

Haryana cabinet to take up RERA today

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WHAT'S ON CABINET TABLE	
1 Terms and conditions with regards to parking space, spelling out if developers can charge for parking	3 If developers can go for differential pricing of units or plots, depending on the time of sale and location
2 There are differences between the central Act and the state Act on the definition of ongoing projects. Whether Haryana should adopt a liberal approach, like Gujarat, Andhra, Rajasthan, UP in this regard	4 The central Act is silent on privately developed colonies. Whether state Act should bring this under Rera
	5 Rera has a provision of maintaining 70% of the project cost in an escrow account to ensure completion of projects. Cabinet to discuss if land cost part of it

GURUGRAM: The [Haryana Real Estate Regulation and Development Act \(Rera\)](#) will be tabled before the [state cabinet](#) on Tuesday for discussions before the [law](#) is finally notified, a process that the Centre wants completed by July 31.

Among the points that the cabinet will take up is the crucial one what the definition of 'ongoing project' will be, terms and conditions on parking, differential pricing, and pending litigations in real estate projects.

Government sources said there will be some differences between the central and state laws. In terms of the definition of 'ongoing project', the state committee on Rera is likely to push for a "liberal interpretation". Homebuyers are watching this closely as the definition will decide the number of projects that come within the ambit of Rera. There are hundreds of housing projects in Gurgaon and Noida that are running behind schedule.

Sunil Tyagi, a Delhi-based lawyer who advises multiple developers on Rera, said, "The central Act defines any project without a completion certificate as on May 1 2017 as an ongoing project but several states, including UP, Gujarat and Rajasthan have gone for a more liberal interpretation of the law."

In Rajasthan, for instance, if 60% of sale deeds have been issued (even without issuance of a completion certificate), then a project is not classified as "ongoing" and is outside the purview of Rera, he added.

In the draft version of Rera issued by the Haryana government earlier, it proposed that projects with part-completion certificates or occupancy certificates should also be kept outside the purview of Rera. The government, according to sources, is most likely to stick to that in the final law too.

A government official said projects where realtors have applied for occupancy certificates before the date of the Act being notified were also likely to be kept outside Rera, even if they hadn't yet received these certificates, because it takes the government at least three months to issue the papers.

The other major point of discussion before the state cabinet is the stipulation that 70% of the proceeds from sales be kept in an escrow account for completion of a particular project. The state Rera committee has suggested that Haryana follow the central Act in this regard and include land cost of a project and licensing fee as a part of 70%.

The central Rera also stipulates that projects to be registered under the law must list out litigations related to that particular project, but the state Rera committee has suggested restricting that to litigation only relating to title and lapses or discrepancies in approvals.

Suggestions have also been made to have a clear definition of parking spaces and charges applicable for them due to the high number of cases between developers and buyers on the issue.

"The central Act defines any project without a completion certificate as 'ongoing' and there is very less scope for contemplation in this regard. Any diversion from that will be a dilution of the central Act," said Gaurav Prakash , a homebuyer in New Gurgaon.