

INSOLVENCY AND BANKRUPTCY BOARD OF INDIA

(Authority specified by the Central Government under section 458 of the Companies Act, 2013)

19th August, 2020

ORDER

**IN THE MATTER OF APPLICATION OF ██████████ FOR GRANT OF
CERTIFICATE OF REGISTRATION AS A REGISTERED VALUER UNDER RULE 6
OF THE COMPANIES (REGISTERED VALUERS AND VALUATION) RULES, 2017.**

██████████ (applicant) had submitted an application under section 247 of the Companies Act, 2013 read with rule 6 (1) of the Companies (Registered Valuers and Valuation) Rules, 2017 (Rules) seeking a certificate of registration as a Registered Valuer (RV) in the asset class 'Land and Building' (L&B). ██████████, where the applicant is enrolled as a valuer member, forwarded the application on December 19, 2018, with a recommendation for registration of the applicant as an RV.

2. Rule 4 read with Annexure IV of the Rules require that an individual must possess the following educational qualification and experience in the relevant discipline to be eligible for registration as a valuer in the asset class of L&B:

- a. Graduate in Civil Engineering, Architecture, or Town Planning or equivalent and five years of experience thereafter, or
- b. Post Graduate in Civil Engineering, Architecture, Town Planning or equivalent, valuation of land and building, or real estate valuation and three years of experience thereafter.

3. While considering the aforesaid application, it was observed that the applicant has following educational qualifications-

- a. Bachelor of Engineering in Metallurgical Engineering; and
- b. Master of Engineering in Mechanical Engineering.

4. The Authority observed that the applicant has a bachelor's degree in Metallurgical Engineering and a post-graduation degree in Mechanical Engineering, other than those prescribed under the Rules for the asset class of L&B. Therefore, the Authority formed a *prima facie* opinion that the registration ought not to be granted to the applicant, as he does not meet the eligibility requirements under rule 4. It communicated, vide email dated 25th April 2020, its *prima facie* opinion along with the reasons for the same and provided an opportunity to explain why his application should be accepted.

5. The applicant, vide his communication dated 19th May 2020, made a written submission reiterating the facts available in his application. He also apprised the Authority that he has enrolled for two year post graduate programme of Masters in Science in Real Estate Valuation. He has however, still not completed the said course. The Authority examined the submission of applicant and found that his eligibility is still not complied with in accordance with the Rules. Therefore, the applicant was offered an opportunity to seek personal e-hearing in the matter. The applicant attended the personal e-hearing on 20th July 2020. He reiterated his earlier submissions and stated that since he possesses required experience in valuation of land and building, his application shall be allowed. He further sought time of three days to submit

additional documents to establish his eligibility in compliance with the Rules which was granted. However, no further submission was received from the applicant in this regard.

6. I have considered the application, the oral and written submissions made by the applicant and the material available on record. I find that the educational qualifications and experience possessed by the applicant does not adhere to Rule 4 read with Annexure IV of the Rules. With respect to the contention of the applicant that he has enrolled himself for a two year post graduate Master's in Science (real estate valuation) degree and possess required experience in valuation of land and building, it is observed that the applicant has not yet completed his post-graduation degree in Science (real estate valuation) and the experience required under Rule 4 read with Annexure IV of the Rules is post qualification experience and not pre-qualification experience. Further, there can be no doubt that the applicant must satisfy the eligibility criteria in accordance with the Rules prevalent at the time of grant of registration and the applicant fails to fulfil the same in the present case. Going by the unambiguous language in the Rules, the applicant does not have the required qualification for registration as an RV in the asset class of L&B.

7. In view of the foregoing, I find that the applicant does not meet the eligibility requirements in terms of qualification prescribed under the Rules for registration as RV for the asset class L&B. In exercise of the powers conferred on the Authority under rule 6 (9) (b) of the Companies (Registered Valuers and Valuation) Rules, 2017, I, therefore, reject the application of [REDACTED] [REDACTED] for registration as RV for the asset class L&B.

Date: 19th August, 2020
New Delhi

Sd/-
(Dr. Navrang Saini)
Whole Time Member
Insolvency and Bankruptcy Board of India