

REGISTRATION OF REAL ESTATE PROJECTS, UPDATE & EXTENSION AND REGISTRATION OF REAL ESTATE AGENTS – THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016

THE INSTITUTE OF CHARTERED ACCOUNTANTS
OF INDIA

REFRESHER COURSE ON RERA (PHYSICAL)

23RD FEBRUARY 2023

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CHAPTER II – REGISTRATION OF REAL ESTATE PROJECT AND REGISTRATION OF REAL ESTATE AGENT

SECTION NO. 3 TO SECTION NO.10

CHAPTER II – REGISTRATION OF REAL ESTATE PROJECT AND REGISTRATION OF REAL ESTATE AGENT

- ▶ SECTION 3 – PRIOR REGISTRATION OF REAL ESTATE PROJECT WITH REAL ESTATE REGULATORY AUTHORITY
- ▶ SECTION 4 – APPLICATION FOR REGISTRATION OF REAL ESTATE PROJECT
- ▶ SECTION 5 – GRANT OF REGISTRATION
- ▶ SECTION 6 – EXTENSION OF REGISTRATION
- ▶ SECTION 7 - REVOCATION OF REGISTRATION
- ▶ SECTION 8 – OBLIGATION OF AUTHORITY CONSEQUENT UPON LAPSE OF OR ON REVOCATION OF REGISTRATION
- ▶ SECTION 9 – REGISTRATION OF REAL ESTATE AGENT
- ▶ SECTION 10 – FUNCTIONS OF REAL ESTATE AGENT

WHO IS LIABLE TO REGISTER

- ▶ Every “Real Estate Project” as defined under The Real Estate (Regulation and Development) Act, 2016 is required to be registered except –
- ▶ where the area of land proposed to be developed does not exceed five hundred square meters or the number of apartments proposed to be developed does not exceed eight inclusive of all phases:
- ▶ Provided that, if the appropriate Government considers it necessary, it may, reduce the threshold below five hundred square meters or eight apartments, as the case may be, inclusive of all phases, for exemption from registration under this Act;
 - ▶ where the promoter has received completion certificate for a real estate project prior to commencement of this Act;
 - ▶ for the purpose of renovation or repair or re-development which does not involve marketing, advertising selling or new allotment of any apartment, plot or building, as the case may be, under the real estate project.
- ▶ *Explanation.*—For the purpose of this section, where the real estate project is to be developed in phases, every such phase shall be considered a stand alone real estate project, and the promoter shall obtain registration under this Act for each phase separately

IMPORTANT THINGS ABOUT REGISTRATION

- ▶ WHY TO REGISTER – SECTION 3 OF THE ACT , BANKS AND FINANCIAL INSTITUTION AND SUB REGISTRAR OF ASSURANCES
- ▶ ELIGIBILITY FOR REGISTRATION
- ▶ WHEN TO REGISTER
- ▶ REGISTRATION IN PHASES
- ▶ MEANING OF FORMS OF PROFESSIONAL SUBMITTED AT THE TIME OF REGISTRATION
- ▶ STATUTORY FEES FOR REGISTRATION
- ▶ WEBSITE FOR REGISTRATION OF THE PROJECT - <https://maharera.mahaonline.gov.in/>
- ▶ 100% PROCEDURE IS ONLINE

ORDER NO. 32/2022 DATED 01/07/2022

- ▶ THIS ORDER APPLICABLE TO - :
- ▶ PROJECT REGISTRATION APPLICATIONS
- ▶ REAL ESTATE AGENT REGISTRATION APPLICATIONS
- ▶ PROJECT EXTENSION APPLICATIONS
- ▶ PROJECT CORRECTION APPLICATIONS

ORDER NO. 32/2022 DATED 01/07/2022

- ▶ APPLICATION SUBMISSION
- ▶ RECEIVES FIRST SCRUTINY REMARKS
- ▶ SUBMISSION
- ▶ RECEIVES SECOND SCRUTINY REMARKS
- ▶ SUBMISSION
- ▶ STILL APPLICATION INCOMPLETE?
- ▶ APPLICANT TO APPEAR IN OPEN HOUSE MEETING BEFORE DESIGNATED OFFICER OF MAHARERA ON SCHEDULED DATE (PHYSICALLY OR VIRTUALLY) FOR RESOLVING ISSUES
- ▶ STILL INCOMPLETE? -

