

Real Estate Regulatory Authority (H.P.)

Annexe Building, Majitha House Near H.P. Sectt. Shimla-02

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Ref. No. HP RERA Order No : - 01 /2020-21/233-235 Dated 04/06/2020

Subject: Invoking '*Force Majeure*' for Covid-19 Pandemic.

Ref: Advisory regarding extension of registration of Real Estate Projects and concurrently extending timelines of all Statutory Compliances, due to '*Force Majeure*' under the provisions of Real Estate (Regulation and Development) Act, 2016 (RERA)- issued by Ministry of Housing and Urban Affairs (MoHUA) dated 13th May 2020 and 28th May 2020

Whereas, in view of COVID-19 (Corona Virus) Pandemic and consequent nation-wide lockdown with effect from 25th March 2020, reverse migration of labourers to their native places and break in supply chain of construction materials, the construction activities of Real Estate Projects across the country have been severely impacted.

Whereas, an urgent meeting of Central Advisory Council (CAC) was held on 29th April, 2020, and as per its recommendations Ministry of Housing and Urban Affairs has issued Advisory regarding extension of registration of Real Estate Projects and concurrently extending timelines of all statutory compliances due to '*Force Majeure*' under the provisions of Real Estate (Regulation and Development) Act, 2016 (RERA), on 13th May 2020

Whereas, another meeting Held by The Secretary, Ministry of Housing and Urban Affairs, with State Governments, Municipal Corporations and NOC issuing Central Agencies was held on 26 May 2020, 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.

Accordingly, keeping in view both the advisories of The Government of India and in exercise of the powers vested under section 37 read with Section 34(a), 34(f) and 34(g), a 'Force Majeure' period of six months, from 25th March to 24th September, 2020 is being invoked and the following directions are issued with immediate effect:

- 1) HP Real Estate Regulatory Authority, hereby issues order / directions to extend the registration and completion date or revised completion date or extended completion date automatically by six months by invoking 'Force Majeure' clause under section 6 of the Real Estate (Regulation and Development) Act, 2016
- 2) For further extension beyond the aforesaid 6 months, for adversely affected projects, concerned promoters will have to apply in accordance with provisions of Section 6 of the Act *ibid*. HP RERA may at its discretion waive the fee for such extension under rule 6(2) of HP Real Estate (Registration and Development) Rules, 2017, if it is due to 'Force Majeure'
- 3) The time limits for compliances under Section 11, which become due anytime during 'Force Majeure' period, stand automatically extended for a period till the expiry of 'Force Majeure' period.
- 4) The 'Force Majeure' period will be treated as a "moratorium period" for the purpose of calculating interest under section 12, 18 19(4) and 19(7) of the Act.
- 5) Any compliance under Section 17 that becomes due during the 'Force Majeure' period is allowed to be completed in a period extending till the expiry of the 'Force Majeure' period.

Member
HP RERA

HP RERA order No. - 01/2020 - 21/233-235

Endst No.

Dated: 4/6/2020

A copy of the above is forwarded to the following for kind information please:

1. Secretary (Town and Country Planning) to Government of HP, Shimla
2. Secretary (Housing) to Government of HP, Shimla
3. Under Secretary to Government of India Housing & Urban Affairs (Housing Section) Room No. 220 C Wing, Nirman Bhawan, New Delhi with reference to their letter No. 0-17024/230/2018 Housing UD/EFS-9056405 dated 15/05/2020 and No.k-14011/12/2020-AMRUT-IIA dated 28/05/2020.

Madame
 Member
 HP RERA