

Implementation and Impact of the Real Estate (Regulation and Development) Act, 2016, in Uttarakhand.

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Abstract

With the growing population and more people move to cities, the need for both residential and commercial property has also increased drastically. In the sake of development, every part of the Earth has been used up, including farmland, natural lakes and ponds, and even riverbank land. In these circumstances, an independent government agency needs to keep an eye on the real estate market. The Transfer of Property Act, 1882 include the sale of property in a building or land. This is because it is a contractual transaction. However, these jurisdictions were not enough because of technical legal issues. Setting up a new independent authority for this aim is advantageous in many ways. The Real Estate (Regulation and Development) Act, 2016 (RERA), was enacted with the objective of making India's real estate market protected, transparent, and more accountable for home buyers. The Act came into force in Uttarakhand through the Real Estate (Regulation and Development) (General) Rules, 2017. The paper analyzes how the issues are getting improved and resolved in a few ways like, home buyers will be protected by disclosures and faster handling of complaints. But there are still problems, like not having enough staff, not knowing enough in remote highland areas, and having to find a way to balance growth in the real estate market with rules about the environment and planning. The article ends with suggestions for improving rules and encouraging safer, more responsible real estate development in Uttarakhand for the home buyers.

Keywords- RERA, Uttarakhand, real estate regulation, consumer protection, housing law, real estate compliance

Introduction

"Real estate" is a legal term that refers to land and any permanent improvements or fixtures attached to it, whether natural or man-made. It is considered a form of real property, distinguishing it from personal property (movable items like cars or furniture). (Bankrate, 2024) India's commercial real estate market is booming. But the real estate sector in India has not been well organized. The real estate business is closely tied to social and economic growth and development. (Dimri, 2019) Traditionally the laws related to the sale of immovable property were governed by Transfer of property act, 1882. However, this was not sufficient to cover real estate cases due to technical legal reasons. The real estate sector was largely unregulated till the year 2016, which resulted in various unfair practices, ultimately affected the interests of homebuyers adversely. (SAURABH, S. 2021). The Real Estate (Regulation and Development) Act, 2016 (RERA), is a piece of legislation designed to look into the accountability and transparency in real estate transactions, which was introduced by the Indian Parliament in response to these systemic flaws (Government of India, 2016). RERA is India's first comprehensive central law to create an accountable, transparent, and standardized real estate market (Government of India, 2016). The Act was passed because of common problems such projects being delayed, false advertising, money being misused, and the absence of a regulatory forum for homebuyers. (Chakraborty, 2018; Singh & Kaur, 2020). Before RERA, the sector was unregulated, resulting in consumer complaints and developer-buyer contractual asymmetry. Therefore, RERA's statutory framework aims to create a national real estate governance template while allowing state governments to notify local operational rules (Sharma, 2021).

The Competition Commission of India made it very clear in the case of *Belaire Owner's Association v. DLF (2011) Ltd.* that there is no one authority to oversee the entire real estate industry, so to make sure that ethical and open business practices are followed and protect customers, the real estate situation has gotten worse. Additionally, several sectors have brought it to light. particular research that the creation of a regulatory method is probably going to bring in additional funding for the industry, which has deterred investors. Therefore, it may be thought that there was a pressing need for a real estate regulator in the areas of insurance, securities, telecommunications, airports, food safety, pensions, power, and so on to ensure that everything was clear and that people were held accountable. (Misra, A. K., & Goel, N. (2014).

RERA is founded on four key structural aims, all of which are predicated on the need to fix flaws in India's property market that are making it less efficient. RERA's main goal is to protect and give authority to people who own homes. In the past,

homebuyers have had problems because they didn't have enough information, contracts that only benefited one party, and not many options for legal action. Certain provisions like Sections 3, 4, 11, and 19 directly address buyers' concerns by making sure they can get verified and legally valid information on the project. (Real Estate (Regulation and Development) Act, 2016).

