

महाराष्ट्र शासन

क्रमांक संकीर्ण २०२०/प्र.क्र ७६/नवि-२०

नगर विकास विभाग

मंत्रालय मुंबई ३२

दिनांक ०८ जून, २०२०

प्रति

अपर मुख्य सचिव, गृहनिर्माण विभाग
अपर मुख्य सचिव (वने) महसूल व वन विभाग
अपर मुख्य सचिव (महसूल) महसूल व वन विभाग
अपर मुख्य सचिव, परिवहन विभाग
प्रधान सचिव, पर्यावरण विभाग
प्रधान सचिव (उद्योग) उद्योग उर्जा व कामगार विभाग
प्रधान सचिव (कामगार) उद्योग उर्जा व कामगार विभाग
आयुक्त, उद्योग, मुंबई
सदस्य सचिव, महाराष्ट्र प्रदूषण नियंत्रण मंडळ
मुख्य कार्यकारी अधिकारी, महाराष्ट्र औद्योगिक विकास महामंडळ
आयुक्त तथा संचालक नगरपरिषद प्रशासन संचालनालय, मुंबई
आयुक्त, सर्व महानगरपालिका
संचालक, नगर रचना, पुणे
संचालक, अग्नीशमन, मुंबई
मुख्याधिकारी, सर्व नगर परिषदा/नगरपंचायती

विषय :- Advisory for extension of validity and time limit of all approvals/NOCs and subsequent compliances given by State and Central agencies for real estate sector

महोदय,

कोविड-१९ च्या आपत्तीमुळे निर्माण झालेल्या परिस्थितीत व्यवसाय सुलभीकरणाच्या (Ease of Doing Business) अनुषंगाने केंद्र शासनाकडून प्राप्त झालेल्या दिनांक २८.०५.२०२० च्या सूचनांची (एँडव्हायझरी) प्रत यासोबत जोडून पाठविण्यात येत आहे. (प्रत सोबत) तसेच, यासंदर्भातील नगर विकास विभाग(नवि-१३) यांनी निर्गमित केलेल्या दिनांक ०४ जून, २०२० च्या शासन निर्णयाची प्रत सोबत जोडून पाठविण्यात येत आहे.

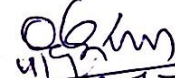
२. कोविड-१९ च्या आपत्तीमुळे निर्माण झालेल्या परिस्थितीत (Force Majeure) रियल इस्टेट प्रकल्पासंदर्भात विविध नागरी स्थानिक स्वराज्य संस्था, नागरी विकास प्राधिकरणे, राज्य शासनाची इतर कार्यालये/यंत्रणा यांच्यामार्फत देण्यात आलेल्या विविध संविधानिक

परवानग्या, परवाने, नोंदणी, इमारत आराखडा मंजूरी व इतर ना हरकत प्रमाणपत्र यांना कोणत्याही अर्जप्रक्रियेशिवाय नऊ महिन्यांचा कालावधी वाढवून देण्याबाबत केंद्रशासनाच्या दिनांक २८ मे, २०२० च्या सूचनांनुसार व नगर विकास विभाग (नवि-१३) यांच्या शासन निर्णय दिनांक ०४.०६.२०२० प्रमाणे कार्यवाही करण्यात यावी.

३. केंद्र शासनाने पाठवलेल्या सूचनांनुसार ज्या परवानग्यांची मुदत दिनांक २५ मार्च रोजी व त्यानंतर टाळेबंदीच्या कालावधीत संपली असेल अशा रियल इस्टेट सेक्टरमधील सर्व प्रकल्पांच्या बाबतीत ही मुदतवाढ लागू राहिल. त्यानुसार कृपया कार्यवाही करण्यात यावी.

४. केंद्रशासनाच्या सोबतच्या सोबतच्या सूचना आपल्या नियंत्रणाखालील विविध यंत्रणांच्या निदर्शनास आणून देण्यात याव्यात व त्यांना याबाबत आवश्यक कार्यवाही करण्याच्या सूचना देण्यात याव्यात.

