No. RERA/CR/M2/01/2019-20

Date: 11.08.2020

CIRCULAR


Where a complaint is filed by the following persons, a fee of rupees one thousand as prescribed under Rule 29 of the Rules is being levied.

(i) An individual;
(ii) A Hindu undivided family;
(iii) A company;
(iv) A firm under the Indian partnership Act, 1932 or the limited liability partnership Act, 2008 as the case may be;
(v) A competent authority;
(vi) A co-operative society registered under any law relating to co-operative societies;
(vii) Any such other entity as the appropriate government may by notification, specify in this behalf;

An issue has arised as to what fee has to be paid along with the complaint in the following case:-

"Where a single individual has filed a complaint by paying Rupees one thousand only as fees, can he be allowed to have as co-complainants and brought on record, without each of the co-complainants have also paid individual fees of Rupees one thousand."
A harmonious reading of Section 2 (zg) and Section 31 of the Real Estate (Regulation and Development) Act, 2016 clarifies the position as under:

“Where a single individual has filed a complaint by paying Rupees one thousand only as fees, he cannot be allowed to have others as co-complainants and brought on record,

(i) Unless each of the co-complainants has also paid individual fees of Rupees one thousand, or
(ii) Unless all are the members of a single registered association.”

Hence only in cases of the filing of a complaint by a registered association of allottees / registered association of consumers, a single fee of rupees thousand has to be collected.

In cases of unregistered association of allottees / unregistered association of consumers, the fees to be collected will be in multiples of rupees thousand depending upon the number of individuals therein;

[approved by the Authority]

K. S. Nathatuman
Secretary
Karnataka Real Estate Regulatory Authority