RERA makes things more open by enforcing disclosures, making project information public, and sending out regular updates on how development is proceeding. Section 5 stipulates that a public digital platform should be a single, trustworthy place for banks, customers, and regulators to get information. (Section 5 of the Real Estate (Regulation and Development) Act of 2016)

The Act is very important for keeping the budget in check. Section 4(2)(I)(D) says that promoters must put 70% of the money they get from allottees into a special account that they can't access. You can only take money out of this account to pay for land and building fees. One important reason why projects in India take longer than intended is that money is often moved from one project to another that doesn't need it. By keeping funding separate, the Act makes sure that projects get done faster and that people are more responsible.

The Real Estate Regulatory Authority (RERA) set up three levels of courts to settle disagreements: the Real Estate Appellate Tribunal (REAT), the Adjudicating Officer (AO), and the Real Estate Appellate Tribunal (REAT). These specialised courts are supposed to settle issues rapidly within a particular area, unlike conventional civil courts, which might take a lengthy period.

Uttarakhand's Legal Framework under RERA

Uttarakhand is becoming more urbanized, especially in Dehradun, Haridwar, Nainital, and Rishikesh. The procedure is made much harder by the mountainous terrain, areas that are sensitive to the environment, and growth patterns that are affected by tourists. The Uttarakhand government followed Section 84 of the central Real Estate (Regulation and Development) Act, 2016 (RERA) and set up a complete set of rules that fit the state's unique administrative, geographical, and developmental situation. The Uttarakhand Real Estate (Regulation and Development) (General) Rules, 2017, and the creation of the state's Real Estate Regulatory Authority in Dehradun (Government of Uttarakhand, 2017) made this possible. The rules set the stage for the state to carry out the main laws. They set up institutional frameworks for protecting consumers, settling disputes, and keeping an eye on the rules in cities and hilly areas.

Uttarakhand Real Estate Rules, 2017

The Uttarakhand Real Estate (Regulation and Development) (General) Rules, 2017, were made under Sections 84 and 85 of the Real Estate (Regulation and Development) Act, 2016 to put the central law into effect at the state level.

The Uttarakhand Rules of 2017 comprise state-specific rules for how real estate is done in that state, but they also incorporate the main portions of RERA. The rules are very important because Uttarakhand has a lot of different real estate markets. For example, there are second-home markets in Mussoorie and Nainital, peri-urban growth in Dehradun and Haridwar, and places where building is strictly controlled because they are sensitive to the environment (Rawat & Joshi, 2021).

Project Registration and Disclosure Framework

Uttarakhand is developing quickly, especially in Dehradun, Haridwar, Nainital, and Rishikesh. Tourism makes this process harder because of the uneven terrain, eco-sensitive places, and patterns of development that it affects. Section 84 of the central Real Estate (Regulation and Development) Act, 2016 (RERA) says that the Uttarakhand government had to make a full set of laws to deal with the state's particular administrative, geographical, and developmental situation. The Uttarakhand Real Estate (Regulation and Development) (General) Rules, 2017, and the establishment of the state's Real Estate Regulatory Authority in Dehradun made this possible (Government of Uttarakhand, 2017). The guidelines explain how the state will carry out the central Act. They built up mechanisms in cities and on hills to protect consumers, settle disputes, and keep an eye on the rules.

Financial Discipline and Escrow Mechanism

The Uttarakhand Rules make the requirement of putting seventy percent of the money received from allottees into a separate escrow account under Section 4(2)(I)(D) of the RERA Act even stronger by outlining detailed procedures for certification

and withdrawal (Real Estate (Regulation and Development) Act, 2016; Government of Uttarakhand, 2017). The Uttarakhand RERA rulings remind that the group is serious about obeying the laws for escrow. This is especially true for projects that are behind schedule or on hold. Promoters have been instructed to send in compliance certificates and financial statements (UK-RERA.). But enforcing the rules is still hard because there aren't enough people to keep an eye on things, especially in isolated hill districts.

Regulation of Real Estate Agents

Section 9 of the RERA Act and Rules 13 to 15 of the Uttarakhand Rules (Government of Uttarakhand, 2017) say that real estate agents must register with the government and can't aid with deals in developments that aren't registered. The Authority has penalised agents for infringing these laws, which suggests that real estate middlemen are becoming more responsible (UK-RERA).

