

The Effectiveness Of Grievance Redressal Forums In Housing Sector And Their Mechanisms With Special Reference To Safeguarding The Rights Of Home Buyers: - A Critical Analysis

Praveen

Research Scholar, School of Law, Sushant University, Gurugram, Haryana

Dr Anil Dawra

Professor, School of Law, School of Law, Sushant University, Gurugram, Haryana.

Dr. Anjali Sehrawat

Associate Professor, School of Law, Sushant University, Gurugram, Haryana.

Abstract

The Act makes several efforts to redress grievances of several affected parties of the housing sector mainly the Consumers, (Home Purchasers). In order to achieve the goal, The RE Act, 2016, CP Act, 2019 and the Arbitration and Conciliation Act, 1996 are enacted by the legislature for delivering an expeditious remedy for determination of disputes between the Developers and Homebuyers. In Real Estate Act an Authority by the label of RER Authority is being set up to promote the pellucidity and construction of housing sector and relationship between the groups. Consumer forums or consumer courts prove to be a good medium for taking action against deficiency of services. “Deficiency in services” is a term used to describe cases where the home buyer feels that he/she has suffered in one way or another at the hands of a developer or other service providers in the housing sector. Arbitration also is now a preferred tool for adjudicating real estate disputes because of its speed and informality. In this article we analyse whether the Regulatory Authorities and other grievance redressal mechanism protect the interests of the homebuyers. It looks at the difficulties for homebuyers, the speed of resolution and the rate at which disputes are resolved. Based on the case studies and data available with authority, the paper examines is to what extent, the Act and Consumer Courts have helped in realizing the objective of its creation for improvement in transparency, accountability, development, growth and faith in housing sector. The results of the study show that RER AUTHORITY and consumer courts have to some extent fulfilled the objectives of consumer protection yet some enforcement and procedural lag has been observed. Suggestions to improve the redressal of complaints are also dealt with.

Keywords: Real Estate Regulatory Authority, Home Buyers, Dispute Resolution Mechanism, Consumer Commission, Arbitration and Conciliation, Consumer Rights and Protection.

Introduction

The Housing sector has been loaded with issues and challenges such as delayed construction and possession, lack of transparency, Misleading Advertisements, Maintenance and Post-Possession Disputes, and Unfair practices by developers, and the lack of a robust grievance redressal mechanism for homebuyers. In India, the rapid urbanization and progress of the Housing market have made it increasingly important to have mechanisms in place that can efficiently resolve such disputes. With the rising need for properties as investments we see more disputes between buyers, developers, landlords, tenants, investors, etc. These disputes include e.g. construction delays, deficiencies in the construction due to poor quality, differences in the titles of properties or entitlements. Real estate disputes have traditionally

been litigated for years through the court system. Nevertheless, with the complicated nature of real estate cases, the prolonged litigation, and rising number of cases, courts have frequently encountered difficulty in rendering prompt and fair remedies. In such a backdrop the demand for dedicated dispute redressal forums to cater to the issues that are unique for real estate increased. In view of this demand, the Indian government, industry bodies and regulators have created several avenues to redress grievances pertaining to the housing industry from time to time. The RE Act, 2016 (hereinafter “RER AUTHORITY”) was enacted to defend the interest of home purchaser and ensure truthfulness in the housing sector. The RE Act includes in itself a Grievance Redressal System which resolves the differences between the consumers and creators/organizers in a free and fair manner and that too in a time bound manner prospect-frame. Indian citizen can seek the redressal under the consumer safeguard law of India including the Consumer Protection Act, 2019 and approach the consumer forums at district, state or national level. These forums provide a low-cost and low-barrier way for buyers and builders to settle disputes. Alternative methods to regular litigation which perhaps have been more frequently used in housing disputes, are mediation and arbitration. The purpose of these forums is to settle legal matters without court involvement by recruiting an unbiased third party to assist in reaching an agreement. There are few real estate bodies for solving clashes in the sector, some of the known are the Confederation of Real Estate Developers' Associations of India (CREDAI) and Builders Association of India (BAI) which are acting against the violation of rules in India’s housing sector. Those bodies are usually informal means of assisting industry in organizational self-regulation and humanization and go between in controversies between developers and consumers. Notwithstanding the plethora of specialized grievance redressal forums, civil courts remain the court of last resort in dealing with intricate real estate disputes. Title, possession and such other property related issues invariably have to be tried and decided by judicial process.

