB) National Cooperative Housing https://www.nchfindia.net/ **Federation** of India (NCHFI) **National** Institute of <u>Urban</u> http://www.niua.org/ **Affairs** (NIUA) <u>National</u> **Projects** Construction http://npcc.gov.in/ Corporation Limited (NPCC) National Real Estate http://naredco.in/ <u>Developmen</u> t Council National **Building** http://nbo.nic.in/ Organisation (NBO) <u>National</u> **Buildings Organisation** (NBO), **Building** http://briks.gov.in/ Related <u>Information</u> and **Knowledge** System

National Rural Infrastructur https://pmgsy.nic.in/ Developmen t Agency (NRIDA) National, Urban, Livelihoods, http://nulm.gov.in/ Mission, <u>NULM</u> North Eastern Region Urban https://nerudp.nic.in/ Developmen t Programme (NERUDP) Phase-I Pradhan Mantri Awas Yojanahttps://pmayuclap.gov.in/ Urban: **CLSS** Awas Portal (CLAP) **State** Institute for Urban http://www.siudmysore.gov.in/ Developmen t (SIUD) Swachh Bharat http://swachhbharaturban.gov.in/ Mission -Urban Povertiy Eradication https://www.kudumbashree.org/ Mission (Kudumbash ree) Pradhan Mantri Awas

https://pmay-urban.gov.in/

Yojana

(Urban) -Housing for All

Pradhan

Mantri Awas

Yojana http://pmaymis.gov.in/

(Urban) -MIS Portal Smart Cities

Mission, Govt. of https://smartcities.gov.in/

India
Unified
Traffic and
Transportati

on http://uttipec.nic.in/

<u>Infrastructur</u>

<u>e Centre</u> (UTTIPEC)

<u>Urban</u>

Developmen t Directorate, https://udd.uk.gov.in/

Uttarakhand
Web Based
Project

Monitoring System -

<u>Central</u> <u>https://cpwdpms.gov.in/</u>

Public Works

Department (CPWD)
Commission

er and

Director of Municipal

Administrati https://cdma.ap.gov.in/

on (C & DMA),
Andhra
Pradesh
Amaravati
Metropolitan

Region https://crda.ap.gov.in/APCRDAV2/views/Home.aspx

Developmen t Authority,

Andhra Pradesh Directorate of Town and Country Planning, http://dtcp.ap.gov.in/dtcpweb/DtcpHome.html Government of Andhra Pradesh National Academy of Constuction, http://nac.edu.in/ Hyderabad, **Andhra** pradesh PHMED -**Public** Health and Municipal http://www.appublichealth.gov.in/home.do;jsessionid=C31F1DFFD 0EBABBFD4849E4F27FBBE2B **Engineering** Department, Andhra pradesh Portal of Tribal Welfare https://aptribes.gov.in/ Department, Andhra Pradesh Assam Urban Infrastructur http://auiip.nic.in/ e Investment **Program** (AUIIP) Directorate of Municipal Administrati https://dma.assam.gov.in/ on, Govt. of Assam Bangalore Metropolitan http://bmtf.gov.in/ Task Force (BMTF)

Karnataka Urban <u>Infrastructur</u> Developmen http://www.kuidfc.com/ t and Finance Corporation (KUIDFC) Bathinda <u>Developmen</u> t Authority http://bdabathinda.in/en (BDA), Bathinda, Punjab CIDCO New Towns - City and Industrial Developmen http://cidconewtowns.gov.in/ Corporation of Maharashtra Limited Maharashtra Urban Infrastructur http://www.muidcl.com/ e Fund (MUIF), Mumbai Maharashtra Housing and Area https://www.mhada.gov.in/en Developmen t Authority Nagar Vikas Vibag, https://urban.maharashtra.gov.in/ Maharashtra Commission er and Director of http://cdma.telangana.gov.in/ Municipal Administrati on (C&DMA),

