



CONSUMER UPDATE

Real Estate (Regulation and Development) Act

In the last issue of “Consumer Update”, we had shared a brief summary about the Real Estate (Regulation and Development) Act, [RERA]. The Tamil Nadu Government notified the Rules under RERA on June 22, 2017

Presently, we will look at the varied consumer friendly provisions of RERA, in detail.

Salient features of RERA

Registration with the Real Estate Authority

The law requires for the establishment of a Real Estate Authority in the States. No promoter can advertise, market, book, sell or offer for sale any plot, apartment or building, as the case may be, in any real estate project or part of it, without registering the real estate project with the Real Estate Regulatory Authority.

However, no registration is required if the area of land proposed to be developed does not exceed 500 sq.mts. or the number of apartments proposed to be developed does not exceed 8, inclusive of all phases. Also, if the project involves renovation, repair or re-development, which does not include marketing, advertising or new allotment of any apartment, plot or building, registration is not needed.

For registration of projects with the authorities, developers will be required to submit authenticated copy of PAN Card, audited balance sheet of the promoter firm/company for the preceding financial year, copy of the legal title deed reflecting the title of the promoter to the land on which development is proposed to be developed, the details of encumbrances on the land on which development is proposed including any rights, title, interest or name of any party in or over such land along with details, latitude and longitude details of the project site to monitor the progress of the work by the Authority, copies of the approved plan and approval letter along with the No Objection Certificates submitted while obtaining planning permission and building licence, carpet area, parking spaces as shown in the approved plan of the said real estate project, detailed design and drawing for Structural Stability, Electrical Wiring, plumbing, Sewage Treatment Plans, etc. along with the required registration fee.

Promoters of all ongoing projects should also make an application to the Authority. They are required to declare the size of the apartment based on carpet area even if it was earlier sold on any other basis. All project details, including status of the project and extent of completion, total amount collected

from allottees, money used, original timeline for completion and the time period within which the developer undertakes to complete the project, should be disclosed. However, any agreement already entered between the promoter and the allottee, before commencement of the rules, will not be affected.

Revocation of Registration

The Authority may, on receipt of a complaint or suo motu or on the recommendation of the competent authority, revoke the registration granted, after being satisfied that the promoter defaulted in doing anything required by the Act/Rules; violated any of the terms or conditions of approval given by the competent authority; the promoter is involved in any kind of unfair practice or irregularities.

Website of the Authority

The Authority shall ensure that the following information shall be made available on its website in respect of each project registered, namely:

- Details of the promoter – profile, track record, litigations on land, weblink to the developer website, weblink to project website
- Details of the real estate project – compliance and registration, apartment and parking related details, registered agents, consultants – name and address of contractors, structural engineers, site engineers, quality auditors and others, location details of the project, development plan – the plan of development work to be executed in the proposed project, details of proposed amenities
- Financial details of the promoter – Authenticated PAN card of promoter, annual report including audited profit and loss account, balance sheet, cash flow statement
- Promoter shall upload on the webpage of the project - within 15 days of expiry of each quarter, information regarding number and type of apartments or plots, garages booked, status of the project with photographs floor-wise, status of construction of internal infrastructure and common areas with photos, status of approvals received and expected date of receipt, modifications in sanctioned plans and specifications, if any, approved by the competent authority
- Documents to be available in downloadable format – Approvals, legal documents
- Contact Details – address, contact numbers and email-ids of promoter handling the project
- Database - The Authority should maintain a database and ensure that the information specified therein shall be made available on its website in respect of each project revoked or penalized
- The Authority should ensure that the above said information shall be made available on its website in respect of each real estate agent registered with it or whose application for registration has been rejected or revoked
- The Authority is expected to maintain a back-up, in digital form, of the contents of its website and ensure that such back-up is updated on the last day of each month

(to be contd...)

FSSAI PROPOSES BLUEPRINT FOR ‘FOOD SMART CITIES’

FSSAI has proposed widening the ambit of smart cities by incorporating food management system into it to ensure safe and nutritious food consumed by citizens. The Food Safety and Standards Authority of India (FSSAI) and Urban Development Ministry on May 2 organised a workshop on Food Smart Cities to discuss its framework and methodology for rollout.

FSSAI CEO Pawan Agarwal said that food has been largely ignored in city planning, despite it being the central piece around which life revolves. “There is now a golden opportunity to integrate food systems management into the smart city guidelines”, he said in a statement. The Food Smart Cities would have end-to-end solutions for food systems in urban areas.

Hospital told to pay Rs 24 lakh for performing surgery without equipment

The Delhi State Consumer Disputes Redressal Commission slapped a fine of Rs 24.56 lakhs on a private hospital for the death of a 37-year-old man due to medical negligence. In 2001, the hospital had conducted a brain surgery without having facilities like CT scan, due to which the condition of the patient could not be monitored after the surgery.

Family of the deceased had filed a complaint stating that he was admitted at a private hospital after being advised to undergo surgery to remove a tumour in his brain. He was operated upon the next day by two neurosurgeons. Following the surgery, his condition deteriorated, he went into a coma on November 24 and died the next day, the complaint said.

According to the hospital rules — which the family obtained through an RTI — it is mandatory for a neurosurgical centre to have all requisite facilities, including CT scan. However, the hospital did not have the facilities for the Non-Contrast Computerised Tomography (NCCT) or CT scan. Denying the arguments, the hospital said the family was well aware that it did not have the facility of CT scan/NCCT. The Commission observed that it had sought medical experts’ opinion, according to which, “immediate NCCT of the head” was not conducted at the “first signs of deterioration”.

