GOVERNMENT OF INDIA

MINISTRY OF HOUSING AND URBAN AFFAIRS

RAJYA SABHA

UNSTARRED QUESTION NO. 3594

TO BE ANSWERED ON APRIL 04, 2022

LIABILITY FOR DELAY IN GETTING OCCUPANCY CERTIFICATE

NO. 3594 SHRI NARANBHAI J. RATHWA:

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

(a) whether according to recent orders of Hon'ble Supreme Court, all builders are liable to pay damages for delay in obtaining occupancy certificate;

(b) if so, the details thereof and the reaction of Government thereto; and

(c) whether Government proposes to issue guidelines to Real Estate Regulation Authorities to ensure efficient and transparent transactions and, if not, the reasons therefor?

ANSWER

THE MINISTER OF STATE IN THE

MINISTRY OF HOUSING AND URBAN AFFAIRS

(SHRI KAUSHAL KISHORE)

(a) to (c): In order to ensure regulation and promotion of Real Estate Sector in an efficient and transparent manner and to protect the interest of homebuyers, Government has enacted the Real Estate (Regulation and Development) Act, 2016 (RERA). Section 11 of RERA mandates the promoter to obtain the completion certificate or occupation certificate or both, as applicable, from the relevant competent authority as per applicable laws. Further, RERA also provides for punishment up to 3 years of imprisonment and/or with fine, which may extend up to 10% of the estimated cost of the real estate project, in case the promoter fails to comply with the orders, decisions or directions issued by Real Estate Regulatory Authority or Real Estate Appellate Tribunal.

Ministry of Housing and Urban Affairs is not aware of any order of Hon’ble Supreme Court mandating that all the builders are liable to pay damages for delay in obtaining occupation certificate.

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