Construction And Redressal Mechanism Of Re Act, 2016

In fulfilment of the challenges encountered in housing field the Ministry of Housing and Urban Poverty Alleviation (MH&UPA) came up with a plan to relieve issues in the Housing sector. The (MH&UPA) had made a Concept Paper on regulation of housing sector through a classic law for circulation to all States / UTs in May,2008 and held Regional Workshop in 2009 that saw scheme of a central legislation in consultation with States/UTs Finalization of the draft Model law had taken place subsequently and the MH&UPA had forwarded the same to Ministry of Law & Justice for their vetting in 2010 The Conference of the Ministers of Housing and Urban Development in its meeting in July, 2011 recommended the fundamental law for regulation of real estate sector, the draft Model Act was revised in the light of the recommendations of the aforesaid Conference, after vetting from the Ministry of Law & Justice, the model act was circulated to all States /UTs in July 2011 to seek their comments. Then in 2013 came the RE Bill, 2013 ratified by the Union cabinet. The bill was in upper house and later raised to the Standing committee. The report of the Standing committee was placed before both the houses in Feb, 2014 and the law for real estate regulation had been upheld by the Attorney General. In April, 2015 Union Cabinet accepted few official alterations as per suggestions of Standing Committee and referred the Bill to Select committee of Rajya Sabha. The report of the Select Committee was presented to the Rajya Sabha in July, 2015. The Bill, which included a host of amendments in the wake of a report from the select committee and also consultations with several stakeholders, was accepted by the Union Cabinet in December, 2015. Real Estate Bill, 2016. The Bill, 2016 was approved by Rajya Sabha on 15th March, 2016, Lok Sabha on 15 March 2016 and received the consent

of the President on 25th March 2016. The Sections 59 of the Act concerning to the preparation of Real Estate Rules, setting up of the RER AUTHORITY, Central Advisory Council, The REAT and the like infrastructure including the appointment of the officers and the staff was published and this has been made authorising the same to come into force on and from the 1 May, 2016 on 26 April 2016. Later on, 19th April, 2017. Leftover 32 Sections of the Act reported in the form making pre-registration of projects mandatory in three-month time and these got enforceable from 1st May, 2017.¹

The Act directs that within a year from the date of enforcement of this Act, the government shall form an Authority. The authority shall be termed as RER AUTHORITY. The authority established with respect to:

- a) a State, shall be established by the state government;
- b) the Union territory without legislature, by the Central Government and
- c) the Union Territory of Delhi, by the Central Ministry of Urban Development
- d) the Union Territory of Puducherry, the Union territory Government;²

The Act even gives option to governments to establish one single authority for two or more states or union territories and further provides that any officer who is dealing with housing, may be designated as the Regulatory Authority till the establishment of the regular regulating authority.

I. Principal Provisions Of Rer Authority'S Grievance Redressal Mechanism

The Act targeted to bring clearness, accountability, and professionalism to the Indian Housing sector. It introduced a healthy grievance redressal tool that focuses on guarding the interests of homebuyers and promoting a more regulated environment for builders and developers. The act provides a comprehensive framework for the real estate sector, ensuring that complaints from homebuyers, real estate agents, and developers are addressed promptly and fairly. Its primary goal of ensuring fair practices in the housing sector by tackling the systemic issues encountered by homebuyers, such as delays in possession, lack of transparency, and substandard construction. It is applicable to both residential and commercial dealings and covers all real estate activities comprising of the developers, buyers and the agents. The Act also provides for the creation of the RER Authority in order to standardise the real sector and as well adjudicate disputes and complaints.

