

# REIT – Ideal Working Model for Indian Context

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**Abstract:** Indian real estate is undergoing through a phase of evolution in the process of its development. The Indian real estate sector is slowly moving from an unorganized sector to a more organized one. If India is to magnificently compete with other real estate markets, it has to take an innovative approach but at the same time not lose the sense of urgency. The new stimulus behind the development of REIT regime is a welcome positive step. The Government of India gave priority to real estate sector because of its potential to boost economic growth significantly. In view of the crucial role that REITs could play as an investment vehicle, the SEBI came out with the draft of REITs regulations in December, 2007 in order to encourage and facilitate a healthy growth of REITs in India. However, these regulations could not be finalized for various reasons including the global economic slowdown. In a welcome move, SEBI once again taken out draft REITs Regulations, 2013, which were approved and announced by SEBI on 26th September, 2014.

**Keywords:** Customary enterprises parliamentary activities and REIT

## 1. Introduction

The Real Estate Investment Trust Act of 1960 prompted the development of Real Estate Investment Trusts (REITs). REITs were made as an aloof hypothesis vehicle with an objective to empower little agent to make interests in expansive scale, critical wage creating land. The essential advantage of a Real Estate Investment Trusts status is the exclusion of investor profits from the twofold tax assessment that applies to profits of customary partnerships (Graff 2001). What's more, REITs create advance investment funds from not engaging in exorbitant assessment limiting methodologies that are regularly utilized by assessable firms (Gyourko and Sinai, 1999). REITs are especially alluring as an approach to put resources into land since REIT shares are exchanged and therefore offer liquidity (Beals and Singh, 2002). Be that as it may, these advantages are not without confinements. To keep up assess absolved status, REITs are required to convey 90% of their assessable wage to their investor. What's more, REITs need to satisfy other administrative necessities identified with resource sythesis, pay source and possession expansion. These attributes of REITs have offered ascend to a particular authoritative structure that is not the same as the customary enterprises (Tang and Jang, 2008). Through the parliamentary activities and sharp techniques utilized by a few firms, the REIT has developed to wind up plainly something other than an aloof speculation vehicle. Organizations have been discovering approaches to

utilize REIT status as a key alternative to enhance viability. The friendliness business is the most perceptible case of this training. The esteem creation in the lodging land division relies upon the effective administration of a complex working business with renting, working, diversifying of benefits. In this manner, a corporate structure that separations the proprietors of cabin resources from the everyday operation of their possessions is impeding to investors (Beals and Singh, 2002). Subsequently, lodging organizations have conceived approaches to work around the administrative requirements of REIT and utilize it as more than a detached speculation vehicle. Subsequently, the crevice between an inn REIT and a lodging C-Corporation has limited. One of the objectives of this see is to watch whether the share trading system sees lodging REITs uniquely in contrast to their C-Corporation partners, and whether it favors one authoritative structure over another. REITs ordinarily look for development through acquisitions and it is contended that their duty excluded status enables REITs to pay higher securing premiums over their C-Corporation partners. In the cabin business, mergers and acquisitions have for some time been overwhelmed by lodging REITs. For example, in 2011 open cabin REITS were the most dynamic purchasers of lodging land, with \$7.2 billion of acquisitions speaking to 37 percent of business land exchange movement by dollar value<sup>1</sup>. In any case, it is not all blushing for REITs. REITs need to convey 90% of their pay and along these lines, to support development REITs depend vigorously on obligation and value offerings. Then again, C-Corporations have higher free income available to them, which enables them to take fast speculation choices. Given the significance of acquisitions to REITs, this theory leads a near examination of lodging REITs and inn C-Corporation to comprehend whether a REIT status truly has points of interest in mergers and acquisitions.

### A. Objectives of the study

- To think about the essentialness of lodging and land part for the monetary improvement of India and the part of REITs;
- To think about the REIT directions endorsed by SEBI in 2014 in light of the proposed changes in June 2016 and to survey the ramifications of the proposed REIT controls 2016 of SEBI; especially from the viewpoint of speculators;

- To propose systems for the improvement of lodging and land division in India through REIT course, and a reasonable model.

**2. Literature review**

Graff (2001) contends that the possession test that requires close to 50 percent of REIT's offers held by five or less people; makes "a sheltered harbor for failing to meet expectations REIT managers". Ghosh and Sirmans (2003) surrender with Graff's perception and include that expanded administrators' dealing power because of the scattered investor base can bring about less untouchables on Board and frail corporate administration. Howe and Jain (2004) analyzed the tremble of the REIT Modernization Act (RMA) of 1999 on REIT investor riches and found an unobtrusive positive riches pick up on the day the bill was brought into the House and the day the bill was marked into law.