आपला,


५/१०/२०२०
(पां. जो. जाधव)

सहसचिव

नगर विकास विभाग

सहपत्र :- वरीलप्रमाणे

प्रत

- अपर मुख्य सचिव नगर विकास विभाग (१)
- सर्व सह सचिव, नगरविकास विभाग (नवि-१/नवि-२ मधील)
- सर्व उपसचिव नगर विकास विभाग (नवि-१/नवि-२ मधील)
- निवड नस्ती (कार्यासन नवि-२०)

No. K-14011/12/2020-AMRUT-IIA
Government of India
Ministry of Housing and Urban Affairs

Nirman Bhawan, New Delhi
Dated: 28th May, 2020

Subject: Advisory for extension of validity and time limit of all approvals, NOCs and subsequent compliances given by State and Central agencies for real estate sector- regarding.

The undersigned is directed to refer to the above subject and to state that in view of the situation created by the pandemic COVID-19 (Corona Virus) and consequent countrywide lockdown with effect from 25 March, 2020, reverse migration of labourers to their native places and break in supply chain of construction material have adversely impacted the construction activities of real estate projects including residential, commercial, institutional and industrial across the country.

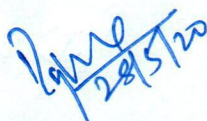
2. This Ministry has received representations from various stakeholders requesting for extension of validity of statutory approvals, licenses, registration and building plan approvals, and NOCs from various external and internal agencies, for a period of minimum 9 months.

3. In this regard, a Video Conference with State Governments, Municipal Corporations and NOC issuing Central agencies was held on 26 May, 2020 under the chairmanship of Secretary, Ministry of Housing and Urban Affairs, wherein the impact of outbreak of COVID-19 (Corona Virus) on real estate projects was discussed. It was noted that adverse impact on real estate projects is due to pandemic which is the calamity caused by nature and should be considered as a 'Force Majeure' situation.

4. In this meeting, it was noted that some States such as Haryana, Uttar Pradesh and Maharashtra have extended timelimits related to various approvals for building construction.

5. This Ministry has also issued advisory dated 13 May, 2020 (copy enclosed) for extension of registration of real estate projects for which completion date or revised completion date or extended completion date as per registration expires on or after 25 March, 2020 and to extend the said date automatically by 6 months by invoking 'Force Majeure' clause under the provisions of Real Estate (Regulation and Development) Act, 2016 (RERA). Also, regulatory authorities, may on their own discretion, consider to further extend the date of completion as per registration for another period upto 3 months if situation needs special consideration for whole or part of the State

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28/5/20

of invoking 'Force Majeure' in view of current pandemic. Such extension is to be granted suo moto by revising the date of completion through new letter of registration to be issued by RERA.

6. During the cycle of building construction, various clearances, both expirable and non-expirable, are given by different agencies. List of some of the expirable clearances/ NOCs, issued by various Departments is indicated below for reference, which is only illustrative and not exhaustive. This may vary from State to State.

S.No	Approvals /NOCs	Departments/Section
1	NOC for extension of time from Lessor/ Land owning agency for construction and issue of building permit.	Land owning agency/Lessor
2	Layout plan approvals	Building plan approval section of Municipal Corporation/ Development authority/ ULB
3	Building plan approvals	Building plan approval section of Municipal Corporation/ Development authority/ ULB
4	Commencement certificate / Plinth inspection certificates	Building plan approval section of Municipal Corporation/ Development authority/ ULB
5	Excavation permission	Revenue department/ ULB
6	Storm water & drainage/ Sewerage/ SWM	Concerned sections of Municipal Corporation
7	Consent to establish/ operate for industries	State Pollution Control Board
8	Factory related permission	Inspector of Factories
9	Environment / Forest	State Environment/ State Forests Department/ MoEF&CC
10	Traffic & transportation	Traffic and transportation department of Municipal Corporation
11	NOC for fire safety	State fire department
External Agencies		
12	NMA clearance if property is in the regulated zone	National Monument Authority
13	AAI clearance if there is airport in the city	Airport Authority of India
14	Environment clearance if built up area is >20,000 sqm	SEIAA or MoEF&CC
15	Defence related NOCs	Ministry of Defence
16	Railway related NOCs	Ministry of Railways