ORDER NO. 32/2022 DATED 01/07/2022

- ▶ PAYMENT OF PENALTY OF 25% OF THE REGISTRATION FEES (1ST INSTANCE)
- ▶ STILL INCOMPLETE?
- ▶ REPEAT ALL ABOVE PROCEDURE
- ▶ STILL INCOMPLETE AFTER SECOND OPEN HOUSE MEETING?
- ▶ PAYMENT OF PENALTY OF 40% OF THE REGISTRATION FEES (2ND INSTANCE)
- ▶ STILL INCOMPLETE?
- ▶ APPLICATION SHALL BE REFERRED TO AUTHORITY FOR APPROPRIATE ORDERS
- ▶ IN CASE OF CORRECTION APPLICATION, PENALTY SHALL BE RS. 5000/- ONLY IN BOTH FIRST AND SECOND INSTANCE

Circular No. 37/2021 - Launch of MahaRERA Citizen Call Centre / Helpdesk

- ▶ Order issued as on 25th August 2021
- ▶ MahaRERA has established a Toll-Free and a fully equipped Citizen Helpline.
- ▶ Citizen Helpline shall function from 07:00 am to 11:00 pm - except on Government Holidays & Sundays.
- ▶ Citizens can call on following numbers:
Toll Free: 1800 2103770
PRI Line:022 - 69157100

RECENT CHANGES

▶ EVERY APPLICATION IS BEING SCRUTINIZED BY THREE DEPARTMENTS

▶ LEGAL

▶ FINANCE

▶ TECHNICAL

RECENT CHANGES

LEGAL DEPARTMENT

- ▶ LEGAL TITLE REPORT
- ▶ AGREEMENT FOR SALE
- ▶ ENCUMBRANCE CONCERNED TO FINANCE
- ▶ ALLOTMENT LETTER
- ▶ DEVIATION WITH RESPECT TO AFS
- ▶ DEVIATION WITH RESPECT TO AL

RECENT CHANGES

LEGAL DEPARTMENT

- ▶ **LEGAL TITLE REPORT –**
- ▶ NEED TO BE IN FORMAT AS PRESCRIBED BY RERA
- ▶ OWNERS OF THE LAND VERY IMPORTANT PARA
- ▶ SHOULD NOT BE OLDER THAN 6 MONTHS
- ▶ **AGREEMENT FOR SALE**
- ▶ REFER ORDER NO.38 OF 2022 DATED 12/12/2022
- ▶ **ALLOTMENT LETTER (AS PER ORDER NO. 30/2022 DATED 30th JUNE 2022)**
- ▶ NEED TO BE IN FORMAT AS PRESCRIBED BY RERA

RECENT CHANGES - AFS

- ▶ ORDER NO.38 OF 2022 DATED 12/12/2022 – PRESCRIBES NON NEGOTIABLE CLAUSES IN AFS
- ▶ FORCE MAJEURE CLAUSE – NO ADDITION/DELETION ALLOWED
- ▶ TIME PERIOD FOR FORMATION OF ASSOCIATION OF ALLOTTEES
- ▶ TIME PERIOD FOR EXECUTION OF REGISTERED CONVEYANCE DEED WITH THE ASSOCIATION OF ALLOTTEES
- ▶ DEFECT LIABILITY CLAUSE
- ▶ VARIATION IN AREA CLAUSE
- ▶ CLAUSE OF TERMINATION OF AGREEMENT

RECENT CHANGES - AFS

- ▶ OTHER IMPORTANT CLAUSES
- PAYMENT SCHEDULE
- CHANGES IN SANCTIONED PLANS
- PARKING
- INTEREST ON DELAYED PAYMENTS
- TRANSFER OF THE PROJECT TO THIRD PARTY
- NO BLANKET CONSENT OF ALLOTTEES

RECENT CHANGES

FINANCE DEPARTMENT

- ▶ ENCUMBRANCE CONCERNED TO FINANCE
- ▶ FORM 3 – FORMAT, INVENTORY & COST MODULE
- ▶ DESIGNATED BANK ACCOUNT DECLARATION
(*ORDER NO. 34/2022 DATED 27/7/2022*)
- ▶ FORM 2 – ESTIMATED COST MATCHING

