



## Western India Regional Council of The Institute of Chartered Accountants of India

(Set up by an Act of Parliament)



**Certifications**



# CA CERTIFICATES UNDER RERA

28.08.2023

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# NEW FORMS ISSUED



1



2



2A



3



4



5



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# LIST OF AMENDMENTS



Sr. No.	Subject	Date	pdf
1.	MahaRERA General Regulations 2017	24/04/2017	
2.	MahaRERA General (Amendment) Regulations 2017	11/10/2019	
3.	MahaRERA General (Second Amendment) Regulations 2019	31/10/2019	
4.	MahaRERA General (Amendment) Regulations 2021	22/12/2021	

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# REGULATION 4



# REGULATION 4

## EARLIER

- THE ANNUAL REPORT ON STATEMENT OF ACCOUNTS IN FORM 5 TO BE CERTIFIED AND SIGNED BY
- **STATUTORY AUDITOR**

## AMENDED

- THE ANNUAL REPORT ON STATEMENT OF ACCOUNTS IN FORM 5 TO BE CERTIFIED AND SIGNED BY
- **ANNUAL AUDITOR**



# FORM 3-CA CERTIFICATE [REGISTRATION & WITHDRAWAL



- ❑ **SUBJECT CLAUSE CERTIFYING FINANCIAL PROGRESS OF WORK**
- ❑ **ISSUED FOR RERA COMPLIANCE**
- ❑ **SEVEN TABLES INTRODUCED**
- ❑ **CERTIFYING DEPOSIT & UTILISATION FOR LAND & CONSTRUCTION OF PROJECT**
- ❑ **COUNTER SIGNATURE OF PROMOTER**

# TABLE A- ESTIMATED COST OF THE PROJECT

- **SEPARATE TABLE FOR ESTIMATED COST**
- **AT THE TIME OF REGISTRATION OF PROJECT SUBJECT TO CHANGE**
- **ONLY ESTIMATED COST OF CONSTRUCTION BY ENGINEER TO BE MENTIONED**
- **PROVISION FOR COST INCURRED FOR ADDITIONAL ITEMS AS PER TABLE A & B OF ENGINEER CERTIFICATE**
- **PASS THROUGH CHARGES/INDIRECT TAXES EXCLUDED**
- **CAN BE REVISED THROUGH CORRECTION APPLICATION**
- **ABSORBED COST OF MACHINERIES & EQUIPMENT**



# TABLE B- ACTUAL COST OF THE PROJECT

- **SEPARATE TABLE FOR ACTUAL COST**
- **MINIMUM OF ACTUAL COST OF CONSTRUCTION BY ENGINEER OR CA TO BE MENTIONED**
- **PROVISION FOR COST INCURRED FOR ADDITIONAL ITEMS AS PER TABLE A & B OF ENGINEER CERTIFICATE**
- **PASS THROUGH CHARGES/INDIRECT TAXES EXCLUDED**
- **ABSORBED COST OF MACHINERIES & EQUIPMENT**



# TABLE C- STATEMENT FOR CALCULATION OF RECEIVABLES

- STATEMENT FOR CALCULATION OF **RECEIVABLES**
- **SOLD INVENTORY**
- **UNSOLD INVENTORY**
- **PASS THROUGH CHARGES/INDIRECT TAXES EXCLUDED FROM UNIT CONSIDERATION**



# TABLE D- COMPARISON BETWEEN BALANCE COST & RECEIVABLES

- **ESTIMATED BALANCE COST TO COMPLETE**
- **BALANCE AMOUNT OF RECEIVABLES-SOLD APARTMENTS**
- **ESTIMATED UNSOLD SALES**
- **TOTAL ESTIMATED RECEIVABLES**
- **70%/ 100% CHECK ONLY FOR ONGOING PROJECTS**
- **APPLICABLE TO ALL PROJECTS**



# TABLE E- DESIGNATED BANK ACCOUNT DETAILS

S. NO.	PARTICULARS	DESIGNATED BANK ACCOUNT DETAILS
		ACTUAL AMOUNT TILL DATE [FROM START OF BANK ACCOUNT TO TILL DATE]
1.	OPENING BALANCE	
2.	DEPOSITS	
3.	WITHDRAWALS	
4.	CLOSING BALANCE	