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28/5/20

7. Ministry has examined the views of States and NOC issuing agencies and various representations from stakeholders. After detailed consideration, in order to avoid the separate application for extension of various kinds of approvals by Urban Local Bodies/ Urban Development Authorities/ other State/ Central Government agencies, States/ concerned agencies are advised to:

- (i) Consider the situation as a 'Force Majeure'
- (ii) Extend the validity **automatically**, of various kinds of approvals by Urban Local Bodies (ULBs)/ Urban Development Authorities/ other State agencies including Commencement/ completion certificates, payment schedule of charges including developmental charges, 'No Objection Certificates' from various agencies **by 9 months**.
- (iii) Extend timelines for subsequent compliances by the building proponents as per the precondition of the permission given, automatically, for a period of 9 months.

Point (ii) and (iii) may be considered for all those projects whose validity has expired on or after 25 March, 2020. States may issue necessary directives to Municipal Corporations/ Urban Development Authorities/ ULBs so that various approvals, payment of charges and compliances by building proponents may be rescheduled without any requirement of individual application from building proponent in this regard. This is in line with promoting Ease of Doing Business.

8. Respective Central Government Ministries may also issue similar directions to NOC issuing agencies under their control.



(Rajeev Kumar Das)

Under Secretary to Government of India

Tel: 23062075

1. All Chief Secretaries, States/UTs
2. All Principal Secretaries (UD), States/UTs
3. Secretary, Ministry of Culture
4. Secretary, Ministry of Civil Aviation
5. Secretary, Ministry of Road Transport and Highways
6. Chairman, Railway Board
7. Joint Secretary, Ministry of Environment Forest & Climate Change
8. Joint Secretary, Ministry of Defence
9. Secretary, Delhi Urban Art Commission
10. Member Secretary, Heritage Conservation Committee
11. Vice Chairman, DDA, New Delhi

Copy to:

1. Member Secretary, National Monuments Authority
2. Chairman, Airport Authority of India
3. Chairman, National Highways Authority of India

No. O-17024/230/2018-Housing-UD/EFS-9056405

Government of India
Ministry of Housing & Urban Affairs
(Housing Section)

Room No. 220, C Wing,
Nirman Bhawan, New Delhi – 110 011

13th May, 2020

OFFICE MEMORANDUM

Subject: Advisory for extension of registration of real estate projects due to 'Force Majeure' under the provisions of Real Estate (Regulation and Development) Act, 2016 (RERA)- regarding.

The undersigned is directed to refer to the above subject and state that in view of the situation created by the pandemic COVID-19 (Corona Virus) and consequent nation-wide lockdown w.e.f. 25th March, 2020, reverse migration of labourers to their native places and break in supply chain of construction material have adversely impacted the construction activities of real estate projects across the country. In consultation with Real Estate Regulatory Authorities of States / UTs, representatives of NAREDCO, CREDAI, FICCI, ASSOCHAM and other stakeholders, it is observed that in such circumstances, work on the real estate projects will take quite some time to restart in full gear.

2. In this regard, an urgent meeting of Central Advisory Council (CAC) was held on 29th April, 2020 over webinar under the chairmanship of Hon'ble Minister of State (I/C) Housing and Urban Affairs, wherein the impact of outbreak of COVID-19 (Corona Virus) on real estate projects was discussed with all the stakeholders including representatives of Homebuyers, Developers, Real Estate Agents, Financial Institutions, Regulatory Authorities, State Governments etc.

3. In this meeting, it was noted that in view of the outbreak of COVID-19 Regulatory Authorities of Maharashtra, Gujarat, Uttar Pradesh and Tamil Nadu have issued orders in their respective States for extension of completion dates for real estate projects registered under the provisions of RERA by 3 to 5 months.