**3. Real estate in India**

Here it is shown how to style a subsection and sub subsection as talked about in section 1, financial specialists are progressively looking to the developing markets as interchange worldwide roads for land speculations. Part 3 depicted why India has risen as a good venture goal. India's positive demography and solid financial jolt have made the nation an alluring spot for property speculators. This does not mean, notwithstanding, that interest in Indian land is without hazard. In light of the general monetary picture and the quick acceleration in costs in land finished the most recent couple of years, numerous land showcases in India are as of now experiencing a value adjustment. Be that as it may, there still exists a key request supply awkwardness and land remains an appealing longer-term venture prospect. Since India is on the radar of worldwide financial specialists, it is imperative to comprehend the open doors and difficulties of Indian land speculations.

India has been attracting global real estate investors primarily on account of the following:

- Long term demand drivers in all real estate sectors;
- Improving market transparency;
- Attractive risk – return trade-off; and
- Liberalized government regulations.



Fig. 1. This leads us to the third part of this paper's research framework as

shown in Exhibit 20.

**4. Research methodology**

The technique embraced is unmistakable explanatory and exploratory. The examination is expressive to the degree that it portrays the advancements in the field of land locale in India with an attention on the part of REITs in the quicker improvement of this key division, and the pretended by SEBI in advancing REITs. The current relaxations in the standards of REITs to make them more appealing are engaged in the examination. The paper is explanatory as well as it tries to examine the shortcomings of the SEBI Regulations on REITs 2014, especially the purposes behind poor speculator inclination towards REITs and so forth and as needs be to recommend therapeutic procedures. The examination is construct fundamentally in light of the auxiliary information from real sources.

**5. Significance of housing and real estate sector in India**

The issue of lodging lack is exceptionally intense in India, demonstrating the requirement for higher interests in the lodging and private land zone, especially in the moderate lodging portion or lodging for the low salary people. As starting at 2012 the lodging lack in India was at the level of 18.78 million (urban regions) and 43.90 million (provincial regions) (NHB, 2013) [34]. Despite the fact that India's position in regard of Mortgage to GDP Ratio (MGR) has enhanced extensively from 3.4 percent (2001) to about 9.00 percent (2012), its status is still exceptionally poor when contrasted and other significant countries of the world. (Table I).

Table 1  
Mortgage to GDP proportion of INDIA

India	China	Thailand	Korea	Malaysia	Singapore	Taiwan	Hong Kong	USA	UK
9.0*	12	17	26	29	32	39	41	80	86

Source: European Mortgage Federation (2007), Asian Development Bank (2007) & NHB (2013) [34]  
 Note: \* NHB, as of 2012 (approx.). Report on Trend and Progress of Housing in India, 2013, p.105 [34]

Table 2

Growing unsold land with developers in significant urban communities in Kerala

	Ahmedabad	Bengaluru	Chennai	Hyderabad	Kolkata	MMR	NCR	Pune	Total
Jan-March 2015	71.30	152.40	64.00	52.00	32.30	192.30	321.70	70.60	8.60
Jan-March 2016	84.90	179.20	66.30	69.40	46.10	252.00	361.60	101.30	70.80
Growth (Percent)	33.10	17.59	3.59	33.46	42.72	31.05	12.40	43.48	22.39

Source: "Builders straggled with unsold real estate", *The Times of India*, Kochi Ed., 23 June 2016. Print, p.10 [41]

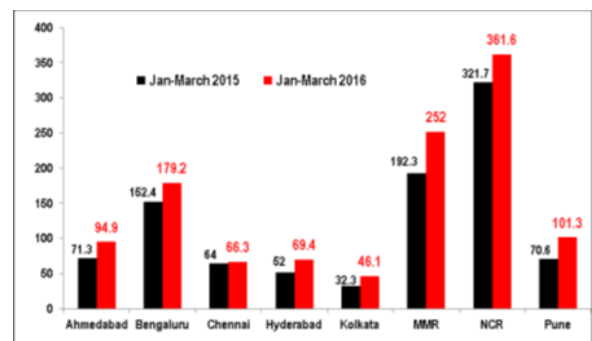


Fig. 2. Growing Unsold Real Estate with the Builders in Major Cities in India

Kerala

Structure of REITs as per SEBI's REIT Regulations 2014	Proposed Relaxations by SEBI on REIT Regulations in 2016
This is a step that makes more attractive for the investors. Only single-level Special Purpose Vehicle (SPV) is allowed in 2014 Regulations. Rules relating to related party transactions as per these regulations are elaborate and hence cumbersome to comply with.	The 2016 regulations propose to allow REITs to invest in property via multi-layered Special Purpose Vehicles (SPVs) rather than single-level SPVs as in REIT Regulations 2014. Besides, the 2016 regulations seek to rationalize the onerous rules regarding the related party transactions.
Only three sponsors are allowed as per the 2014 Regulations.	The 2016 Regulations propose to allow upto 5 sponsors.
In under-construction projects investment upto 10 per cent alone is allowed	In under-construction projects investment upto 20 per cent alone is allowed

Fig. 3. Proposed relaxations by SEBI on REIT controls 2014

**A. A model for effective use of REITs for the faster progress of housing and real estate sector**

It is important to propose a model for quicker improvement of lodging and land part in India through REITs. (Fig. 2). As appeared, it might be called attention to that REITs would fortify development not just in the lodging and land area, yet in various related segments like modern parks, tourism, instructive establishments and so on. On the other hand, FDI into any at least one of these segments would trigger the development of lodging and land territory as well and thus that of REITs, as officially called attention to. The model recommended by Nasar and Manoj P K (2013) [19] with regards to FDI in land and united segments is changed here to suit the instance of REITs. To put it plainly, the on account of the immense multiplier ('swell') impacts and between connections between different divisions to the lodging and land part, changes to pull in REITs or FDI inflows into the lodging and land segment advances the individual segment, as well as all the united segments too; and the other way around.