## TABLE F-MEANS OF FINANCE

S. NO.	PARTICULARS	ESTIMATED* (AT THE TIME OF REGISTRATION)(IN ₹) (PROPOSED & INDICATIVE)	PROPOSED/ ESTIMATED (AS ON THE DATE OF THE CERTIFICATE) (IN ₹)	ACTUAL (AS ON DATE OF CERTIFICATE) (IN ₹)
1.	OWN FUNDS	25	25	15
2.	TOTAL BORROWED FUNDS (SECURED) -DRAWDOWN AVAILED TILL DATE	50	50	25
3.	TOTAL BORROWED FUNDS (UNSECURED) -DRAWDOWN AVAILED TILL DATE	25	25	15
4.	CUSTOMER RECEIPTS USED FOR PROJECT	200	200	50
5.	TOTAL FUNDS FOR PROJECT	300	300	105
6.	TOTAL ESTIMATED COST [AS PER TABLE A]	275	275	275

# TABLE G- ANY COMMENTS / OBSERVATIONS OF CA

- ANY EXCEPTIONS IN **LAND COST AND CONSTRUCTION COST**
- ANY DISCREPANCY IN **BANK ACCOUNT OPERATIONS**
- **SOLD & UNSOLD INVENTORY**
- **PASS THROUGH CHARGES/INDIRECT TAXES INCLUDED IN UNIT CONSIDERATION**
- **DEPOSIT & UTILISATION OF CUSTOMER RECEIPTS**
- **OTHER EXCEPTIONS RELATED TO PROJECT**





# FORM 5-ANNUAL REPORT ON STATEMENT OF ACCOUNTS



- ❑ **SUBJECT CLAUSE CERTIFYING DEPOSIT,  
UTILIZATION & WITHDRAWAL**
- ❑ **FOUR TABLES & 2 SUB-TABLES INTRODUCED**
- ❑ **SHORTFALL DEPOSIT AMOUNT TO BE PROVIDED**
- ❑ **DATE WISE DETAILS OF EXCESS  
WITHDRAWALS TO BE PROVIDED**
- ❑ **DATE WISE DETAILS OF NON-UTILISATION FOR  
PROJECT COST TO BE PROVIDED**
- ❑ **COUNTER SIGNATURE OF PROMOTER**

## TABLE A-DEPOSITS

S. NO.	PARTICULARS	FOR THIS FISCAL YEAR	TOTAL FOR THIS PROJECT TILL DATE
1.	TOTAL AMOUNT COLLECTED FROM ALLOTTEES	50	100
2.	% OF AMOUNT TO BE DEPOSITED AS PER ACT	70%/100%	70%/100%
3.	<b>AMOUNT TO BE DEPOSITED AS PER ACT</b> (1*2)	35	70
4.	TOTAL AMOUNT DEPOSITED IN THE DESIGNATED BANK ACCOUNT	30	60
5.	% OF AMOUNT DEPOSITED IN DESIGNATED BANK ACCOUNT [(4)/(1)*100]	60%	60%
6.	SHORTFALL/(EXCESS) DEPOSIT (3-4)	5	10

## TABLE B-WITHDRAWALS

S. NO.	PARTICULARS	FOR THIS FISCAL YEAR	TOTAL FOR THIS PROJECT TILL DATE
1.	OPENING BALANCE OF DESIGNATED BANK ACCOUNT		
2.	TOTAL DEPOSITS		
3.	TOTAL AMOUNT WITHDRAWN		
4.	<b>CLOSING BALANCE</b>		



# TABLE D- ANY COMMENTS / OBSERVATIONS OF CA

- EXCEPTIONS RELATING TO **DEPOSIT, UTILISATION & WITHDRAWALS**
- ANY DISCREPANCY IN **FORM 1, 2 & 3**
- **OTHER EXCEPTIONS** RELATED TO PROJECT



# FORM 1-ARCHITECT CERTIFICATE [REGISTRATION & WITHDRAWAL]



- ❑ **PLOT DETAILS, LATTITUDE & LONGITUDE, AREA, NEWS DELETED FROM SUBJECT CLAUSE**
- ❑ **CERTIFICATE CAN BE ISSUED FOR THE ENTIRE LAYOUT**
- ❑ **LIST OF TECHNICAL PROFESSIONALS DELETED**
- ❑ **NUMBER OF BASEMENTS, PODIUMS, PLINTH & SLABS OF SUPER STRUCTURE DELETED**
- ❑ **COUNTER SIGNATURE OF PROMOTER**

