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Your rights in Rasrang: RERA Act: Get the structural defect of the house repaired within 5 years

Gaurav Pathak9 days ago



More than 20 percent of the total cases filed by consumers in the National Commission are related to houses and property. The Real Estate (Regulation and Development) Act 2016 (RERA) was enacted to protect consumers from fraud by builders and property dealers and

to save them from long legal battles in civil courts. Tribunals and RERA authorities have been constituted under the RERA Act in most states to redress complaints and protect the rights of consumers.

RERA registration is necessary: Before marketing, advertising and sale of a project having more than 500 m² of land and more than 18 flats, registration is necessary under RERA law. If the sale starts without registration, then the customer or other person can file a complaint against the builder online through RERA's website. In such cases, RERA authorities of Tamil Nadu and Haryana had ordered the builders to give refund.

Complaint Fee: There is a nominal fee for filing a complaint in RERA. The RERA authority investigates the complaint. Under Section 79 of RERA Act, civil court relief is not available with RERA. But in cases related to small projects which are not registered with RERA, a complaint may have to be filed in the consumer court or a civil suit may have to be filed in the civil court.

Violation of the terms of the agreement: A complaint can be filed against the builder for violation of the terms of the agreement in projects registered under RERA law. For this, a copy of the agreement should be sent online in PDF format along with the complaint. Along with the government, the Supreme Court has also taken cognizance against making one-sided agreements in favor of builders.

Fraud by builders: Builders make false promises to customers in the name of quality of wood, marble, paint etc. Not constructing the house as per the plan or lacking in quality is considered fraud. If any structural defect is found within 5 years of taking possession of the house, the builder should repair it within one month without any additional charge.

Super area fraud: The area of the floor in a house is called carpet area. Super area is formed by adding stairs, lift and common area to it. Many builders make super built-up area by increasing it by 10 to 40 percent. To save customers from this fraud, it is being said that registry and stamp duty will be paid on the basis of carpet area. If the builder refuses to give details of carpet area, a complaint can be filed against him.

Cancellation of booking: According to Section 13 of RERA Act, only 10% of the total price of the flat can be taken as advance. If the customer cancels the booking due to deficiency in service, only the advance money can be confiscated and the remaining amount should be returned to the builder.

Delay in the project: Due to litigation, the projects are stuck and many builders have disappeared after taking money from the customers. Cases of many builders are going on under the Insolvency Act. In an incomplete project, the customers can exit the project by taking back the principal amount along with interest or they can demand set off of interest

from the builder for the delayed period. But the RERA authority of all the states has not released the annual report on the website. Due to this, the success of this law cannot be audited.

(The author is Assistant Professor at Jindal Global Law School and Secretary, CASC.)

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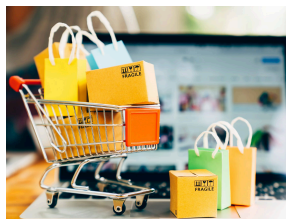
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