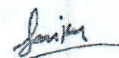
4. Section 6 of RERA, 2016 provides for 'extension of registration of real estate project' on account of 'force majeure', which includes any calamity caused by nature affecting the regular development of the real estate projects. It is quite evident that current pandemic caused by nature is adversely affecting regular development of real estate projects. Hence, it attracts invoking the provision of 'force majeure'.

5. In order to safeguard the interest of all stakeholders including home buyers, CAC after detailed deliberations made unanimous recommendation to invoke the '*force majeure*' clause by Real Estate Regulatory Authorities to extend the registration of projects registered under RERA. It also recommended to make this simple so that it gets implemented easily.

6. Ministry has examined the said recommendation of CAC and accordingly advises all States/Union Territories and their Real Estate Regulatory Authorities that in order to avoid submission of separate application for extension of each project and orders thereon, Regulatory Authorities may, in pursuance of section 37 of RERA read with other enabling provisions, in their respective jurisdictions issue following orders/directions to the effect that 'notwithstanding anything contained to the contrary and by virtue of powers conferred under section 37 read with section 34(f) of the RERA, the registration or extension thereto under Section 5, 6, 7(3) of the RERA or Rules thereunder, all registered projects under jurisdiction of Regulatory Authority for which the completion date or revised completion date or extended completion date as per registration expires on or after 25th March, 2020':

- (i) Regulatory Authorities may issue suitable orders/ directions to extend the registration and completion date or revised completion date or extended completion date automatically by 6 months due to outbreak of COVID-19 (Corona Virus), which is a calamity caused by nature and is adversely affecting regular development of real estate projects by invoking *force majeure* clause;
- (ii) Regulatory Authorities may, on their own discretion, consider to further extend the date of completion as per registration for another period upto 3 months, if the situation in their respective State or any part thereof, for reasons to be recorded in writing, needs special consideration of invoking '*force majeure*' in view of current pandemic;
- (iii) Regulatory Authorities may issue fresh 'Project Registration Certificates' with revised timeline in each such registered real estate project at the earliest; and
- (iv) Regulatory Authorities may extend concurrently the timelines of all statutory compliances in accordance with the provisions of RERA and the rules and regulations made thereunder.

7. This issues with the approval of the competent authority.



(Sailesh Jogiani)

Under Secretary (Housing)
Tel: 2306 2252

All Chief Secretaries and
All Principal Secretaries, (Housing)
All Chairmen, Real Estate Regulatory Authorities.
All Chairmen, Real Estate Appellate Tribunal.

महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६ चे कलम १५४ अन्वये निर्देश नियोजन मंजूरी दिलेल्या परवानग्या, अनुज्ञप्त्या, नाहरकत प्रमाणपत्रे, बांधकाम प्रारंभ प्रमाणपत्रे, भोगवटा प्रमाणपत्रे, प्राधिकरणांकडे जमा करावयाचे शुल्क इ. ची वैधानिक मुदत आपोआप वाढविणे व इतर बाबींवाबत.

महाराष्ट्र शासन

नगर विकास विभाग

शासन निर्णय क्र. टिपीएस-१८२०/प्र.क्र.५९/२०२०/नवि-१३

मादाम कामा मार्ग, हुतात्मा राजगुरु चौक,

मंत्रालय, मुंबई-३२

दिनांक - ४ ऑक्टोबर २०२०

पहा:- केंद्र शासनाच्या आवासन एवम् शहरी कार्यमंत्रालयाच्या क्र. के१४०११/१२/२०२०/ अमृत-II ए. दि. २८ मे, २०२० (प्रत सोबत)

