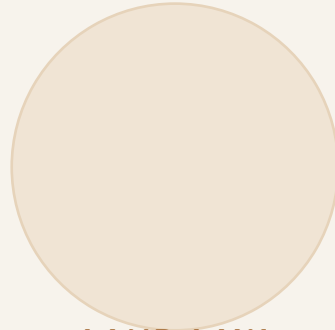




LAND LAW

UNIT - V

RERA 2016 and Karnataka Rules 2017

Twenty slides in this unit

1. Why RERA

2. Project registration s.3

3. Agents s.9

4. Promoter duties ss.11–18

5. Allottee s.19

6. Karnataka Authority

7. Appellate Tribunal

8. Adjudicating officer s.71

9. Penalties ss.59–69

10. Escrow and certificates

11. RERA and land titles

12. Typical claim

13. Promoter defences

14. RERA–Consumer–IBC

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17. Revision

18. Cases

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20. Close

Why RERA

Builders delayed projects and trapped allottees. RERA 2016 forces registration, disclosure and timely completion.

Object

Transparency, accountability, delivery.

Karnataka Rules 2017

Local procedure and portal.

Not a title code

PTCL / KLR still apply.

Consumer overlap

Parallel forum fights.

Project registration s.3

No advertise or sell a project above the threshold without registration.

s.4

Title, plans, timeline, escrow plan.

s.5

Registration with validity.

Ongoing projects

Had to come in after 2016.

Website

Public file.

Agents s.9

Agents who deal in registered projects must register too.

Duties

No false brochure.

Books

Maintain.

Penalty

Separate from promoter.

Portal

Karnataka online.

Promoter duties ss.11-18

Honest ads, 70% escrow, sanctioned plan, occupancy certificate, conveyance.

s.14

No plan change without prescribed consent.

s.18

Refund + interest or delay compensation.

s.13

Conveyance on time.

Defect window

s.14(3).

Allottee s.19

Information, charge on the project, timely payment, possession, association.

Charge

Refund is secured in spirit.

Stop-pay

Risky without advice.

Documents

Plan and title on demand.

Association

After handover.

Karnataka Authority

s.20 Authority + 2017 Rules: fees, forms, website, quarterly updates.

Suo motu

Website lies.

Execution

As a decree under the Act / Rules.

Benchs

As notified.

Disclosure

Parking, carpet area.

Appellate Tribunal

s.43 appeal; often a pre-deposit; then HC on law.

Limitation

Short.

Karnataka REAT

Bengaluru.

Stay

Discretionary.

AO vs Authority

Money claims may go to s.71 officer.

Adjudicating officer s.71

Compensation / interest under ss.12, 14, 18, 19.

Faster money forum

Inside the RERA system.

Interest

Often SBI benchmark + margin.

Consumer court

Concurrent debate.

Choose facts

Delay vs false brochure vs no registration.

Penalties ss.59–69

Selling without registration, false ads, disobedience of orders – percentage fines and some jail clauses.

s.59

s.3 breach.

s.63

Non-compliance with orders.

s.69

Company officers.

Escrow diversion

s.4 / s.11 trail.

Escrow and certificates

Withdrawal from the 70% account needs architect, engineer and CA certificates.

Paper compliance

The weak point.

Quarterly filings

Unit count and delay.

Carpet vs super built-up

Mischief RERA targeted.

Force majeure

Narrow.

RERA and land titles

A PTCL cloud, unconverted land or undisclosed mortgage should have blocked honest registration.

s.4 title report

Disclose.

KLR conversion

Unit III.

Acquisition pending

Disclose.

Mortgage

Disclose to buyers.

Typical claim

Three-year delay; club missing; car park sold twice.

s.18

Refund or compensation.

s.14

Amenity / plan.

s.13

Conveyance.

Forum

AO / Authority / REAT.

Promoter defences

Allottee default; true court stay; genuine force majeure; settlement (watch unconscionability).

Not a defence

'Bank delayed.'

Not a defence

'Other buyers agreed to wait.'

IBC

Separate map.

NCLT vs RERA

SC has tried to sort it.

RERA–Consumer–IBC

Pioneer Urban treated allottees as financial creditors. Flag all three forums.

RERA

Regulator + refund.

Consumer

Unfair trade / deficiency.

IBC

Insolvency.

Facts decide

Do not pick one blindly.

Pack

ss.3-5, 9, 11-19, 20, 43, 59-71; Karnataka Rules 2017.

s.18

Everyday allottee sword.

s.3

Everyday compliance duty.

Website

What was promised.

Title statutes

Still KLR / PTCL / 2013.

CASES

Landmark authorities

Pioneer Urban (2019)

Allottees as financial creditors.

s.18 delay / Imperia line

Refund with interest.

RERA vs consumer forum cases

Concurrent remedies.

Ongoing-project registration

2016-17 transition.

Escrow diversion prosecutions

Money trail.

Karnataka REAT orders

Interest working.

Key takeaways

- 01 No registration, no sale – s.3.
- 02 s.18 is the delay remedy.
- 03 Escrow, plan fidelity, title, conveyance.
- 04 Karnataka Authority + REAT + Rules 2017.
- 05 RERA does not repeal PTCL / KLR / 2013.
- 06 Watch the RERA–Consumer–IBC triangle.

End of UNIT – V

LAND LAW