Grievance Redressal and Adjudication

Sections 31 and 71 of the RERA Act establish a procedure for individuals to submit complaints and ensure their consideration, together with recommendations for the process. Uttarakhand RERA has generally taken a consumer-friendly view, especially in cases where there is a delay, and has given refunds and interest according to Section 18 of the Act (Real Estate (Regulation and Development) Act, 2016; UK-RERA). The Authority has required exacting verification for force majeure claims made by promoters, which is in line with the protective goal of RERA. Even though the process is clear, pending cases and a lack of manpower nevertheless make it hard to get cases done on time.

Penalties and Enforcement

Sections 59 to 68 of the RERA Act empower the government the power to punish those who don't register, make false disclosures, or don't follow directives from the Authority (Government of Uttarakhand, 2017). While fines are meant to scare people away from breaking the law, the fact that people still break the law and get paid back is a problem that shows the need for better enforcement.

Registration of Projects and Agents

According to RERA's laws, the most crucial thing is to register real estate agents and developments. Uttarakhand has made the process official by using the state's digital platform as a key location for everyone concerned to talk to each other (Uttarakhand RERA). According to Section 3 of the Act (Government of India, 2016), all projects that are bigger than 500 square meters or have more than eight units must be registered.

1. Documentation Requirements for Promoter Registration

Promoters must submit a detailed set of documents, including:

- authenticated title documents establishing ownership or development rights,
- land records and proof of legal title,
- sanctioned building and layout plans,
- approval certificates from local authorities such as MDDA or municipal bodies,
- architectural and structural designs,
- financial statements, including annual reports and income tax returns,
- professional certifications by engineers, architects, and accountants (Government of Uttarakhand, 2017).

These documents make assured that all the legal and financial checks are done before the work begins.

2. Registration of Ongoing Projects

Ongoing projects—that is, those lacking completion certificates on the date of RERA's commencement—require additional disclosures, such as:

- original project launch date and revised timelines,
- updated architectural and structural plans,
- utilisation of funds collected from allottees,
- status of construction as certified by professionals.

This makes sure that customers who may have put money down before RERA went into force may see everything properly. It also prohibits promoters from disguising problems or delays from the past (Chakraborty, 2018). A lot of projects in Dehradun, Haridwar, and Haldwani in Uttarakhand fall into this category because of challenges with regulatory monitoring in the past (Rawat & Joshi, 2021).

3. Real Estate Agent Registration

Sections 9 and 10 of the Act require real estate agents to register in order to control broking activity, which used to happen informally and with little responsibility. Agents must:

- provide business registration documents,
- disclose PAN and address proof,
- submit previous experience and criminal background declarations,
- undertake not to facilitate transactions in unregistered projects (Uttarakhand RERA).

The state makes the brokerage industry more professional, levels the playing field for agents, and makes sure they follow the law by formalising the broking sector (Singh & Kaur, 2020).

4. Digital Transparency Through the RERA Website

The Uttarakhand RERA portal provides detailed public access to:

- the list of registered projects,
- project status updates,
- registration certificates,
- promoter details, and
- quarterly progress reports.

This digital-public interface lets consumers check all project details on their own. This is a big change from the time before RERA, when buyers often relied on promotional material or unsubstantiated claims from brokers (Uttarakhand RERA).

Complaint Redressal Mechanism

RERA sets up dedicated three-tiered adjudicatory procedure that is much speedier and more focused than regular civil proceedings (Government of India, 2016). Uttarakhand has successfully put this system into action by creating different paths for regulatory non-compliance, compensation, and appeals.

1. Regulatory Complaints before the Authority

Consumers may file complaints for violations such as:

- non-registration of projects,
- incorrect disclosures,
- failure to update quarterly progress,

- deviation from sanctioned plans,
- delay in possession, and
- non-compliance with escrow regulations.

Sections 35 and 36 provide the Authority the power to hold investigations, ask for documents, and make orders to fix problems. Most of the time, people in Uttarakhand file these complaints about construction delays and false ads (Uttarakhand RERA Orders, 2022–2024).

