

# 'Cops not implementing Rera orders, so it's practically a closed road for buyers'

Without Clear Central Rules, Rera Just A Paper Tiger, Says Adjudicating Officer

RaoJaswantSingh  
@timesofindia.com

**Gurgaon:** The Gurgaon bench of Haryana Rera has so far issued more than 500 arrest warrants against builders for not contempt of its orders, but not a single arrest has been made, adjudicating officer **Rajender Kumar Shastri** told TOI on Tuesday.

This, he said, virtually makes Rera interventions in favour of homebuyers futile.

He said while the ombudsman's inefficiency has repeatedly come under Supreme Court's scrutiny, Rera will be a "paper tiger" if this is how the system behaves, seeking govt's intervention to change things.

"Parliament passed the Real Estate (Regulation and Development) Act with the object of proper development of the real estate sector and especially to protect interest of homebuyers. True, the pur-

pose of the Act is frustrated, but we cannot blame only real estate regulatory Authorities for this debacle," he said.

While passing the Rera Act, Shastri said, Parliament did not prescribe how orders of Rera would be executed. "So it was left to the Union govt and states to frame rules. About eight years have passed, but the Union govt has not framed any rule for implementa-

tion of orders passed by Rera. Though some states have framed rules but those are insufficient to get orders implemented," he said.

Haryana is one such state. In 2017, state rules directed that orders passed by Rera or its adjudicating officers would be treated on a par with a decree passed by a civil court. "The Code of Civil Procedure allows arrest of judgment debtor (developer) by a civil court in case of non-compliance with the order. Invariably, promoters

## 'A failure in protecting homebuyers'

**SC slams H-Rera**, calling it a failure in protecting homebuyers

**Over 500** arrest warrants unexecuted, police fail to act against defaulting builders

**Homebuyers trapped** | life savings lost, no homes, no refunds

**Call for action** | Without enforcement, Rera remains powerless, says officials



in our courts fail to hand over possession of units despite receipt of entire sale consideration. Finding no other way, when we issue arrest warrants against such erring builders. But it does not lead to follow up action from police," Shastri said.

The adjudicating officer said Rera's hands are tied if its orders are not implemented, and as a result, it is unable to deliver justice to homebuyers. Asked if Rera

had taken it up with police, Shastri said, "We sought explanations from the DCP HQ, but on multiple occasions received no reply. In some cases, the DCP expressed his inability to make any arrest, saying that being a nodal officer, he receives summonses, notices and warrants from various courts and forums. In some cases, a constable is assigned the duty to execute arrest warrants, but a constable has no

power to arrest any person. Now, an ASI is being deputed by Gurgaon Police for this task. But the official completes formalities by visiting the project of the builder or residence and submits a report saying the developer was not found there."

So what has the ombudsman done about this? The adjudicating officer said "at least in 15 cases, references have been made to the Punjab & Haryana high court with a prayer to initiate contempt of court proceedings against the police".

Shastri admitted that in the current scheme of things, "it is practically, a 'road closed' for homebuyers". "Most homebuyers come from the middle class and could only afford a house through their hard-earned money and by taking loans from banks. But many builders have neither completed construction nor handed over possession of units or refunded the buyers," Shastri said.