A. Establishment Of State Real Estate Regulatory Authorities (Rer Authority)

The Act pursues to create the RER Authority in order to standardise the housing sector and also act as the adjudicating body which will hear the complaints and grievances in the sector. These regulators have the power to adjudicate over the real estate space, provide for a mechanism to respond to grievances and ensure the fulfilment of developers' obligations under the act. RER Authority has pretty much made offices at state-level the first step for redress of grievance between developers and homebuyers.

B. The Real Estate Appellate Tribunal

A REAT is instituted at the national-level for grievances that could not be solved at the state RER Authority level. It is empowered to hear appeals from buyers, developers or agents who are not happy with the State RER Authority 's verdict. The creation of the Appellate Tribunal

¹ Real Estate Act comes into force from tomorrow; A new era begins, says the Government 16/09/2024, 11:14
<https://pib.gov.in/newsite/PrintRelease.aspx?relid=161408> Page 3 of 3

² Section 2(g) of the Real Estate Act, 2016

means that there is greater oversight for multi-claim proceedings. Bring an additional level of integrity and transparency to even the most complex of cases.

C. Filing Complaints With Rer Authority

The complaint under RER Authority redressal mechanism starts when an aggrieved person approaches the RER Authority of a particular state. The process for complaining is as follows: **Online Filing of Complaint:** Consumers can submit complaints online also, easing the filing process. This functionality also ensures that the complaint process is transparent whereby customers would be able to follow the status of their complaint.

Evidentiary Submission: A complainant must submit all relevant evidence with a complaint, such as purchase agreements, receipts, project details, correspondence with the developer, and other evidence pertaining to the complaint. Such proof is very essential for the RER Authority to determine the veracity of the complaint.

Time Frame for Resolution: As per the act, it is compulsory for RER AUTHORITY authorities to resolve the complaints within 60 days of the day when the complaint was submitted. This prevents discontents being delayed, and reduces wait-time for the consumers.

D. Rer Authority'S Powers In Redressal

RER Authority authorities have various powers to ensure speedy dispute resolution, including the following:

Investigation and Inquiry: An investigation can be initiated by RER AUTHORITY based on the evidence submitted by the aggrieved party on the news of the non-compliance. The authority may request further documents or explanations on any matter in dispute. This way, RER AUTHORITY can look into a complaint in all seriousness.

Penalties for Non-compliance: In the event that developers or builders are found to have violated deadlines, RER Authority may enforce penalties. This could involve fines, compensation or in the most extreme cases deregistration, for activities not meeting the act's requirements.

Compensation Order: If the buyer has incurred a loss for any reason, RER AUTHORITY can order the developer to pay compensation to the buyer for things like delay in possession, poor construction quality and not meeting the promised specifications.

Possession of property: In case the contractor has delayed the possession of the property, RER Authority can order the builder to give possession within a specified time. If the builder fails to meet the deadline, the authority can levy fines or revoke the registration of the project.

Impact And Challenges Of The Grievance Redressal Mechanism In Rer Authority

Though RER Authority has changed the grievance redressal system for the better, some impediments remain:

Differing State-Level Implementation - The effectiveness of RER AUTHORITY depends on the implementation at the state level. In some states, RER AUTHORITY offices are well-established with strong procedures, while some others face resource-starved or weak offices.

Delayed Resolution: Despite RER AUTHORITY stating that complaints must be resolved within 60 days, there is a backlog and in bigger states or complex cases this is not possible always.

Low Awareness on Part of Customers: Several customers are yet to be informed about RER Authority and don't approach the government thinking that it would be of no use, since they don't have knowledge about the functioning of the grievance redressal.

Overburdened Authorities – With larger real estate projects, the RER AUTHORITY authorities can also be overwhelmed with complaints, thus slowing down and making it far too costly to resolve disputes.

II. **Real Estate Dispute Resolution Through The Cp Act, 2019**

The CP Act, 2019 is a complete statute designed to protect rights of buyers in India. It is an elaborate grievance redressal system that takes into consideration complaints relating to different consumer disputes including in real estate. The introduction of CPA, 2019 is a positive step in making the complaints redressal more consumer friendly and hassle free, especially in housing and real estate sectors. The CPA, 2019, assumes significance in resolving dispute between buyers of property (homebuyers) and real estate developers, who are in the news for issues like possession delay, construction quality, not adhering to promises made by developers in advertisements and other unfair trade practices.

