

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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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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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.