

**REAL ESTATE APPELLATE TRIBUNAL
FOR NCT OF DELHI & UT OF CHANDIGARH
5TH FLOOR, MSO BUILDING
I.P. ESTATE, ITO, NEW DELHI-110 002**

Court on its own motion

Vs.

Commissioners of all the Municipal Zones & Anrs.

..... Respondent

(Suo Moto Case) REAT/0002/2021

CORAM:

Chairman

Member (J)

Member (A)

17.11.2021

ORDER:

It has been mentioned before us that there are large number of projects under construction, falling within the jurisdiction of this Tribunal, where the mandatory provision for registration of project under the Real Estate (Regulation and Development) Act, 2016 has not been complied with. A number of projects have been mentioned at the Bar. However, we deem it necessary to further verify the details, before we name the properties herein.

Section 3 in Chapter II of the Act provides for Registration of a Real Estate Project. Sub-section (1) of Section 3 stipulates that no promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act. Sub Section (2) relates to the applicability of the Act - (a) where the area of land proposed to be developed exceeds five hundred square meters or the

number of apartments proposed to be developed exceeds eight, inclusive of all phases. It has been submitted before us that despite the clarity of the provisions of the Act regarding their applicability, there is a rampant non-compliance of these provisions within the city.

The Registry of the Tribunal also points out that they had addressed a couple of communications to the Commissioner of Police seeking details of the FIRs registered in respect of societies / individuals offering membership of housing projects and fraudulently collecting huge amounts of money from the gullible buyers within the jurisdiction of Delhi and especially in areas falling under the land pooling policy initiated by the Delhi Development Authority. The details are stated to have not been received till date, despite lapse of considerable time and also a reminder.

Keeping in view the aforesaid background, it is considered appropriate that suo-moto proceedings are initiated in the matter to ensure that there is strict compliance of the provisions of the Act and that the gullible buyers are not left to be cheated by the unscrupulous persons operating in the construction business.

Accordingly, issue notice to the Commissioners of all the Municipal Zones, the Vice Chairman of the Delhi Development Authority, Chairperson, NDMC as also the Commissioner of Police, Delhi, returnable on 24.11.2021.

Sd/-
(SHEO PRATAP SINGH)
MEMBER (A)

Sd/-
(LORREN BAMNIYAL)
MEMBER (J)

Sd/-
(JUSTICE CHANDER SHEKHAR)
CHAIRPERSON