Principle Provisions Of The Cp Act, 2019 For Real Estate Disputes

The meaning of a consumer as per the CP Act, 2019 is comprehensive when compared to the previous 1986 Act. The classification of the term “consumer” now encompasses any individual who purchases goods or services for personal or household use, which specifically includes the purchase of real estate or residential real property. This rise he says, is because of “Section 12 of the Act, 1986, which gives the right to buyers to file cases under the Act if they face issues pertaining to lack of possession/delivery or delays in giving possession, poor quality of construction or any misrepresentation by the builder.”

Consumer Disputes Redressal Commissions

As regards to disagreements related to housing sector, a buyer can approach RER Authority with complaints, including delay in possession of flat, defects in the construction/building, dispute related to the area of the flat, misleading advertisements, non-disclosure of a proposed plan or not fulfilling contractual obligations by the promoter/developer. The CPA, 2019 has streamlined the grievance redressal process by establishing a three-tier system of CDRC at the district, state, and national levels, designed to address the varying complexity and magnitude of disputes: District Commission takes up consumer complaints where the value of the claim does not exceed ₹ One crore, State Commission handles disputes where the value of the claim is between ₹ One crore and ₹ Ten crores and Nationwide Commission with claims above ₹ Ten crores.

Filing Complaints With Consumer Courts

One of the most powerful features of the CP Act, 2019 is the ability of customers to file grievances easily and directly in consumer courts. It can be lodged by the aggrieved buyer (homebuyer), A legal beneficiary or agent of the deceased consumer, any recognized consumer association or organization acting in the interest of consumers. The complaint must clearly state the nature of the grievance, along with all supporting documents, such as sale agreements, receipts, correspondence with the developer, and proof of delivery timelines. The Consumer Disputes Redressal Commission ensures that such complaints are resolved within a reasonable period.

Time-Bound Resolution

The time-limited system for the redress of consumer complaints is explicitly required by the Act. Upon lodging a complaint, the Commission will find it necessary to take up the matter

into a hearing and decide on it within three or five months (district and state/national commissions) as to the complexity of the case. This is faster than litigation, which tends to get clogged at the procedural level.

Relief And Compensation

The clauses under Consumer Protection Act, 2019 ensure homebuyers are compensated due to delay in projects or the sub-standard quality of the work being done by builders and gives a host of relief and remedies to the consumer in the event of dissatisfaction or grievance - such as:

Refund: If the developer delays the project or could not give possession as per the agreed timeline the purchaser may be given full or part refund of the amount paid to developer.

Replacing the defective product or service: If any property is damaged or of inferior quality, the consumer can claim for the replacement property.

Compensation for delayed possession or deliver: The Act enables customers to demand compensation for delay in delivery or possession. The damages may include the expenses from the delay, and other damages.

Punitive damages: If the trade practice is unjust, the provider also has to pay punitive damages, in addition to the refund or replacement.

Unfair Business Practices And Deceptive Commercial

According to the CP Act 2019, false representation or misleading advertisement by builders is a completely unfair trade practice. For example, these could be guarantees issued on project features, delivery time lines, and false assertions on the quality of build. If they have been cheated, homebuyers can file complaints under the CPA 2019 and claim restitution and compensation. Consumer Disputes Redressal Commissions are empowered to grant injunctions or impose penalties on the developers for such unfair trade practices, and also can direct the developer to stop such misleading advertisements.

E-Filing Of Complaints And Online Redressal Mechanism

Consumer Protection Act 2019 also permits e-filing of complaints. This can be particularly useful in property cases where purchasers and builders are usually in different places and filing complaints the orthodox way can take considerable time. Online filing of complaints ensures that complainants have easy access to the commission system, especially in smaller towns and rural counties. The consumer affairs ministry has launched a web-based portal for customers to record grievances, track their cases and get notifications on the hearing. Using technology enables a faster and user-friendly solution to disputes.