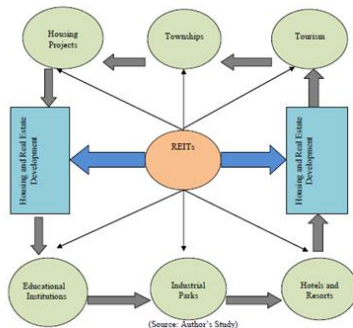


Fig. 4. Effective use of REIT for the advancement of housing and real estate area in INDIA

**6. Conclusion**

There are various confinements and debilitations for the lodging and land part in India. Fundamentally these are the low level of infiltration of the market, essentially low speculations by open and private segments, poor liquidity and assets of the players in the market, and deficient administrative and lawful framework in the nation. In this unique circumstance, the passage of the creative plans like REITs can give the greatly coveted liquidity and dynamism to this key area of the economy. Next to each other, other imaginative instruments and plans, for example, Residential Mortgage Backed Securitization (RMBS), Reverse Mortgage Loans (RML), Housing Micro Finance (HMF), FDI in land, Special Residential Zones (SRZs) and so on should be advanced further

by the Government for the quicker success of the lodging and land part and henceforth the general improvement of the economy all in all. REITs are especially appropriate to the present Indian situation, due to the rising land costs in the previous couple of years making ventures a costly suggestion for littler speculators. At the point when the speculator estimations are antagonistically overwhelmed by the capital market advancements and poor large scale monetary conditions, propelling of REITs could guarantee better liquidity in this part, which could address the request supply hole too. What's more, REITs are valuable as they give a leave choice to land engineers. As REITs create, social insurance, framework and other balanced out yield producing resources may likewise be moved into REITs. Such a structure was at first thought by SEBI. This ought to in a perfect world be the following dynamic stride of SEBI in such manner.

The quick need of great importance is to deliver the issues identifying with assess and remote ventures without which the REITs administration may not take off as mulled over. For example, issues like double tax assessment under the stamp obligations and capital additions duty may hamper the fruitful operation of REITs in India. It is prudent to have capital additions exception at the season of exchange of land resource into REITs, i.e. at the point when land is swapped for units of REITs as there is no adaptation at this stage. Changes are required in establishments like FEMA and SCRA. Current approach of the Government is by all accounts the correct way as the Government has as of late presented the Real Estate Regulation Bill with the aim of getting more straightforwardness into the division. The capital market senator, SEBI reintroducing its draft control on REITs in 2013, took after this. Recently, the national bank of the nation, Reserve Bank of India (RBI) is in the arrangement of correcting the arrangements of FEMA corresponding with the prerequisites of the proposed REITs Regulations by SEBI. As a result of its tremendous plausible for financial development, lodging involves a protrusive place in the arrangement choices of the Governments around the world, especially in the creating countries like India. In India, the essential hugeness agreed to lodging is reflected in the strategies and spending plan expenses of the Government, especially since the late 1970s. Legislative concessions by method for tax reductions to the recipients and loan specialists of lodging financial offers, renegotiate at low rates to the banks and so forth are illustrations. The great approaches of the RBI and the Governments proceed even now and the present lodging arrangement of the GOI tries to achieve 'Lodging for All by 2022'. RBI, 2014 [21] (b) in its arrangement report has seen as takes after: "Improvement of lodging and advance understanding markets has a vital part in development and enlistment. As the legislature is focused on an arrangement of 'Lodging for All by 2022', the lodging division can possibly develop; so do the home loan markets". A dynamic REIT market would go about as an empowering influence for the speedier development of the lodging and land area and henceforth the economy all in all. In spite of the fact that the land area in India is noteworthy, yet despite everything it experiences incredible confusion in creating reserves from

banks and the real obstacle is REITs can't lift off until the point that the progressions are made in the duty rules. Indeed, even land IPOs at right now are tormenting. So REITs additionally gives exceptionally energetic hardware to financing of land ventures. REITs in India may rise as another wellspring of venture for the financial specialists. The recorded land and land venture confides in (REITs) may turn out to be proficient and compelling speculation openings because of their straightforwardness and liquidity. REITs have been executed around the world, and, in a few markets, they have turned out to be exceptionally fruitful as financial specialists search for speculations which create deliberate wage. The clear selection of financial specialists is the profits joined with REITs. Toward the end, India has the whole slope to witness a fruitful REIT administration in the long haul. All that is required is an efficient administrative framework confined which guarantees the best enthusiasm of the financial specialists, the market and the country.

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