Telangana Mission for Elimination of Poverty in Municipal https://tmepma.cgg.gov.in/home.do;jsessionid=F2F27458EE88DA Areas B1E46748EB79586BCB (MEPMA), Government of Telangana **Public** Health & **Municipal** https://publichealth.telangana.gov.in/home.do;jsessionid=5C57287 **Engineering** B6FBF0A3C674FB7DF9BEEF61F **Department** (PHMED), Telangana Telangana **Municipal** <u>Developmen</u> http://mdp.telangana.gov.in/SocialSafeguards.html t Project (TGMDP) Delhi Urban Art https://www.duac.org/ Commission (DUAC) Hindustan Prefab http://hindprefab.in/Home.aspx Limited, New Delhi **Department** of https://architecturehry.gov.in/ Architecture, <u>Haryana</u> Online **Building** Plan **Approval** https://haryanabpas.gov.in/OBPASPORTAL/ System (HOBPAS), Government of Haryana Devbhoomi https://bhulekh.uk.gov.in/public/public_ror/Public_ROR.jsp **Uttarakhand**

Land Records Directorate Of https://communi.gujarat.gov.in/ Municipaliti es, Gujarat Gujarat Social Infrastructur https://gujhd.gujarat.gov.in/ Developmen t Society (GSIDS) Open Government Data Portal https://smartcities.data.gov.in/ of Surat Municipal Corporation Settlement Commission er and https://www.landrecords.gujarat.gov.in/ Director of Land Records Directorate of Boilers, http://www.boilers.tn.gov.in/ Tamil Nadu Online **Repository** of Urban http://www.tniusnews.org/cgi-sys/suspendedpage.cgi News -TNIUS, Coimbatore Tamil Nadu Institute of http://www.tnius.org/cgi-sys/suspendedpage.cgi Urban Studies Tamil Nadu Institute of Urban http://www.tniuscbe.org/cgi-sys/suspendedpage.cgi **Studies** (TNIUS), Coimbatore Tamil Nadu https://www.tenancy.tn.gov.in/ Regulation

of Rights and Responsibilit ies of Landlords and Tenants Act 2017 Tamil Nadu Urban Infrastructur http://www.tnudf.com/ e Financial <u>Services</u> Ltd. Directorate of Estates, Government https://sampada.mp.gov.in/ of Madhya Pradesh Directorate of Town and Country **Planning** (MPTOWN http://mptownplan.gov.in/ PLAN), Government of Madhya Pradesh, Bhopal. e-Nagar Palika, https://www.mpenagarpalika.gov.in/irj/portal/anonymous Government of Madhya Pradesh Directorate of Housing, http://meghousing.gov.in/ Government of Meghalaya Meghalaya Urban Developmen http://mudashillong.gov.in/ t Agency (MUDA) State Investment https://sipmiu.nic.in/ and Project

Management and **Implementat** ion Unit, Shillong, Megalaya **EMS** Housing Scheme Monitoring http://emshousingkerala.gov.in/ System, Idukki, Kerala Housing Commission http://www.hsgcomr.kerala.gov.in/ erate Town planning http://townplanning.kerala.gov.in/ Department Government of India Stationery http://giso.gov.in/ Office, Kolkata Haldia https://www.hda.gov.in/ Developmen t Authority <u>Haldia</u> <u>Developmen</u> t Authority https://www.hda.gov.in/ (HDA), West Bengal Kolkata Metropolitan http://www.kmdaonline.org/ Developmen t Authority New Town Kolkata https://www.nkdamar.org/Pages/index.aspx Developmen t Authority Jaipur https://jda.urban.rajasthan.gov.in/content/raj/udh/jda---Developmen jaipur/en/home.html t Authority

http://ctp.rajasthan.gov.in/

Town

Planning

Department, Govt. of Rajasthan Moradabad Developmen t Authority, https://mdamoradabad.org/ Uttar Pradesh Urban **Transport** Directorate, http://uputd.gov.in/ Uttar Pradesh Uttar Pradesh Housing and https://www.upavp.in/ Developmen t Board Town and Country Planning http://uptownplanning.gov.in/ Department, Uttar Pradesh <u>e-</u> **Municipaliti** es eServices to citizens and **Employees** http://e-nagarsewaup.gov.in/ulbapps/ of Urban Local Bodies of Uttar Pradesh Official Portal of Rural https://rhodisha.gov.in/ Housing Schemes of Odisha **Smart City** Bhubaneswa http://www.smartcitybhubaneswar.gov.in/ r, Odisha Special Area http://kbk.nic.in/ Developmen

t Project for Kalahandi, Bolangir and Koraput Districts of Odisha. odisha eMunicipalit y, Housing and Urban https://www.ulbodisha.gov.in/or/emun/home Developmen Department, Odisha **Public** Health Engineering https://www.pheoodisha.gov.in/ Organisation (PHEO), Odisha Online **Application** for Individual http://oasys.bih.nic.in/ Household Latrine (IHHL), <u>Bihar</u> Official website of Land https://landrevenue.mizoram.gov.in/ Revenue and **Settlement** Department Regional Centre for Urban and Environment http://rcueshyd.gov.in/ al Studies (RCUES), Osmania University, Hyderabad

e-Awas:
Accommoda
tions
Management
and
Allotment
System of
Chandigarh
Administrati
on

