



THE HORIZON

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Interesting Times of the Indian Real Estate Sector:

A Glimpse of
Investments and
Government Initiatives

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Interesting Times of the Indian Real Estate Sector:

A Glimpse of Investments and Government Initiatives

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Real Estate in India is one of the oldest and globally acclaimed sectors of the world. It is estimated that real estate sector will reach a market size equivalent to 1 trillion dollars by the year 2030. By the year 2025, it is anticipated that real estate industry will contribute around 13% of the GDP of the country. Further, the opening up of Foreign Direct Investment (“FDI”) has contributed to the overall development of the industry. In addition, the FDI flow in the year of 2018-2019 has stood around 1.2 billion dollars.

Further, there are four cornerstones of this sector namely housing, retail, commercial and hospitality. However, these sectors have experienced a bumpy ride in the past decade due to numerous challenges faced by them. Land Acquisition costs, lack of title, lack of a developed market, lending rates, liquidity issue, time-consuming clearances/ approvals and red-tapism are some of the challenges faced by this sector. On the positive side, new reforms are anticipated in the next budget from this government to change the real sector ecosystem. On the contrary the policing and reforms via acts like Insolvency and Bankruptcy Code, 2016 and Real Estate (Regulation and Development) Act, 2016 have further burdened and created pressure on this sector which is resulting in countless litigations against the project and delaying the completion time. Further, the real estate sector seems to be on a downfall with the S&P BSE Realty index declining 4% in the last year and 2 % in the last six month.



There has been major investments and developments along with various government initiatives to benefit this sector. Blackstone which is a global investment company along with Embassy Group which is a realty group have also launched India's first Real Estate Investment Trust ("REIT") which has an estimated issue value of around 5,000 crores. It is estimated to have the largest portfolio size in Asia of around 33 million square feet. REIT's is an investment scheme by which investment companies can own and operate rent-yielding assets of real estate sector. Securities Exchange Board of India ("SEBI") to facilitate these type of transactions have come up with REIT Regulations in the year 2014 to facilitate setting up of these trusts and also assist in listing of these trusts. In April 2019, Embassy Office Park (which is a joint initiative of Blackstone and Embassy Group) raised around 662million dollars becoming the first Indian REIT listing. The response to the stock market listing of this instrument was overwhelming as it offers a fixed return from a pool of rent-yielding assets, along with the prospect of capital appreciation. The Embassy Office Parks REIT has given nearly 24% return since its listing. However, interest income and rental income are taxable along with capital gains tax on transfer of units. Reduction in such taxes may further encourage investors to invest in such vehicles.

Another major real estate investment has again been initiated by the Blackstone Group which has acquired 50 percent of the Indiabulls Real Estate's commercial properties in March, 2018 and has now signed the term sheet to further acquire the 50 percent of their remaining stake. This deal is part of Indiabulls strategy to exit real estate sector and focus on providing financial services and is also seeking to merge with Laxmi Vilas Bank. This move of Blackstone will strengthen its position in India and will make it the largest commercial property owner in this country. The portfolio primarily includes one Indiabulls Tower and Indiabulls Finance Centre in Mumbai and one in Gurugram. Blackstone had also acquired the developers' Chennai based commercial property in 2018 and is growing its bandwidth in the Indian Real Estate sector with a full swing. In another arrangement, Blackstone and K Raheja Corp, have finalized a plan to raise about \$500 million through REIT listing in November 2019.

One cannot talk about real sector in India without discussing about the DLF Group. In a closely contested auction organized by the Haryana State Industrial and Infrastructure Development Corporation ("HSIIDC") admeasuring around 11.76 acres of land in Gurugram for an estimated amount of Rupees 1496 crores. The base price per acre was around Rs 127 crores, which has



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surpassed all the earlier benchmarks. Top developers of the country namely Indiabulls Real Estate, Emaar Group, Embassy Group, Bharti Realty and RMZ showed interest in the land parcel auctioned by the HSIIDC. The second largest bidder was Bharti Realty, which stood at around Rupees 1446 crores. The said 11.76 acres acquired by DLF is estimated to have leasable potential of 2.3 million square feet. However, industry experts anticipate that DLF would be required to lease spaces in the range of Rs 150 to 160 square feet a month in comparison to the market trend of Rs 110 square feet in the vicinity to reach the breakeven, given the high price of the bid.

Various initiatives have been taken by the government as well to encourage the development in the real estate sector. The Union Cabinet has approved setting up of a Rs. 60,000 crores fund i.e. National Urban Housing Fund (“NUHF”) to facilitate the implementation and execution of the Pradhan Mantri Awas Yojna (Urban) Mission to ensure that every poor living in the urban areas get a home by the year 2022. New autonomous body by the name of Building Materials and Technology Promotion Council will be set up under the Ministry of Housing and Urban Affairs by NUHF. Under the Pradhan Mantri Awas Yojna (Urban) Mission 8.09 million houses have been sanctioned up to May 2019. These government schemes ensure low cost financing as well as significant tax benefits for such projects.

Also, the government offers more TDR/FSI packages as incentives.