Benefits Of The Cp Act, 2019 For Housing Disputes

Streamlined Process: The implementation of a three-tier structure of CDR Commissions makes the procedure more organised and convenient for affected homebuyers. The court case need not be long drawn as the consumers need not be at the mercy of civil courts.

Time-bound disposal: The Act prescribes prompt redressal, to eliminate undue delay and backlog of the complaint. Commonly associated with real estate, for which any delay (and financial consequences) for the homebuyer is too much.

Accessible Consumer Protection: Extending application of the CPA to real estate transactions guarantees home buyers the same rights promised to consumers across other industries. "The fact that one can complain about delayed possession or poor-quality construction and seek compensation gives the homebuyer enormous fillip.

Enhancing Transparency: When developers have to answer for the false statement and defective advertisement, the CP Act makes the real estate market more transparent. This in turn raises the standard of business conduct across the sector.

More Consumer Trust Since you have a solid grievance redressal system, the consumer has higher trust in the real estate space and he has the confidence that if the developer doesn't fulfil his promise or commitment, he has legal rights.

Challenges And Limitations

The benefits have some shortcomings to the applicability of the CP Act, 2019 in disputes of the housing sector:

Awareness: Your typical home buyer still doesn't know that they now have rights under the CPA, 2019. We need to do more to raise awareness, to ensure that consumers know how to complain and what redress they can seek.

Backlog of Cases: Like in the case of judiciaries, there can be backlog of cases before the Consumer Disputes Redressal Commissions and they can take years to settle disputes.

Order Compliance: Though the CP Act delivers for redressal and compensation, the enforcement of orders, particularly against noncompliant builders, often involves the intervention of other enforcement bodies.

Variations by State – There is no uniformity in how the CPA is enforced across states, and how well the complaints redressal commissions also depend on the efficacy of the state-run government in providing to its citizens the consumer rights.

III. Real Estate Dispute Resolution Through Arbitration And Conciliation

Arbitration and Conciliation in India have become the principal means for expeditious and result oriented settlement of real estate disputes. So called ADR methods have become popular within the real estate community for decreasing the time and expense of resolving disputes through more traditional means of litigation. The Arbitration and Conciliation Act, 1996, which regulates such processes, provides an inclusive statute for settlement of disputes without the intervention of the courts, and is of particular importance in real estate transactions as often there are issues of time punctuality, quality and non-performance. The A & C Act, 1996 is an Act of Indian Parliament, which was formulated on the lines of the Model Law on International Commercial Arbitration adopted by the United Nations Commission on International Trade Law (UNCITRAL) recommending legislative provisions to deal with international commercial arbitration and conciliation of the disputes. Arbitration involves a neutral third party (the arbitrator) who decides on the dispute in an enforceable decision; conciliation on the other hand is a non-binding process, in which the conciliator assists the parties to reach a consensual settlement of the dispute. There is continued, all round support for arbitration and conciliation for a number of reasons including the nature of commercial transaction disputes in some sectors like real estate which are often contract enforcement and contractual liability (quality of construction of building etc.) disputes and disputes regarding time on the project etc. These processes are a quicker, cheaper, and more confidential way to resolve disputes than the red queen and the Cheshire cat, which is otherwise the traditional court system.

Arbitration In Real Estate Disputes

Because any possible disagreement between parties is likely to arise in consideration of their nature. Arbitration is a place for the resolution of clashes, even more so because the type of contracts dealing in real estate usually carry an arbitration clause in them, by which they

undertake to settle their disputes by arbitration as opposed to litigation. In terms of real estate industry, problematic situations most often result from the following aspects:

Possession delay: Developers defaulting the given time of Possession.

Bad construction: Bad construction quality, not according to the structure and design promised, not as per promised layout.

Violation of contract: Cases related to failure in performing terms or conditions mentioned in the sale agreements or builder-buyer agreements.

Misnomer: Developers describing the property, the kind of amenities and the time-lines falsely in adverts.

