

KERALA REAL ESTATE REGULATORY AUTHORITY

TC 25/1379, CRA D – 112 Near Pentecostal Church,
Plamoodu – Charachira Road, TVM – 695003

K-RERA/T3/102/2020

04.02.2022

ORDER

Sub: Kerala Real Estate Regulatory Authority - Extension of Registration of Projects – Reg:

Ref: Order No.K-RERA /T3/102/2020, dated 15.05.2019 &19.07.2021 of the Kerala Real Estate Regulatory Authority.

With regard to extension of registration of projects, the Kerala Real Estate Regulatory Authority has resolved the following, notwithstanding anything contained to the contrary and by virtue of powers conferred under section 37 read with section 34(f) of the Act.

Whereas section 6 of the Real Estate (Regulation and Development) Act, 2016, provides for, in addition to grounds of *force majeure*, extension of registration of a project for up to an aggregate period of one year in reasonable circumstances, based on the facts of each case, and for reasons to be recorded in writing.

Projects are generally completed within the validity of registration, whereas a small percentage of cases, yet to complete even after availing one year extension as per section 6 on account of *force majeure*. In such case granting further time seems necessary as per proviso of section 6, for projects which are at the final stage of completion or time for uploading 'Form 6' or for clearing paper works. The Authority is required to take a view whether to grant extension beyond one year or to treat all such project registration as lapsed, ousted the promoter and try to set up an alternative arrangement for completion of the remaining development works in these projects.

The Authority considers it appropriate that before ousting the promoters from all such projects that remain or have remained incomplete at the end of the extended period of one year, each case is considered on its merits to decide whether it will be in the better interest of completion of the project to continue the same promoter by extending registration beyond one year of *force majeure*.

Therefore, in exercise of the powers conferred on the Authority under section 37 of

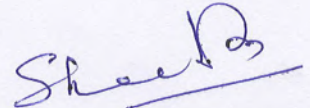
Real Estate (Regulation and Development) Act 2016, read with section 6,7 and 8 the following directions are hereby issued for processing extension of registration beyond one year of *force majeure*, in deserving cases:

1. The promoter will apply for extension in the prescribed form, stating clearly the exceptional and compelling circumstances and reasons due to which the project could not be completed even within the extended period of one year of *force majeure*.
2. The application for extension of registration shall be accompanied with a demand draft, drawn on any scheduled bank, for an amount equal to half the registration fee as prescribed under sub rule 3 along with an explanatory note setting out the reasons for delay in the completion of the project and the need for extension of registration of the project along with documents supporting such reasons.
3. The application will have to be submitted before expiry of the extended period of one year granted under section 6 of Real Estate (Regulation and Development) Act 2016, along with fee as specified in the preceding para. In those cases where the extended period of registration of one year has already elapsed, or will elapse in the meanwhile, the application for further extension under this order can be submitted within three months of the date of issue of order in this regard along with fee as specified in the preceding para. In cases of delay in submission of application beyond these deadlines, extension fee with penalty as fixed by the Authority.
4. No promoter will be entitled to an extension beyond one year as a matter of right. Such extension will be granted by the Authority only where it is convinced that there were compelling circumstances and reasons that have delayed the project even beyond the extended period of one year and the promoter is likely to complete the project within the period so extended.
5. The Authority will, therefore, take decision, on case to case basis, based on facts and circumstances of each case and the decision taken in one case will not constitute a precedent for another case. The Authority will also be free to impose any special condition(s) that it may consider necessary in the facts and circumstances of a particular case.
6. Before deciding the application, besides the promoter, the allottees or the association or society or co-operative society, as the case may be, of the allottees, where such association or society or co-operative society has been formed, under clause (e)

of sub-section (4) of section 11 of Real Estate (Regulation and Development) Act 2016, will be given an, opportunity of being heard.

7. Being not on grounds of *force majeure*, the extension granted under this order shall always be without prejudice to the rights and interests of the allottees under the agreement for sale. Nor will it exonerate the promoter from his obligations to the allottees under Real Estate (Regulation and Development) Act 2016
8. Where extension is not applied for, under this order or is refused, the project remaining incomplete at the end of one year of extension granted on account of *force majeure* under section 6 of Real Estate (Regulation and Development) Act 2016, will be treated as a lapsed project and action as per section 8 of the Act will follow.

As approved by the Authority.



Sheeba Rani.Y

Secretary (Tech & Admin),
Kerala Real Estate Regulatory Authority.