2. Compensation Claims before the Adjudicating Officer

Compensation is awarded in cases involving:

- delays in handing over possession,
- defective title,
- unfair contractual terms, and
- misleading marketing or false representations (Section 12, 14, 18).

The Adjudicating Officer uses rules from consumer law and fairness in contracts to figure out how much money to provide (Mukherjee, 2019). In Uttarakhand, several orders are for money to be paid for late studio apartments, residential flats, and villa developments in Dehradun and Nainital (Uttarakhand Real Estate Appellate Tribunal, 2023).

3. Appeals before the Real Estate Appellate Tribunal (REAT)

Parties aggrieved by RERA or AO orders may appeal to the REAT under Section 43. The Tribunal examines:

- correctness of orders,
- compliance with statutory provisions,
- proportionality of penalties,
- sufficiency of evidence.

Important Uttarakhand cases such as *S.R. City Planners v. Mehtani* and *Paratus Real Estates* demonstrate the Tribunal's role in reinforcing strict compliance and discouraging frivolous appeals (Times of India, 2024).

4. Online Publication of Orders

All orders of RERA, AO, and REAT are published online, contributing significantly to:

- jurisprudential development,
- transparency,
- public trust,
- academic research, and
- accountability of developers.

Uttarakhand's practice of publishing complete orders aligns with national best practices and strengthens the state's regulatory credibility (Uttarakhand RERA).

The official data tracking RERA implementation across India is compiled by the **Ministry of Housing and Urban Affairs (MoHUA)**, Government of India.

Parameter	Status in Uttarakhand (UK RERA)	Compliance Requirement
Project Registration	522 Projects Registered	Projects over 500 square meters or with 8+ apartments must register before marketing or sale (MoHUA, 2024).
Agent Registration	426 Agents Registered	Agents dealing in registered projects must obtain a unique registration number and quote it in every transaction (Uttarakhand RERA Rules, 2017).
Complaint Disposal	889 Cases Disposed by the Authority.	Buyers can file complaints (Form M or Form N) online. The Authority aims to dispose of cases within 60 days (Uttarakhand RERA Rules, 2017).
Adjudicating Officer	Not Appointed (as of August 2024).	RERA requires the appointment of an Adjudicating Officer to exclusively handle claims for compensation and interest (MoHUA, 2024).

The Real Estate (Regulation and Development) Act, 2016 (RERA) and the Uttarakhand Real Estate (Regulation and Development) (General) Rules, 2017 set strict punishments and clear ways to enforce them against promoters who don't follow the rules. This is to protect investors and keep the market in order.

The fines are meant to be harsh enough to keep people from doing something bad, and they are often based on a percentage of the project's estimated cost, which can be a lot.

Penalties for Non-Compliance by Promoters

The penalties are tiered based on the seriousness of the breach, ranging from monetary fines to criminal prosecution and imprisonment.

Violation (Section of Central RERA Act)	Penalty Imposed	Maximum Cumulative Fine
Non-Registration of Project (Sec. 59)	Penalty up to 10% of the estimated cost of the real estate project.	If the violation continues after a notice, the penalty can extend to imprisonment up to 3 years or an additional fine that may extend up to 10% of the project cost, or both.
Providing False Information (Sec. 60)	Penalty up to 5% of the estimated cost of the project.	This covers misleading documents, false claims, or inaccurate disclosures filed during registration.
Failure to Comply with RERA Authority Orders (Sec. 63)	Daily penalty for every day of default.	The cumulative fine can extend up to 5% of the estimated project cost.
Failure to Comply with Appellate Tribunal Orders (Sec. 64)	Daily penalty for every day of default.	The cumulative fine can extend up to 10% of the estimated project cost or imprisonment up to 3 years, or both.

Pendency and Disposal Trends in Uttarakhand RERA

The Ministry of Housing and Urban Affairs told Lok Sabha Unstarred Question No. 3472 that as of August 7, 2023, Uttarakhand RERA had registered 361 projects, 354 agents, and dealt with 629 complaints (Government of India, 2023). The Ministry doesn't keep track of all the cases that are still open in one place for each state, but the amount of cases that have been resolved shows how well the courts are doing.