The year 2019, has seen a lot of joint investments wherein large players have developed projects with small developers and land owners. The projects which are stuck due to lack of funding require the assistance of large developers to complete the project. This equation is likely to work wonders in the current situation wherein there is paucity of funds in completion of the real estate projects. It has also attracted the attention of global players like NikkoAM-StraitsTrading Asia, Eastspring Investments, North Carolina Fund, and Sentry Global who are looking to invest in India. According to Anarock, over the next three years’ listing around 150 million square feet of rent-yielding office properties, 25 billion dollars can be raised through REITs. The year 2019 has also been the year for government initiatives on mid-level and affordable housing while luxury housing is a niche industry and will continue to move slowly. Depending on the supply in the market, the market can further stabilize in all sectors of housing. Also this year has seen a remarkable transition to new concepts such as co-living, co-working, student housing and senior living. The real estate sector is all set to pass its litmus test posed by the various investments, initiatives, changing trends in the market and hopefully will thrive in the long run, despite the minor setbacks.

THE FIRM IN HEADLINES



THE FINANCIAL EXPRESS

After NCLAT decision on Cyrus Mistry, here's what is expected going ahead

18 December 2019 - The NCLAT may have stayed the operation of the order with respect to reinstatement for four weeks to allow Tatas to appeal before the Supreme Court, which has appellate jurisdiction over the NCLAT. It is a landmark judgment and will surely be challenged in a higher court, Alok Dhir, Managing Partner, Dhir & Dhir Associates, told ET Now, adding it is a victory for the Mistry camp. [Read more: The Financial Express](#)



THE ECONOMIC TIMES

Jaypee Infra homebuyers need to vote for both NBCC, Suraksha to ensure resolution, delivery

14 December 2019 - "This is going to be first of its kind as two resolution plans have been put to vote simultaneously," said Ashish Pyasi, Associate Partner, Dhir & Dhir Associates. "The question of votes getting split amongst the

homebuyers will not arise. The split between the 13 lenders and homebuyers is possible but as the voting is simultaneous on both the resolution plan it may happen that both plans may get 66% voting." [Read more at The Economic Times](#)

BW BUSINESSWORLD

Prominent Lawyers And Law Firms Awarded At BW Legal World Launch Event

14 December 2019 - The BW Legal Leaders Awards celebrated and felicitated great work of lawyers and law firms. [Read more: Business World](#)

Business Standard

BPCL conundrum: Centre sure of good returns, but say it's race against time

25 November 2019 - "What the government intends to do here is to sell the shares held by it in BPCL; it does not intend to sell the assets of BPCL by strip sale/ slump sale. It is settled law that shares are assets of the shareholder and not the issuing company. Thus, even if it is assumed that the said provisions are

applicable to Kochi refinery, it does not restrict the transfer of shares, by the government in BPCL' said Girish Rawat, Partner, Dhir and Dhir Associates. [Read more at: Business Standard](#)

THE ECONOMIC TIMES

Bankruptcy law comes of age

20 November 2019 - This has led to a narrowing down in the scope for interpretation and interference by the authorities," said Ashish Pyasi, associate partner, Dhir and Dhir Associates. "This would also mean that now the commercial wisdom of committee of creditors will prevail and there is no equity as the interest of all stakeholders, including the operational creditors, has been taken care of in the amendment and the validity of same has also been tested by the Supreme Court in this ruling." [Read more at: The Economic Times](#)

THE ECONOMIC TIMES

Essar order a breather for 535 corporate debtors facing liquidation by December

Nov 18, 2019 - "This judgment will shape up the future resolution process including the cases where 330 or additional 90 days were over or about to get over, as the Supreme Court has struck down the mandatory effect under the amendment and NCLT and NCLAT can exercise their discretion to give further extension according to the parameters set in the judgment," said Ashish Pyasi, associate partner, Dhir and Dhir Associates. [Read more at: The Economic Times](#)

THE ECONOMIC TIMES

NCLT admits insolvency plea against Cox & Kings

23 October 2019 - On October 15, the company's chief financial officer resigned due to "personal reasons." "It could be challenging for the resolution professional to run the company as a going concern with its vendors spread all over the world that might get apprehensive due to initiation of insolvency proceedings and hence existing contracts may come under stress," said Ashish Pyasi, associate partner at Dhir & Dhir Associates. [Read more at: The Economic Times](#)

THE PODIUM



Dhir & Dhir Associates has been awarded Law Firm of the Year by BW Businessworld in the Restructuring & Insolvency Category on 12th December, 2019



Namrta Sudan Rai, Associate Partner addressing the panel on 'From Salt to Sales- what price in an ideal price' at the 8th Annual Pharma Legal & Compliance Legal Summit 2019 organized by the Lex Witness in Mumbai on 11th October, 2019



KPS Kohli, Partner addressing the panel on 'An Era of smart pills - in pace with the tech track?' at the 8th Annual Pharma Legal & Compliance Legal Summit 2019 organized by the Lex Witness in Mumbai on 11th October, 2019



Dhir & Dhir Associates is a leading full-service law firm in India serving as a single-window legal and regulatory advisor globally. It has offices in New Delhi, Mumbai, Hyderabad and a representative office in Japan. The firm's areas of practice include Restructuring and Insolvency, Corporate/Commercial Advisory and M&A, Real Estate, Banking and Finance, Dispute Resolution, Capital Markets, Infrastructure & Energy, IPR, TMT and Employment Law.

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