## **FORM 2-ENGINEER CERTIFICATE [REGISTRATION & WITHDRAWAL]**



- ❑ **PLOT DETAILS, LATTITUDE & LONGITUDE, AREA, NEWS DELETED FROM SUBJECT CLAUSE**
- ❑ **CERTIFICATE CAN BE ISSUED FOR THE ENTIRE LAYOUT**
- ❑ **LIST OF TECHNICAL PROFESSIONALS DELETED**
- ❑ **ESTIMATED COST OF CIVIL, MEP, ALLIED WORKS, INTERNAL & EXTERNAL WORKS AS PER SPECIFICATIONS MENTIONED IN AGREEMENT OF SALE**

## **FORM 2-ENGINEER CERTIFICATE [REGISTRATION & WITHDRAWAL]**



- ❑ ACTUAL COST INCURRED TO BE ON THE BASIS OF INPUT MATERIAL OR SERVICES USED & UNIT COST OF THESE ITEMS**
- ❑ COMPLETE PROJECT AS PER APPROVED DRAWINGS & SPECIFICATIONS MENTIONED IN AGREEMENT FOR SALE**
- ❑ AMENDMENT IN COST INCURRED OR TO BE INCURRED DUE TO DEVIATION IN QTY REQUIRED OR ESCALATION OF COST**

## FORM 2-ENGINEER CERTIFICATE [REGISTRATION & WITHDRAWAL]



- ❑ DEVIATION IN MATERIAL USED TO BE REPORTED
- ❑ LOCAL AUTHORITY LICENSE NO IF APPLICABLE
- ❑ DELETED ITEMS TO BE MENTIONED IN TABLE C
- ❑ COUNTER SIGNATURE OF PROMOTER



## FORM 2A- QUALITY ASSURANCE



- ❑ **PLOT DETAILS, LATTITUDE & LONGITUDE, AREA, NEWS DELETED FROM SUBJECT CLAUSE**
- ❑ **TO BE ISSUED YEARLY**
- ❑ **MATERIAL WISE DETAILS DELETED**
- ❑ **SPECIFICATIONS-AS PER ANNEX F OF AGREEMENT FOR SALE**
- ❑ **NO SPECIFICATIONS-AS PER INDUSTRY STANDARDS**
- ❑ **COUNTER SIGNATURE OF PROMOTER**

## FORM 4- ARCHITECT CERTIFICATE [ON COMPLETION]



- ❑ **PLOT DETAILS, LATTITUDE & LONGITUDE, AREA, NEWS DELETED FROM SUBJECT CLAUSE**
- ❑ **CERTIFICATE CAN BE ISSUED FOR THE ENTIRE PROJECT**
- ❑ **LIST OF TECHNICAL PROFESSIONALS DELETED**
- ❑ **ON THE BASIS OF INSPECTION & CERTIFICATE FROM STRUCTURAL ENGINEER**
- ❑ **COMPLETE AS PER AGREEMENT OF SALE**
- ❑ **COUNTER SIGNATURE OF PROMOTER**

## MahaRERA upgrades software to prevent builders from using designated bank account for multiple projects

**SWEETY ADIMULAM**  
MUMBAI, MARCH 2

REAL ESTATE builders in Maharashtra will no longer be able to link their common designated bank account for multiple projects. The Maharashtra Real Estate Regulatory Authority (MahaRERA) has upgraded its software so as to avoid the same designated bank account details being linked to another registered project, said the official.

This step was taken after MahaRERA found 1,781 projects where the same/common designated bank account has been linked with multiple real estate projects. Under the MahaRERA Act, there is a provision that every registered project should have a separate designated bank account in compliance with section 4(2) (1) (d). However, it was found that several projects violated the RERA norms, said an official of the Authority. For every real estate development project, the concerned builder needs to create a designated scheduled bank account separately.

MahaRERA has also issued show-cause notices to 1,781 project developers, asking them why the same bank details were updated for multiple projects. Additionally, builders will also have to submit for each of the projects figures on the total units and units sold, as well as receipts and withdrawal details.

### **The designated bank account helps MahaRERA track the progress of the project and carry out effective monitoring**

"Post review of the reply of show-cause notice along with supporting documentation as requested above, hearings are being held and appropriate actions as deemed fit are taken," said the MahaRERA official.

The developers have to maintain the designated bank accounts as 70 per cent of the amount realised for the real estate project from home buyers, from time to time, needs to be deposited in the bank account, to cover the cost of construction and the land cost. The amount can only be used for that purpose.

