



Forum for Good Governance

Regd. No. 653/2009

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(Retd. High Court Judge)

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L. No. FGG/GOV/REP/ 21 /2022

Hyderabad
9th February, 2022

To
H.E. the Governor
Telangana State
Hyderabad

Respected Madam,

Sub : The Real Estate (Regulation and Development) Act
2016 – Establishment of Real Estate Regulatory
Authority and Appellate Tribunal – Request – Reg.

Ref : The Real Estate (Regulation and Development) Act
2016

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For regulation and promotion of the Real Estate Sector and to ensure sale of plots, apartment of building or sale of real estate project, in efficient and transparent manner and to protect the interest of consumers in the real estate sector and to establish an adjudicating mechanism for speedy dispute redressal and also to establish the Appellate Tribunal to hear appeals from the decisions, directions or orders of the Real Estate Regulatory Authority, Government of India enacted "The Real Estate (Regulation and development) Act 2016. Under this Act Government of Telangana notified the Telangana Real Estate Rules 2017 vide G.O. Ms. No. 202 dated 31-7-2017 for regulation and promotion of real estate sector in the state.

As per sec. 20 (1) of the Act, the state Government shall, with in a period of one year from the date of coming into force of the Act, establish Real Estate Regulatory Authority. The Authority shall consist of a chairperson and not less than two members having vast experience in the subject.

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Further, until the establishment of Regulatory Authority the State Government shall, designate any officer of the rank of Secretary of the department as Regulatory Authority.

Appointing an official as authority is a stop gap arrangement for a short period. Government of Telangana vide G.O. Ms. No. 6, dated 11-1-2018 have designate Sri Rajesh Tiwari I.A.S. Spl Chief Secretary as Regulatory Authority. Since last 4 years the same person is acting as designated authority in violation of sec. 20 of the Act which prescribed a maximum of one year period.


Again as per sec. 43 (1) of the Act the State Government shall with in a period of one year from the date of coming into force of this Act, establish an Appellate Tribunal. Until establishment of Appellate Tribunal the State Government shall designate any Appellate Tribunal functioning under the law to be the Appellate Tribunal to hear appeals under this Act. Vide G.O. Ms. No. 8, dated 11-1-2018 Telangana value added Tax Appellate Tribunal has been designated as R.E.R.A. Appellate Tribunal to manage the affairs under the Act till the Regular Tribunal is established.

As per the Act within one year the R.E.R.A. Authority and Tribunal should have been appointed but Government is dragging its feet. Telangana Government has made a paper compliance of RERA Act.

The RERA Act enacted by Indian Parliament to protect the interest of consumers, and to promote Real Estate sector, and to ensure transparency and efficiency in selling of Real Estate is non functional due to inaction of State Government to appoint Regulatory Authority and Appellate Tribunal. Some Real estate promoters and Agents are not registering with Regulatory Authority and committing serious irregularities. Though the Act prescribes that 'No promoter shall advertise, market, book, sell any plot, apartment or building without registering the project with Real Estate Regulatory Authority, violations are taking place and innocent purchasers are put to great financial loss.

Forum for Good Governance requests the H.E. the Governor to direct Chief Secretary to take immediate steps to constitute Regulatory Authority and Appellate Tribunal for effective functioning of RERA Act 2016.

Yours Sincerely



M. Padmanabha Reddy

Secretary

Forum for Good Governance

Copy to Chief Secretary, Government of Telangana

Prl. Secretary to Government, MA&UD department, Government of Telangana