Key Steps In Arbitration Process:

a. **Arbitration Agreement:** A written contract entered into between the buyer and developer containing an arbitration clause enabling the resolution of disputes through arbitration.

b. **Appointment of Arbitrators:** The parties shall agree on the selection of one or more arbitrators. The arbitrators are typically selected from a panel of industry experts.

c. **Arbitration Trial:** Parties present evidence, witnesses and arguments to arbitrator(s).

d. **Award:** The arbitrator issues an award on the merits. This judgment is final and may be enforced as provided by law.

Appeal: The scope of appeal is narrow in an arbitration which further makes it a conclusive process.

Arbitration vs Court Litigation: Though it can handle more quickly cases, which may take a long time in court. In real estate, for example, where delays can cost home buyers or developers thousands or millions of dollars, this leads to the same result because arbitration can be resolved much more quickly (on average, 6 to 12 months) than in court (often several years).

Conciliation In Real Estate Disputes

Conciliation is a type of ADR in which a neutral third party- the conciliator- helps the parties to reach a solution that they both consider to be acceptable. In contrast to arbitration, the conciliation decision is not enforceable unless both parties' consent in writing. Mediation is especially effective if the parties intend to have a continuing business relationship, as might be the case with developers and the buyers or builders. "If the filing exceeds these goals, one alternative method to reduce the number of motions considered by the commission is to encourage the filing of an amended motion that reflects a good faith, conciliatory effort by the parties to discuss the issues and resolve the dispute."

Arbitration And Conciliation In Real Estate Contracts

By far, the majority of real estate contracts contain an arbitration clause, requiring any future disputes to be settled in arbitration rather than taking the case to court. This Article provides the arbitration method, seat and number of arbitrator(s). Arbitration Clauses and Conciliation Clauses In addition, a lot of contracts also contain a conciliation clause as the arbitration clause or provide for it as a method for resolving disputes other than by arbitration, also as a preliminary or final step to be taken prior to arbitration. 'These are there in real estate contracts which help sort the dispute between developers and buyers in relatively faster manner. For developers, it provides a way to settle disputes outside the lengthy silences and uncertain outcomes that result from going to court; for homebuyers, it offers a quicker, and often more favourable, path to resolution.

Benefits Of Arbitration And Conciliation For Real Estate Disputes

Time is Money: Arbitration and conciliation provide a cost-effective, faster substitute to litigation. Legal costs are usually lower, and disagreements are settled within months instead of years in a courtroom.

Reduced Backlog-Using ADR tool such as arbitration and conciliation, we can reduce the burden of the court and clearing backlog of the cases and in real estate sector it is important because there are number of disputes finally due to multiplicity of litigation.

Specialised knowledge: The nomination of industry experts as arbitrators or conciliators would ensure that the peculiarities of real estate law, quality of construction and project execution are well appreciated and factored in during the process of dispute resolution.

Flexibility and Confidentiality: Here again ADR approaches are less formalistic than arbitration rules (and are confidential), a key consideration in many real estate deals.

IV. **Dispute Resolution By Real Estate Associations And Self-Regulation**

With the burgeoning development the real estate industry, disputes in this sector are assuming more significance, it is involving complex contractual relations, multiple stakeholders and controversial issues. To counterbalance these concerns, real estate/property organizations and some form of self-regulation has been adopted to find a non-rigid and industry-based solution to dispute settlement. These are intermediaries, that is, they act as "referees", aiding in disputes mediation when the dispute is between parties such as buyers, developers, agents and so forth. Self-regulation aside from formal jurisdictions is a popular method through which to enforce industry standards, and hence justness, without the inefficiency and clog of formal courts.