The designated bank account helps MahaRERA track the progress of the project and carry out effective monitoring, allowing it further to make informed decisions about project risks, corrective actions and project advancement. Recently, MahaRERA has also made it mandatory for builders to take prior permission in case of change or transfer of bank account, ensuring that the homebuyers' money remains secure and money is only used for that particular registered project with which it is linked.



## **Compliance of Guidance Note on Reports or Certificates for Special Purposes issued by the ICAI by practising CA Firms**

### **KIND ATTENTION CA FIRMS**

It has been observed by the Authority that the Practising CA Firms are using vague and cryptic language while issuing various certificates to Builders/Developers which makes it difficult to draw any concrete inference from the same. It is advised to all concerned to give a clear opinion/report while issuing these certificates and follow the Guidance Note on Reports or Certificates for Special Purposes issued by the ICAI. Authority may call for an explanation and recommend further action against the concerned CA/CA Firm in case of issuing certificates without proper opinion/inference.

**Secretary,  
Haryana Real Estate Regulatory Authority,  
Gurugram.**

PRDH/2216/11/75/2023/16386/31/4



# Fixing Loopholes



To avoid such irregularities in future, the regulator has updated its systems

The new system will not allow changes to mutual account

**Any linking of accounts of a designated project with that of another project will be blocked**

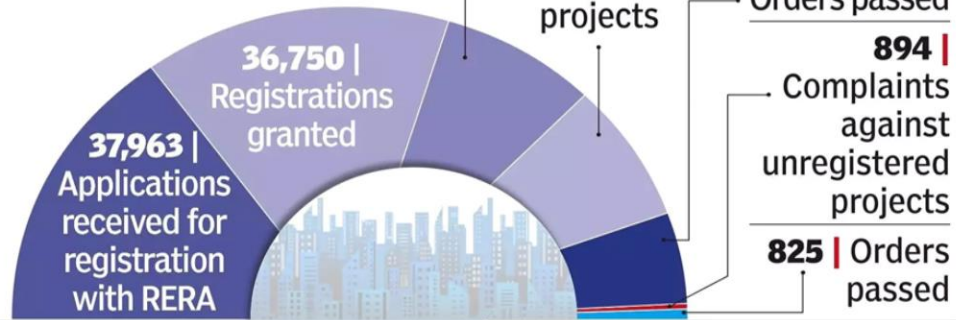


The regulator has also flagged **313 projects** for discrepancies in expenditure and completion status and started a thorough inspection



## CONCERN AREAS

**19,009** | Total complaints received



**18,115** | Complaints against registered projects



**12,061** | Orders passed

**894** | Complaints against unregistered projects

**825** | Orders passed

➤ Deficiencies in applications like incomplete filling up of Form 3 with developers not listing sold and unsold inventory

➤ Designated bank accounts not mentioned

➤ Means of finance not submitted

➤ Mismatch in estimated project cost

➤ Non-lien declaration of separate bank account not submitted on promoter's letterhead

➤ Layout approvals not legible, clear and duly scanned

➤ Mismatch in permissible and proposed built-up area details in project registration application and sanctioned plans

➤ Mismatch in parking details in project registration application and sanctioned plans

➤ Mismatch in details in project registration application and sanctioned plans

➤ Building plan approvals not legible, clear and duly scanned

**UNDER SCRUTINY**








STATUTE	CERTIFICATES TO BE SUBMITTED TO BANK?
RERA Act	YES
Maharera Rules & Regulations	YES
Circular No. 3/2017 dated 07 <sup>th</sup> June 2017	NO. ONLY SELF-DECLARATION TO BE SUBMITTED <i>[DELETED]</i>
FAQ No. 58 dated 23rd July 2019	YES. ORIGINAL TO BE RETAINED & COPIES TO BE SUBMITTED TO BANK
Circular No. 39/2021 dated 28th Dec 2021	YES. SUBMIT TO BANK AT THE TIME OF EVERY WITHDRAWAL & COPIES ONLINE TO MAHARERA
Circular No. 39A/2022 dated 17th Mar 2022	YES. BUT IF WITHDRAWAL IN TRANCHES SAME CERTIFICATE & DECLARATION