Banking Ombudsman

The Banking Ombudsman Scheme is an expeditious and inexpensive forum for bank customers for resolution of complaints relating to certain services rendered by banks. The Banking Ombudsman Scheme is introduced under Section 35 A of the Banking Regulation Act, 1949 by RBI, with effect from 1995. The Banking Ombudsman is a senior official appointed by the Reserve Bank of India to redress customer complaints against deficiency in certain banking services.

For instance, a complainant had applied for credit card from a bank. Though the bank had not delivered the card, it was sending the account statement every month indicating the dues payable. Credit Information Bureau (India) Limited’s (CIBIL) report also showed the complainant as a defaulter in respect of the said card. The bank, in its response, stated that the customer had applied for credit card and the same was issued on January 29, 2015. Accordingly, joining fees along with applicable service tax were levied. As the customer did not make requisite payment, financial charges were also being levied every month. This was also getting reflected in the CIBIL report as an outstanding towards the card. In a conciliation meeting, Banking Ombudsman (BO) asked the bank to clarify as to when customer had not received the card, how he was being billed to make payment for the same. The bank stated that they had investigated the matter and it appeared that the card could not be delivered to customer despite multiple attempts owing to residence/ office remaining closed. The BO observed the bank’s action to be unfair and ordered the bank to pay Rs.10000/- as compensation to the complainant and also to rectify the CIBIL record suitably.

ரேஷன் கடை முதல் ஆன்லைன் ஷாப்பிங் வரை ... நுகர்வோர்கள் புகார் அளிக்க தமிழக அரசின் ஆப் (App)

ரேஷன் கடைகள் முதல் பேருந்து பயணங்களின்போது உணவருந்தும் ஹோட்டல்கள் வரை, ஒவ்வொரு இடங்களிலும் நுகர்வோர்கள் படும்பாடு சொல்லி மாளாது. இதுதான் எடை, இவ்வளவுதான் விலை என அனைத்துப் பொருள்களுக்கும் சட்டப்படி அனைத்தும் நிர்ணயிக்கப்பட்டு பொருள்களின் மீது அச்சடிக்கப்பட்டிருந்தாலும், தரம், விலை, அளவு என ஏதாவதொரு விதத்தில் நுகர்வோர்கள் ஏமாற்றப்பட்டுக் கொண்டே வருகின்றனர். இவர்களுக்குக் கைகொடுக்கும் வகையில் அமைந்திருக்கிறது தமிழக அரசின் TN-LMCTS மொபைல் ஆப் (Mobile App). இதனை மொபைலில் பதிவிறக்கம் செய்து கொண்டால் போதும். எந்தப் புகார்களையும் சில நிமிடங்களில் உரிய அதிகாரிகளின் கவனத்துக்குக் கொண்டு செல்ல முடியும். தமிழக அரசின் தொழிலாளர் துறையின் கீழ் இயங்கும் சட்ட முறை எடை, அளவு பிரிவுதான் இந்த மொபைல் ஆப்-ஐ நிர்வகிக்கிறது.

எப்படி பயன்படுத்துவது?

முதலில் உங்கள் போனில் ஆப்-ஐ பதிவிறக்கம் செய்ய வேண்டும். பின்னர் உங்களைப் பற்றிய விவரங்கள் கேட்கப்படும். அவற்றைக் கொடுத்த பின்னர் உங்களுடைய அலைபேசி எண் OTP மூலம் சோதிக்கப்படும். சோதனை முடிந்துவிட்டால், புகார்களுக்கு உங்கள் ஆப் தயார். உங்களுடைய மொபைல் நம்பர் மற்றும் கடவு சொல் (Password) கொடுத்து எப்போது வேண்டுமானாலும் லாக்-இன் (Log In) செய்ய முடியும். ஆப் முழுவதும் ஆங்கிலத்தில்தான் இருக்கிறது. அதே சமயம் பயன்படுத்துவதற்கு மிக எளிமையாகவும், பயனுள்ளதாகவும் அமைந்திருக்கிறது.

நீங்கள் செய்த புகார்களின் பட்டியல், புதிய புகார்களுக்கான ஆப்ஷன், விரைவான புகார்கள் என மூன்று மெனுக்கள் இருக்கின்றன. விரைவான புகார்களுக்கு என்ன புகார், எந்த இடம் என்பதை மட்டும் தெளிவாகக் குறிப்பிட்டு அதற்கான சாட்சிகளாகப் புகைப்படங்கள், வீடியோ, ஆடியோ போன்றவற்றை உடன் இணைக்க வேண்டும். புதிய புகார்கள் என்ற மெனுவில், புகார் பற்றிய குறிப்பு, புகைப்படங்கள் / வீடியோ / ஆடியோ இணைப்பு, எது தொடர்பான புகார் என்ற விவரம், கடையின் முழு முகவரி போன்றவற்றைத் தெளிவாகக் குறிப்பிட வேண்டும். நீங்கள் புகாரைப் பதிவு செய்து விட்டால், அதற்கு புகார் எண் கொடுக்கப்பட்டு உங்கள் மொபைலுக்கு குறுந்தகவல் (SMS) அனுப்பப்படும். நீங்கள் கொடுத்த புகார்களின் மீது எடுக்கப்பட்ட நடவடிக்கைகளின் விவரங்களும் ஆப்-ல் காட்டப்படுகின்றன.

மேலும் தகவல் அறிய : <http://www.vikatan.com/news/information-technology/93824-tamilnadu-government-introduced-tn-lmcts-app-for-consumer-complaints.html>



CAG

Citizen consumer and civic Action Group

CAG is a 32 year old non profit, non political, professional organization working towards protecting citizen's rights in consumer and environmental issues and promoting good governance including transparency, accountability and participatory decision making.

The complaints cell at CAG addresses specific problems of consumers. Also CAG regularly conducts consumer awareness programmes for schools, colleges and special target groups.

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