Role of real estate associations Real estate associations fulfil a vital function in dispute resolution in that they provide a structured environment in which the conduct and performance of real estate professionals is regulated. They usually serve as quasi-judicial entities providing mediation, arbitration, or advice to resolve differences. These organizations are intermediaries who hope to stop disputes from boiling into long and expensive legal quagmires and promote a more collaborative environment in the industry. Self-regulation refers to an industry's capacity to establish and enforce its own norms, rules, and practices without depending on governmental intrusion from the outside. Self-regulation in real estate is designed to encourage practitioners to practice within industry norms by minimising conflict and enabling practitioners to resolve differences smoothly whenever they might arise. Accordingly, real estate boards and self-regulation are an essential tool to maintain effective, economic and industry-specific solutions to dispute resolution needs. Such systems promote industry professional and consumer cooperation and suggest an agreement amicably reached while keeping the business relationship sound. Although there are obstacles, the advantages of these mechanisms—speed, cost, and expertise—render them an appealing alternative to traditional litigation. As the real estate industry further develops, to reduce disputes and prevent arbitrary behavior, to fulfill fair trade within the industry, it is very important to enhance existing internal management system and improve performance of SOAs.

V. **Conclusion**

The GR mechanism under the R E Act, 2016 has revolutionized the real estate sector in India. With RER Authority offering a mechanism for addressing disputes in a structured, transparent and time-bound manner, the regime has, to a certain degree, awarded authority in the hands of consumers, thereby prompting more accountability in developers. But as promising as the framework is, there's work to be done for the promise to be realized to its fullest extent – development of standards that are consistently implemented in states, cutting

delays and raising consumer awareness. The C P Act, 2019 has emerged as a crucial resort for home buyers in India to address realty disputes through a transparent, time-bound and hassle-free system. “With this the buyer can take a legal route to prevent cheating by builders, so it will bring down the number of disputes that we see in the real estate sector,” the Act is to cure unfair practices of developers. But for all its potential, the real estate dispute resolution system needs an increase in awareness levels, better enforcement and faster and efficient process to make it more consumer-friendly and useful to the dispute resolution tool. Arbitration and conciliation have emerged as an optimistic alternative for resolving real estate conflicts in India, adjudges to be expeditious, expert, flexible, confidential. These methods are highly useful in the real estate industry, a field that often witnesses disputes regarding delayed construction, defective properties and breached contracts. The Move Towards Transparency Through Resolutions Sell as Under Construction or Has a Relatively Longer Delivery Time for Better Resolution on the other hand, if you buy property from developers that go on a delivery spree and are taking orders for possession at a ready reckoner pace, with over 5 feet of grass and soil growing inside your brand new flat, well, that’s when you will NEED a resolution clause in your real estate contract. The real estate grievance redressal scene has seen a sea change with different fora and mechanism offering avenues for abused parties to resolve their disputes in a time bound manners in transparent way. Although mechanisms such as RER Authority, consumer forums, arbitration and mediation have brought in a lot of promising dynamics to facilitating the resolution of real estate disputes, there are challenges, for instance, delay, enforcement and access. A comprehensive strategy that incorporates these measures and targets further streamlining and making the proceedings more accessible is required to achieve speedy and effective resolution of real estate disputes. In order to realize its maximum potential, developers and consumers alike need to be active in such forums, and the government should also work to further strengthen these forums as an instrument to build the housing market more transparent and efficient.

References

1. Anupam Nanda, RESIDENTIAL REAL ESTATE: URBAN AND REGIONAL ECONOMIC ANALYSIS, 1st Ed. 2019, Routledge Publications, New York, US.
2. Ashish Bose, INDIA’S URBANISATION, 1901-2001, 2nd ed. 1980, Tata McGraw Hill Publishing Ltd., New Delhi.
3. Ashish Mittal and Kushboo Bhargava, AN OVERVIEW OF REAL ESTATE, 1st ed. 2011, Maheshwari and Co. Pvt. Ltd., Delhi.
4. Agarwal, N. (2021). *RER AUTHORITY and Consumer Rights: An Analysis of Regulatory Impact*. Journal of Real Estate Policy, 34(2), 102-123.
5. Banerjee, P., & Dutta, S. (2020). *The Role of RER AUTHORITY in Real Estate Dispute Resolution*. Economic and Political Weekly, 55(6), 45-52.
6. Chatterjee, R. (2019). *Challenges in Implementing RER AUTHORITY: A State-wise Analysis*. Indian Journal of Law and Policy, 9(4), 34-48.
7. Conciliation and Arbitration in Real Estate Contracts, Kumar, M., & Sharma, A. (2020). Conciliation and Arbitration in Real Estate Contracts: A Comprehensive Guide. International Journal of Construction Law, 8(1), 75-90.
8. D.D. Kosambi, THE CULTURE AND CIVILIZATION OF ANCIENT INDIA IN HISTORICAL OUTLINE, 1st ed. 1997, Vikas Publishing House Pvt. Ltd., Noida.

