

No. O-17024/230/2018-Housing-UD/EFS-9056405
Government of India
Ministry of Housing & Urban Affairs
(Housing Section)

Room No. 220, C Wing,
Nirman Bhawan, New Delhi – 110 011

13th May, 2020

OFFICE MEMORANDUM

Subject: Advisory for extension of registration of real estate projects due to 'Force Majeure' under the provisions of Real Estate (Regulation and Development) Act, 2016 (RERA)- regarding.

The undersigned is directed to refer to the above subject and state that in view of the situation created by the pandemic COVID-19 (Corona Virus) and consequent nation-wide lockdown w.e.f. 25th March, 2020, reverse migration of labourers to their native places and break in supply chain of construction material have adversely impacted the construction activities of real estate projects across the country. In consultation with Real Estate Regulatory Authorities of States / UTs, representatives of NAREDCO, CREDAI, FICCI, ASSOCHAM and other stakeholders, it is observed that in such circumstances, work on the real estate projects will take quite some time to restart in full gear.

2. In this regard, an urgent meeting of Central Advisory Council (CAC) was held on 29th April, 2020 over webinar under the chairmanship of Hon'ble Minister of State (I/C) Housing and Urban Affairs, wherein the impact of outbreak of COVID-19 (Corona Virus) on real estate projects was discussed with all the stakeholders including representatives of Homebuyers, Developers, Real Estate Agents, Financial Institutions, Regulatory Authorities, State Governments etc.

3. In this meeting, it was noted that in view of the outbreak of COVID-19 Regulatory Authorities of Maharashtra, Gujarat, Uttar Pradesh and Tamil Nadu have issued orders in their respective States for extension of completion dates for real estate projects registered under the provisions of RERA by 3 to 5 months.

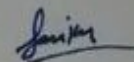
4. Section 6 of RERA, 2016 provides for 'extension of registration of real estate project' on account of '*force majeure*', which includes any calamity caused by nature affecting the regular development of the real estate projects. It is quite evident that current pandemic caused by nature is adversely affecting regular development of real estate projects. Hence, it attracts invoking the provision of '*force majeure*'.

5. In order to safeguard the interest of all stakeholders including home buyers, CAC after detailed deliberations made unanimous recommendation to invoke the '*force majeure*' clause by Real Estate Regulatory Authorities to extend the registration of projects registered under RERA. It also recommended to make this simple so that it gets implemented easily.

6. Ministry has examined the said recommendation of CAC and accordingly advises all States/Union Territories and their Real Estate Regulatory Authorities that in order to avoid submission of separate application for extension of each project and orders thereon, Regulatory Authorities may, in pursuance of section 37 of RERA read with other enabling provisions, in their respective jurisdictions issue following orders/directions to the effect that 'notwithstanding anything contained to the contrary and by virtue of powers conferred under section 37 read with section 34(f) of the RERA, the registration or extension thereto under Section 5, 6, 7(3) of the RERA or Rules thereunder, all registered projects under jurisdiction of Regulatory Authority for which the completion date or revised completion date or extended completion date as per registration expires on or after 25th March, 2020':

- (i) Regulatory Authorities may issue suitable orders/ directions to extend the registration and completion date or revised completion date or extended completion date automatically by 6 months due to outbreak of COVID-19 (Corona Virus), which is a calamity caused by nature and is adversely affecting regular development of real estate projects by invoking *force majeure* clause;
- (ii) Regulatory Authorities may, on their own discretion, consider to further extend the date of completion as per registration for another period upto 3 months, if the situation in their respective State or any part thereof, for reasons to be recorded in writing, needs special consideration of invoking '*force majeure*' in view of current pandemic;
- (iii) Regulatory Authorities may issue fresh 'Project Registration Certificates' with revised timeline in each such registered real estate project at the earliest; and
- (iv) Regulatory Authorities may extend concurrently the timelines of all statutory compliances in accordance with the provisions of RERA and the rules and regulations made thereunder.

7. This issues with the approval of the competent authority.



(Sailesh Jogiani)

Under Secretary (Housing)

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All Chief Secretaries and
All Principal Secretaries, (Housing)
All Chairmen, Real Estate Regulatory Authorities.
All Chairmen, Real Estate Appellate Tribunal.