In the first several years, press reports said that pendency was a big concern. For instance, Dainik Jagran (2021) said that when the new Chairperson took office in October 2021, there were still over 296 complaints open with the Authority. The Times of India said that there were "over 300 pending disputes" by September 2022. Most of these were about fraud, delays in acquiring the property, and not following the rules for disclosure (Tyagi, 2022).

According to a news report, UKRERA is working to make sure that RWAs get the common areas of real estate projects within three months of their completion. The letters from the authority make it clear that breaking the rules would lead to legal action and stricter inspections by the authorities. (Uttarakhand Kesari, Dec. 2025)

The most recent information from the government helps us understand things better. The Garhwal Post said that in June 2025, the Chief Secretary conducted a meeting to look over things and found that Uttarakhand RERA had received more than 1,230 complaints and filed 576 projects since it launched. At that time, around 943 of these complaints had been resolved, and about 287 were still ongoing (Garhwal Post, 2025). The research also said that it is very crucial to pay greater attention to older cases, especially those that were filed before 2022 and are still open after three years.

These numbers show that Uttarakhand RERA has gotten a lot better at handling complaints in 2017, yet there is still a stable backlog. The fact that there are still between 280 and 330 open cases shows that the Authority is still having issues with staffing, technical capacity, and case management. These problems have also been found in larger national investigations of how RERA is being used (Sharma, 2021; Singh & Kaur, 2020). But the stable disposal rates and increasing government oversight imply that Uttarakhand is steadily moving towards stronger consumer protection and rules that are more responsive.

Uttarakhand HC has upheld a RERA order directing Paratus Real Estates Pvt Ltd to deposit 50% of the penalty amount before its appeal, rejecting the promoter's plea that only 30% was required under the Real Estate (Regulation and Development) Act, 2016. A single bench of Justice Pankaj Purohit dismissed two similar petitions by the firm and refused to interfere with the RERA directive. The court underlined that the "Act aims to safeguard consumers' interests in the real estate sector and should be interpreted strictly." RERA Dehradun had, on March 28 this year, ordered the promoter to refund Rs 22,69,159 to Amit Kumar Garg and others, and Rs 13.5 lakh to Ashok Kumar Gupta, the complainant allottees, with 11.10% interest from the respective dates of payment. The refunds were to be made within 45 days, failing which additional interest would accrue until repayment. Challenging this order, Paratus filed an appeal under Section 43 of the Act. Its counsel argued that since the allottees had defaulted on EMI payments, the company should have been required to deposit only 30% of the amount, not 50%. The bench observed, "There is no illegality in the order passed by the tribunal." (Times of India, Sep 2025.)

RERA in Uttarakhand is based on strict standards for registering, organized mechanisms to make complaints, and open digital information. This makes it easy for businesses to follow the regulations, for regulators to keep an eye on things, and for individuals to be safe in a state that is hard to go to. Uttarakhand is serious about altering the real estate industry and obeying the national regulations because the system has tight standards.

Jurisprudential Developments in Uttarakhand

Refund and Interest Orders

The state's officials have always defended homebuyers' rights to get their money back and interest if there are delays or infractions. The Uttarakhand High Court upheld RERA rulings that told Paratus Real Estates Pvt. Ltd. to give back money and required a 50% pre-deposit before appeals in 2024. The Times of India (2024) said that this decision made it even more important to follow RERA's pro-consumer rules. In the same way, the Appellate Tribunal in M/s S.R. City Planners Pvt. Ltd. v. Vinay Mehtani upheld the refund and interest because there was no completion certificate and the sale agreement was not registered (Uttarakhand Real Estate Appellate Tribunal, 2023).

Integration with General Consumer Law

The Uttarakhand High Court reaffirmed promoter liability for delayed possession and defective title in Eminent Infradevelopers Pvt. Ltd. v. Vivek Radhu, in accordance with section 18 of the Act (Uttarakhand High Court, 2022). This shows that judges are consistent in seeing RERA as a law that protects consumers.