RECENT CHANGES

TECHNICAL DEPARTMENT

- ▶ COMMENCEMENT CERTIFICATE
- ▶ SANCTIONED PLANS
- ▶ FORM 1
- ▶ INFORMATION IN APPLICATION CONCERNED TO TECHNICAL
- ▶ SANCTIONED BUILDINGS
- ▶ SANCTIONED FLOORS
- ▶ PARKING ETC

RECENT CHANGES

DEVIATION REPORT – ALLOTMENT LETTER & AFS

- ▶ DEVIATION REPORT CAN BE SUBMITTED IN TABULAR FORM.
- ▶ IT MAY CONTAIN THE COLUMNS LIKE
- ▶ HEADING OF THE CLAUSE
- ▶ CLAUSE AS PER AGREEMENT TO SALE FORMAT ADOPTED BY DEVELOPER
- ▶ ONLY DEVIATED CLAUSES ARE TO BE MENTIONED
- ▶ ALL THOSE CLAUSES ARE TO BE HIGHLIGHTED IN YELLOW IN AFS FORMAT

DEREGISTRATION OF THE PROJECT

- ▶ RERA ISSUED ORDER DATED 42/2023 DATED 10/02/2023
- ▶ DE-REGISTRATION OF THE PROJECT OR PART OF THE PROJECT
- ▶ APPLICATION CAN BE MADE BY PROMOTER OF NON VIABLE PROJECTS DUE TO (ILLUSTRATIONS NOT EXHAUSTIVE)
- ▶ LACK OF FUNDS
- ▶ PROJECT FINANCIALLY NOT VIABLE
- ▶ DISPUTES IN FAMILY/PARTNERS
- ▶ CHANGE IN PLANNING AUTHORITY
- ▶ PLANNING AUTHORITY NOTIFICATION

DEREGISTRATION OF THE PROJECT

- ▶ PRE-REQUISITES FOR DE-REGISTRATION
- ▶ ZERO ALLOTTEES/NO BOOKING
- ▶ WHERE THERE ARE ALLOTTEES – RIGHTS OF THE ALLOTTEES MUST BE SETTLED BY PROMOTER
- ▶ WHERE IT IS PART OF THE PROJECT – 2/3RD CONSENT FROM EXISTING ALLOTTEES
- ▶ APPLICATION IN THE FORMAT AS PROVIDED BY THIS ORDER
- ▶ NEED TO BE SUBMITTED TO SECRETARY, MAHARERA AT secy@maharera.mahaonline.gov-in
- ▶ LEGAL WING TO PROCESS APPLICATION. HEARING MAY BE SCHEDULED
- ▶ AN AGGRIEVED PERSON MAY FILE COMPLAINT IN THIS MATTER



UPDATES OF REAL ESTATE PROJECT

Order No. 33/2022 - Quarterly Update for Registered Projects

- ▶ Order No. 33/2022 issued on 05.07.2022
- ▶ MahaRERA has categorized updates in following -:

Quarterly Updates

- ▶ Changes in Building Plan Approvals
- ▶ Physical Progress of the Project
- ▶ Status of Booking of Plots/ Apartments/Units
- ▶ Present Status of Booking of Garages
- ▶ In case no withdrawal from RERA Designate Bank Account – Self Certification by Promoter
- ▶ Reports (QPR) as per Financial Quarters within 20 days of the Quarter End (Due Dates will be every 20th day of July, October, January and April respectively)

Order No. 33/2022 - Quarterly Update for Registered Projects

Annual Updates – Form 5 & Form 2A

Updating of Forms for Withdrawal of Money from Designated Bank account - Form 1, 2 & 3 – to be submitted to Scheduled bank as well as MahaRERA

Other Regular updates from time to time


- ▶ Changes in Encumbrance and CERSAI
- ▶ Changes in Project Professionals
- ▶ Litigation Details

Updates on Completion of Project with Form 4 & OC

Updates on Conveyance of Project (3 months after OC)

MahaRERA Order No. 20/ 2021 - Execution of registered conveyance deed of a real estate project

- ▶ Order issued as on 28th July 2021
- ▶ Submit quarterly up-to-date status report regarding steps initiated by the promoter for execution of the registered conveyance deed.
- ▶ Such update shall be submitted for the first time after application for obtaining occupancy certificate is submitted to the Competent Authority.
- ▶ Execute the registered conveyance deed as per mandate of Section 17 of the Act, within three months from the date of receipt of the occupancy certificate.