EASE OF DOING INITIATIVES OF MAHARASHTRA

- 1. All land titles or deed records have been digitized at the Sub-Registrar's Office (SRO) http://igrmaharashtra.gov.in/
 - A. iSarita 2.0 IGR Application
 https://appl1igr.maharashtra.gov.in/NGDRS_MH/Citizenentry/genernalinfo
 entry/70672950673628
 - B. **Property valuation** (general information about all the space rates) http://igrmaharashtra.gov.in/eASR/frmMap.aspx
 - C. Land records maharashtra https://mahabhumi.gov.in/mahabhumilink
 - D. **Download facility for digital 7/12; 8A and property card** etc https://digitalsatbara.mahabhumi.gov.in/DSLR; digitized document downloaded at 15 rs.
 - **E. PR Card application status**

- F. Integrated property registration portal https://registeringproperty.mahabhumi.gov.in/
- G. **E mojani** check mojani application status

 https://emojni.mahabhumi.gov.in/emojni/mojani/pgLogin.aspx
- H. Public data entry for property registration and mutation (update) land records https://pdeigr.maharashtra.gov.in/frmLogin facilities such as 1.
 Marriage registration 2. E registration 3. E filing 4 7/12 mutations 5 e property card

	١.	Villa	ge digital notice boards	
		https	://digitalsatbara.mahabhumi.gov.in/aaplichawdi	
	J. mutation dashboard			
	K.	bhu	nakasha https://bhunaksha.nic.in/bhunaksha/index.jsp available for	
	12 states			
		I.	andhra pradesh	
		II.	chattisgarh	
		III.	kerala	
		IV.	orissa	
		V.	assam	
		VI.	himachal pradesh	
		VII.	lakshdweep	
		VIII.	bihar	
		IX.	jharkhand	
		X.	rajasthan	
		XI.	maharashtra	
			https://mahabhunakasha.mahabhumi.gov.in/bhunaksha/27/index.jsp	
		XII.	uttarpradesh	
2.	<u>To</u>	chec	k the encumbrances http://igrmaharashtra.gov.in/	
3.	Se	rvice	delivery standards have been introduced to provide maps within a	
	spe	ecific	time frame though an online portal	
	htt	<u>ps://a</u>	aplesarkar.maharashtra.gov.in/en/	
4.	<u>Di</u>	<u>spute</u>	s related to land have been mandated to be adjudicated within 1 year	
	as	pe	r amendment of Maharashtra Act No XI of 2016	
	htt	<u>p://eq</u>	jcourts.gov.in/startup/default.php	
5.	<u>Th</u>	e grie	evances related to land can be reported through "Aaple Sarkar" portal	

6. Land dispute information has been made available online through e-

DISNIC software https://services.ecourts.gov.in/ecourtindia_v6/

https://aaplesarkar.maharashtra.gov.in/en/

- 7. Registration Act has been amended with insertion of Section 89 A, according to which, every court shall send copies of order affecting any immovable property and every recovery officer shall send copies of order or interim order attaching or releasing any immovable property to the concerned Sub-Registrar https://bombayhighcourt.nic.in/libweb/acts/Stateact/2012acts/2012.10.pdf
- 8. Title search can be conducted online without requirement of any physical visit

 (for Paid search)

 https://esearchigr.maharashtra.gov.in/portal/esearchlogin.aspx
 - L. Central Registry of Securitisation Asset Reconstruction and Security Interest (CERSAI) section 8 company located in new delhi https://cersai.org.in/CERSAI/home.prg created to check frauds in lending against equitable mortgages, in which people would take multiple loans on the same asset from different banks. Searches such as
 - a. asset based search
 - b. debtor based search
 - c. AOR based search available with payment of 10 rs.
- 9. **Tax dues on property** can be checked online on MCGM's website https://ptaxportal.mcgm.gov.in/CitizenPortal/#/login
- 10. <u>eStepIn for online registration slot booking at SROs launched http://igrmaharashtra.gov.in/</u>
- 11. eRegistration system launched for online registration of leave and license rent agreements http://igrmaharashtra.gov.in/
- 12. <u>eSecure Bank Treasury Receipt (eSBTR) for payment of Stamp Duty</u>) http://igrmaharashtra.gov.in/ Dept of registration and stamps duty online payment https://gras.mahakosh.gov.in/echallan/igr/
- 13. eASR for online statement of rates launched in Aug 2014 http://igrmaharashtra.gov.in/
- 14. E records https://aapleabhilekh.mahabhumi.gov.in//erecords/ -