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*Thank You!*




Sr. No.	Subject	Date	pdf
1.	Disclosure of sold/ booked inventory	09/04/2021	
	Corrigendum for the Order of sold/ booked inventory	25/06/2021	
2.	Committee for Capacity Building and Certification of Real Estate Agents in Maharashtra	12/04/2021	
3.	Guidelines for determining the seniority of complaints filed before the MahaRERA	18/05/2021	
	<b>Amendment to Circular No. 30/ 2021 dated 18.05.2021</b>	21/06/2021	








Sr. No.	Subject	Date	pdf
4.	<p>Guidelines for functioning of MahaRERA Conciliation and Dispute Resolution Forum</p> <p>New Amendment in the Conciliation process</p>	18/05/2021	 
5.	Declaration about Commencement Certificate	07/06/2021	
6.	Committee to review Model Agreement	14/06/2021	





Sr. No.	Subject	Date	pdf
7.	Hearing of Complaints as per Seniority	21/06/2021	
	New guidelines regarding Hearing of Complaint filed before the Authority	09/09/2021	
	Circular regarding convenience document	07/12/2021	
8.	Real Estate Agent registration and renewal of such registration	07/06/2021	
9.	Clarification regarding Formats for consent of allottees	22/07/2021	


Sr. No.	Subject	Date	pdf
10.	Procedure for transferring or assigning promoters rights and liabilities to a third party updated	21/06/2021	
11.	Quarterly Update for Registered Projects	30/07/2021	
12.	Report from CERSAI	30/07/2021	
	Amendment in CERSAI Order	29/10/2021	

Sr. No.	Subject	Date	pdf
13.	Execution of registered conveyance deed of a real estate project	30/07/2021	
14.	In the matter of "Garage", "covered parking space" and "open parking areas"	30/07/2021	
15.	Extension of project registration by 6 months	06/08/2021	





Sr. No.	Subject	Date	pdf
16.	SOP for deletion of projects from the list of lapsed projects	22/09/2021	
17.	Submission of Form 5 is extended till 31st December 2021	30/07/2021	
18.	Extension of project registration by 6 months	06/08/2021	

Sr. No.	Subject	Date	pdf
19.	Registration of Sale Component of Redevelopment and SRA projects	07/12/2021	
20.	Submit Form No 1, 2, 3 to the bank for withdrawal from designated bank account	29/12/2021	
	Withdrawal in tranches	17/03/2022	
21.	New forms available in public domain.	29/12/2021	
	Disclosure of information in public domain	14/01/2022	



Sr. No.	Subject	Date	pdf
22.	Modified version for filing Online Complaints	28/03/2022	
23.	Standard Operating Procedure for filing cases arising from Regulatory functions of MahaRERA	25/04/2022	
24.	Submission of Proforma of Allotment Letter and Agreement for Sale at the time of registration.	03/06/2022	
	Amended Proforma of Allotment Letter	01/07/2022	

Sr. No.	Subject	Date	pdf
25.	New directions for submitting the applications for registration.	01/07/2022	
26.	Regular Updates on Registered Projects by Promoters.	05/07/2022	
27.	Declaration about Separate Bank Account for Real Estate Projects Correction in Order No. 34/2022	27/07/2022	
		29/07/2022	
28.	Submission of Proforma of the Allotment Letter and Agreement for Sale at the time of Registration of a Real Estate Project.	12/08/2022	



Sr. No.	Subject	Date	pdf
29.	Professional etiquette to be maintained at the hearing of complaints before the Authority	28/10/2022	
30.	Non-negotiable clauses in the Agreement for Sale	16/12/2022	
31.	Only SRO representatives are allowed in MahaRERA Office	19/12/2022	
32.	Clarification of Commencement Certificate and Occupation Certificate for plotted development	26/12/2022	

Sr. No.	Subject	Date	pdf
33.	Disclosure about the directors/ members of the company of other organization	27/12/2022	
34.	Additional conditions for the extension of the project under section 7(3)	27/12/2022	
35.	Certification of Real Estate Agents and Training	11/01/2023	
36.	De-registration of Real Estate Projects	10/02/2023	
37.	Submission of half-yearly reports by MahaRERA registered real estate agents	13/02/2023	
38.	Real Estate Agent Training and Certification : Guidelines	15/02/2023	

Sr. No.	Subject	Date	pdf
39.	Transfer of Bank Account	20/02/2022	
40.	Agent registration for proprietary firm	20/02/2023	
41.	Verification of commencement certificates and occupation certificates	16/05/2023	