9. D.N. Banerjee and J.A. Parks, PRINCIPLES AND PRACTICE OF VALUATION, 5th ed. 1998, Eastern Law House Pvt. Ltd., Calcutta.
10. Consumer Protection Act, 2019, Ministry of Consumer Affairs, Food and Public Distribution. (2019). *The Consumer Protection Act, 2019*. Retrieved from [<https://consumeraffairs.nic.in/>] (<https://consumeraffairs.nic.in/>)
11. The Real Estate Regulatory Authority (RER AUTHORITY) - State-specific portals, State Government Websites. (n.d.). RER AUTHORITY State Portals. Retrieved from [e.g., Maharashtra RER AUTHORITY: <https://mahaRER Authorityit.mahaonline.gov.in/>] (<https://mahaRER Authorityit.mahaonline.gov.in/>)
12. Consumer Disputes Redressal Commissions, Ministry of Consumer Affairs, Food and Public Distribution. (2020). *Consumer Disputes Redressal Commissions*. Retrieved from [<https://consumeraffairs.nic.in/>] (<https://consumeraffairs.nic.in/>)
13. Government of India. (1996). *Arbitration and Conciliation Act, 1996*. Retrieved from [<https://legislative.gov.in/>] (<https://legislative.gov.in/>)
14. The Role of Arbitration in Real Estate Disputes, Sinha, A., & Gupta, R. (2019). *The Role of Arbitration in Real Estate Disputes in India*. Journal of Arbitration and Mediation, 12(3), 215-230.
15. Real Estate Disputes and Consumer Protection: A Critical Review: Ramesh, M., & Gupta, S. (2020). Real Estate Disputes and Consumer Protection: A Critical Review of the 2019 Act*. Journal of Real Estate Law, 9(1), 89-102.
16. Rao, K. (2021). *Comparative Real Estate Regulations: Lessons for India's RER AUTHORITY*. International Journal of Property Law, 28(1), 66-80.
17. Ram Dutt Sharma, UNDERSTANDING OF PROVISIONS OF PROHIBITION OF BENAMI PROPERTY TRANSACTIONS ACT, 1988, 1st ed. 2020, Commercial Law Publishers, New Delhi.
18. Ramesh Singh, INDIAN ECONOMY, 10th ed. 2018, McGraw Hill Education India, Noida.
19. Sharma, V. (2017). *The Role of Regulation in Real Estate Markets: A Global Perspective*. Real Estate Economics, 45(3), 203-219.
20. Singh, A. (2018). *Grievance Redressal Mechanisms in Regulatory Frameworks: The Case of RER AUTHORITY*. Law and Policy Journal, 11(2), 89-107.
21. Sundararaj Iyengar, LAND TENURES IN MADRAS PRESIDENCY, 2nd ed. 1921, Commercial Press, Madras.
22. Surendra Malik and Sudeep Malik, SUPREME COURT ON REAL ESTATE, HOUSING AND OWNERSHIP OFFLATS, 1st ed. 2018, Eastern Book Company, Lucknow.
23. Y.P. Bhagat Kumar Keshav, COMMENTARY ON THE CONSUMER PROTECTION ACT, 2019, 1st ed. 2020, Whitesmann Publishing Co., Delhi.
24. Yoginder Kumar Alagh, ECONOMIC POLICY IN A LIBERALISING ECONOMY, 1st ed. 2018, Springer Nature Singapore Pte Ltd., Singapore.