M. Below records availbale

- I. Old mutation (Tahsil Office)
- II. Satbara (tahsil office)

- III. 8A (tahsil office)
- IV. K.D.E. Patrak (Tahsil Office)
- V. Ka. Da. E. Patrak-Hakk Nondni Register (Tahsil office)
- VI. Inam patrak (Tahsil office)
- VII. Bot khat (Tahsil Office)
- VIII. Sud register (Tahsil Office)
- IX. Khasra patrak (Tahsil Office)
- X. Khasra phalni patrak (Tahsil Office)
- XI. Jod takta A (Tahsil Office)
- XII. Kul register(Tahsil Office)
- XIII. Old phalni (Tahsil Office)
- XIV. Pere patrak (Tahsil Office)
- XV. Record of rights panji (1954-55) (Tahsil Office)
- XVI. Bandobasti misal (Tahsil Office)
- XVII. Wajab-ul arj (Tahsil Office)
- XVIII. Nista patrak (Tahsil Office)
- XIX. Hakk nondinin register (Tahsil Office)
- XX. Tippan (deputy SLR officer)
- XXI. Gunakar book (Deputy SLR officer)
- XXII. Akarphod patrak (Deputy SLR officer)
- XXIII. JKP (Deputy SLR Officer)
- XXIV. Akkarband (Vadivibhajan) (deputy SLR officer)
- XXV. Akkarband (Gut Consolidiation) (Deputy SLR Officer)
- XXVI. Akkarband (Acer Guntha) Deputy Slr Officer
- XXVII. Yogna Patrak consolidation scheme- durusti scheme- shudhi patrak (Deputy SLR officer)
- XXVIII. Consolidiation jawab (Deputy SLR Officer)
- XXIX.Fiel book original (Deputy SLR Officer)
- XXX. Vaslevar book (Deputy SLR Officer)
- XXXI. Table pavti (Deputy SLR Officer)
- XXXII. Consolidation scheme 9(1) and 9(2) maps (Deputy SLR Officer)

- XXXIII. Kacch sud (Deputy SLR Officer)
- XXXIV. Shetwar patrak (Deputy SLR Officer)
- XXXV. Revision book (Deputy SLR Officer)
- XXXVI. Fodi tippan book (Deputy SLR Officer)
- XXXVII. Pot hissa tippan book (Deputy SLR Officer)
- XXXVIII.Wajib ul arj (Deputy SLR Officer)
- XXXIX. Resurvey akarband (Deputy SLR Officer)
- XL. Resurvey gunakar book (Deputy SLR Officer)
- XLI. Pot hissa patrak (Deputy SLR Officer)
- XLII. Bandobast misal (Deputy SLR Officer)
- XLIII. Bandobast akarband (Deputy SLR Officer)
- XLIV. Nistar patrak (Deputy SLR Officer)
- XLV. CSO Enquiry register (Deputy SLR Officer)
- XLVI. CSO Property Card (Deputy SLR Officer)
- XLVII. CSO Property register (Deputy SLR Officer)
- XLVIII. CSO field book (Deputy SLR Officer)
- XLIX. CSO city survey (Deputy SLR Officer)
- L. CSO town planning scheme (Deputy SLR Officer)
- LI. Enquiry Register (city survey office)
- LII. Property card (city survey office)
- LIII. Property register (city survey office)
- LIV. Field book (city survey office)
- LV. Vaslevar book (city survey office)
- LVI. Town planning scheme (city survey office)

- currently available for below districts:

- a. akola
- b. amravati
- c. dhule
- d. gondiya
- e. Mumbai suburban
- f. Nandurbar

- g. Nashik
- h. Palghar
- i. Thane
- j. Washim

Hoping you find this article informative and useful, to find out more of such information stay tuned to my next article.

Thank you!