Strengths and Challenges in Uttarakhand's Implementation of RERA

RERA Uttarakhand has a lot of positive things about it, but it also has a lot of difficulties that keep popping up. One of the best things about it is that individuals have to be honest on the official website. This gives customers a chance to observe how the project is doing, who has approved it, the promoter's background, and when they anticipate it will be finished. Escrow mechanisms have also helped keep project money from being utilised for anything other than what it was meant for. Customers can now complain online and view their orders in public, which makes it easier for them to get their problems fixed. The courts have also made the law more consumer-friendly by backing the regulator's authority and cutting down on unnecessary fights. But there are still certain issues with the system that need to be fixed. Many buyers are not aware of registration rules and their rights since individuals in small towns and on hills still don't know much about RERA rules. The growing number of registered projects and issues has also demonstrated that we need to get better at running things. Also, restrictions about planning and the environment make it tougher to construct on land that is bad for the ecosystem. These guidelines typically say more than what RERA says. Finally, the laws are still not particularly clear because RERA, local governments, development authorities, and forest departments don't work together very often. It could be hard to tell if you're following the rules and doing what you're supposed to do.

Recommendations:

1 Stricter Enforcement of Orders and Penalties

Speed up the implementation of refund and compensation orders made by the Authority and the Appellate Tribunal. Buyers need to be patient because they often have to wait a long time after placing a good order because developers may not follow through right away. It is very important to make the process of getting money back easier, such as by collecting back taxes on land. Every year, reports should show how many people registered, how many people were punished, and how many people were disposed of.

2 Awareness Campaigns

Outreach programmes in regional languages are necessary for semi-urban and rural buyers. Lack of awareness or non-compliance by some builders means unregistered projects are still being advertised and sold, defeating the purpose of the Act.

3 Coordination with Planning and Environmental Authorities

Develop RERA rules and regulations that are sensitive to the geographical and environmental constraints of hill construction (e.g., project timelines, material transport, and approval processes). Cross-verification of environmental and building permissions during registration should be mandated.

4 Enhanced Institutional Capacity

More officers and improved digital tracking can reduce backlogs.

5 Hill-Specific Guidelines

Uttarakhand's tourism boom requires regulatory clarity to protect investors in this high-growth sector. Risk disclosures, slope-stability assessments, and disaster-sensitivity mapping should be integrated for hill-region projects.

Conclusion

RERA has brought transformation in the real estate sector. The radical changes include the much-needed transparency and accountability in the sector. By reducing the delays in project completions, preventing misleading information, minimising deceptive claims and thwarting embezzlement of buyers' funds, it has built trust among the consumers.

As per the data (Ministry of Housing and Urban Affairs, 2024) which reveals that while RERA implementation is highly successful in establishing fundamental regulatory bodies across the majority of India, with 32 States/UTs having set up the Regulatory Authority and over 1.24 lakh projects and 87,000 agents registered, significant structural disparities persist. The core function of consumer protection is evident in the successful disposal of nearly 1.22 lakh complaints nationwide.

However, the operational completeness is hampered by a lack of crucial adjudicatory and appellate infrastructure in several regions; for instance, 10 States/UTs (including Uttarakhand and multiple North-Eastern states) are yet to appoint an Adjudicating Officer, and 8 are yet to establish an Appellate Tribunal, which limits homebuyers' access to full recourse, particularly for claims involving compensation and interest.

Uttarakhand has come a long way towards making RERA a reality. Keeping consumers safe, and handling money wisely are the major priorities. There are still difficulties to fix, especially when it comes to making institutions stronger, getting more people involved, and making environmental planning work with other sectors. If these problems are fixed, it will be safer and more stable to build homes in the state. Stricter enforcement (making sure that compensation orders are carried out quickly), better digital transparency (giving real-time project tracking and standard agreements), and rules that fit the state's unique economic and environmental situation, especially for the growing tourism-related real estate market, are some of the most important changes. UK RERA needs to do more than merely register people to be stronger. It should focus on tough enforcement, make it easy for people to find online, and keep people in the area up to date on what's going on. This will make the hilly state safer for both builders and citizens who do things the right way.

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