PROJECT EXTENSION

EXTENTION OF THE PROJECT UNDER SECTION 6

- ▶ MAXIMUM ONE YEAR EXTENTION CAN BE OBTAINED.
- ▶ SELF DECLARATION FROM PROMOTER CITING REASONS FOR EXTENTION.
- ▶ SELF CERTIFIED COPY OF THE PERMISSION / APPROVAL FROM THE COMPETENT AUTHORITY WHICH IS VALID FOR A PERIOD WHICH IS LONGER THAN THE PROPOSED TERM OF EXTENSION OF THE REGISTRATION SOUGHT FROM THE REGULATORY AUTHORITY.

EXTENTION UNDER SECTION 7(3)

- ▶ IF PROJECT IS INCOMPLETE EVEN AFTER RECEIVING AN EXTENTION UNDER SECTION 6, PROMOTER MAY APPLY FOR EXTENTION OF THE PROJECT UNDER SECTION 7(3).
- ▶ SELF DECLARATION FROM PROMOTER CITING REASONS FOR EXTENTION.
- ▶ WRITTEN CONSENT FROM AT LEAST 51% OF THE ALLOTTEES OF THE PROJECT. WRITTEN CONSENT MUST BE STRICTLY AS PER THE FORMAT GIVEN IN CIRCULAR NO.28A/2021.

ORDER NO. 40/2022 DATED 21/12/2022

- ▶ WHERE PROMOTER FAIL TO OBTAIN 51% CONSENT FROM ALLOTTEES FOR EXTENSION THEN.
- ▶ PROMOTER MAY APPLY FOR EXTENSION U/S 7(3) WITH AVAILABLE CONSENT.
- ▶ EXPLANATORY NOTE SETTING OUT GROUND AND REASONS FOR DELAY AND STEPS TO BE TAKEN TO COMPLETE THE PROJECT.
- ▶ RERA MAY GRANT EXTENSION IN SUCH CASES WITH OR WITHOUT ADDITIONAL TERMS AND CONDITIONS BASED ON CASE TO CASE BASIS.
- ▶ SUCH EXTENSION SHALL NOT JEOPARDIZE RIGHTS ACCRUED IN FAVOR OF ALLOTTEES



REAL ESTATE AGENT – PROVISIONS REGISTRATION AND COMPLIANCE

CHECKLIST OF DOCUMENTS REQUIRED FOR AGENT REGISTRATION

- ▶ PAN CARD COPY
- ▶ AADHAR CARD NUMBER
- ▶ PHOTO
- ▶ INCOME TAX RETURN ACKNOWLEDGEMENT FOR LAST 3 YEARS
- ▶ COPY OF THE LETTERHEAD
- ▶ COPY OF THE PROFORMA RECEIPT
- ▶ ADDRESS PROOF
- ▶ DECLARATION TO THE EFFECT THAT NO CRIMINAL RECORD

IMPORTANT THINGS ABOUT AGENT REGISTRATION

- ▶ NOT APPLICABLE TO REAL ESTATE AGENTS DEALING IN – APARTMENTS WHERE OCCUPANCY CERTIFICATE RECEIVED/WORK COMPLETED & AGENT DEALING IN RENTAL HOUSING.
- ▶ APPLICABLE ONLY TO AGENTS DEALING WITH UNDER CONSTRUCTION RERA REGISTERED PROJECTS.
- ▶ OBLIGATORY ON THE PROMOTER TO UPDATE ALL AGENTS AUTHORIZED BY PROMOTER TO FACILITATE SALE IN THE PROJECT.
- ▶ AGENT REGISTRATION VALIDITY – FOR 5 YEARS
- ▶ STATUTORY FEES FOR REGISTRATION
- ▶ INDIVIDUAL – RS.10,000 PLUS SERVICE CHARGE
- ▶ NON INDIVIDUAL – RS.100,000/- PLUS SERVICE CHARGE



THANK YOU

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