

GOVERNMENT OF INDIA
MINISTRY OF HOUSING AND URBAN AFFAIRS
RAJYA SABHA
UNSTARRED QUESTION NO. 407
TO BE ANSWERED ON JULY 24, 2023

NON-IMPLEMENTATION OF RERA/CONSUMER COURT ORDERS

NO. 407. SHRI NARANBHAI J. RATHWA:

Will the Minister of HOUSING AND URBAN AFFAIRS be pleased to state;

- (a) whether it is a fact that orders passed by Real Estate Regulatory Authority (RERA) and District/State Consumer Disputes Redressal Commissions are not getting implemented by builders;
- (b) whether it is also a fact that thousands of Recovery Certificates from RERA and Consumer Forums are pending with State Governments for recovery of dues from developers; and
- (c) if so, the steps Government is contemplating to impress upon the State Governments to get the Recovery Certificate/orders cleared in a time-bound manner?

ANSWER

**THE MINISTER OF STATE IN THE
MINISTRY OF HOUSING AND URBAN AFFAIRS
(SHRI KAUSHAL KISHORE)**

(a) to (c): 'Land and Colonization' is State subject. In order to protect the interest of homebuyers and to ensure transparency and accountability in the Real Estate Sector, Parliament has enacted the Real Estate (Regulation and Development) Act, 2016 [RERA]. As per Section 20 of RERA, the 'Appropriate Government' i.e. States/Union Territories (UTs) are required to establish the Real Estate Regulatory Authority to regulate and develop the real estate sector in the concerned State/UT.

Section 40 of RERA provides for recovery of interest or penalty or compensation imposed upon the promoter as arrears of land revenue in case the promoter fails to pay such dues. It also empowers the adjudicating officer or Regulatory Authority or Appellate Tribunal, as the case may be, to issue any order or directions in this regard. Further, Section 84 of RERA empowers the appropriate Government to make rules for carrying out the provisions of RERA.