निर्णय

केंद्र शासनाच्या आवासन एवम् शहरी कार्यमंत्रालयाच्या क्र. के-१४०११/१२/२०२०/ अमृत-ए. दि. २८ मे, २०२० अन्वये मार्गदर्शिका (Advisory) प्राप्त झाल्या आहेत. त्याप्रमाणे सध्या देशभर उद्भवलेल्या कोविड-१९ या साथीच्या आजाराच्या (Pandemic) प्रसाराच्या परिस्थितीमुळे दि. २५ मार्च, २०२० पासून ताळेबंदी (Lockdown) जारी करण्यात आली आहे. त्यामुळे इतर क्षेत्रांप्रमाणेच बांधकाम क्षेत्रावर (Real Estate) अनिष्ट परिणाम झालेला आहे. यामुळे बांधकाम क्षेत्राला साहित्य पुरवठा करणारी साखळी वऱ्याच अंशी प्रभावित झाली आहे. तसेच श्रमिक मोठ्या प्रमाणात स्वग्रामी परतले आहेत / परतण्याच्या वाटेवर (Reverse Migration of Labours) आहेत. अशाने रहिवासी, वाणिज्य, औद्योगिक, संस्थीय बांधकाम प्रकल्पांवर अनिष्ट परिणाम झाला आहे. अशा परिस्थितीत खालील मुद्दे विचारात घेऊन त्याबाबत उपाययोजना करणे आवश्यक आहे -

- १) परिस्थितीत उद्भवलेल्या अप्रत्याशित व आपत्कालिन परिस्थितीमुळे निर्माण झालेली असंभवता (Force Majeure) विचारात घेणे आवश्यक वाटते.
- २) सर्व संबंधित प्राधिकरणांनी मंजूरी दिलेल्या परवानग्या, अनुज्ञप्त्या, नाहरकत प्रमाणपत्रे, बांधकाम प्रारंभ प्रमाणपत्रे, भोगवटा प्रमाणपत्रे, प्राधिकरणांकडे जमा करावयाचे शुल्क इ. ची वैधानिक मुदत आपोआप ९ महिन्यांनी वाढवण्याचा विचार करण्यात यावा.

- ३) त्या अनुषंगाने परवानगी पत्रात नमूद केलेल्या पूर्व अटीची पूर्तता करणेसाठी आपोआपच ९ महिन्यांनी कालावधी वाढवून देणे संयुक्तिक हाईल.
- ४) उक्तानुसार वाढवून देण्याच्या ९ महिन्यांच्या कालावधीसाठी कोणतेही अतिरिक्त शुल्क अगर व्याज आकारणी करण्यात येऊ नये.


या सान्या बाबी विचारात घेता या अनुषंगाने काही उपाययोजना करणे आवश्यक आहे. असे शासनाचे मत झाले आहे. सबब, महाराष्ट्र प्रादेशिक नियोजन व नगररचना अधिनियम, १९६६ चे कलम १५४(१) अन्वये शासन खालील प्रमाणे निदेश देत आहे.

निदेश

प्रस्तुत प्रकरणी सर्व नियोजन प्राधिकरणे / विशेष नियोजन प्राधिकरण यांना, केंद्र शासनाच्या आवासन एवम् शहरी कार्यमंत्रालयाच्या क्र. के-१४०११/१२/२०२०/ अमृत-११ ए. दि. २८ मे, २०२० अन्वये जारी केलेल्या मार्गदर्शिकेनुसार कार्यपद्धती अनुसरावी, तसेच उक्त नमूद मूदा क्र. २, ३ व ४ हे दिनांक/२५ मार्च, २०२० रोजी किंवा त्यानंतरच्या टाळेबंदीच्या कालावधीत समाप्त होणाऱ्या वैधानिक कालावधीना लागू राहतील. सदर मार्गदर्शिकेतील मार्गदर्शक तत्वानुसार वाढवून देण्याच्या ९ महिन्यांच्या कालावधीसाठी कोणतेही अतिरिक्त शुल्क अगर व्याज आकारणी करण्यात येऊ नये.

प्रस्तुत निदेश हे तात्काळ अंमलात येतील.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,


(श्रीरंग दि. लांडगे)

सह सचिव, महाराष्ट्र शासन

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