

# REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016



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**CA RAMESH S. PRABHU**  
**Chairman, Maharashtra Societies Welfare Association ,**





# Fight For RERA

@FightForRERAInd

**FFR Members untiring effort to protect intrst of  
Hmbuyrs paid result.**

**Game chnging provisions in**

**#RERARules 2 ensure justice 4 sufrg hmbuyrs**





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सत्यमेव जयते

# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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नई दिल्ली, सोमवार, अक्टूबर 31, 2016/कार्तिक 9, 1938

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आवास और शहरी गरीबी उपशमन मंत्रालय

अधिसूचना

नई दिल्ली, 31 अक्टूबर, 2016

# WORKING OF MOFA 1963

**DUTY OF BUILDER TO DISCLOSE  
VARIOUS DOCUMENT,  
PLANS ETC.**



Court Orders  
or Punishment

State Government  
Direction or Action



सत्यमेव जयते

1

**Enforcement & Delivery Mechanisms  
are Missing !**

2

**Compliance is  
Missing !**



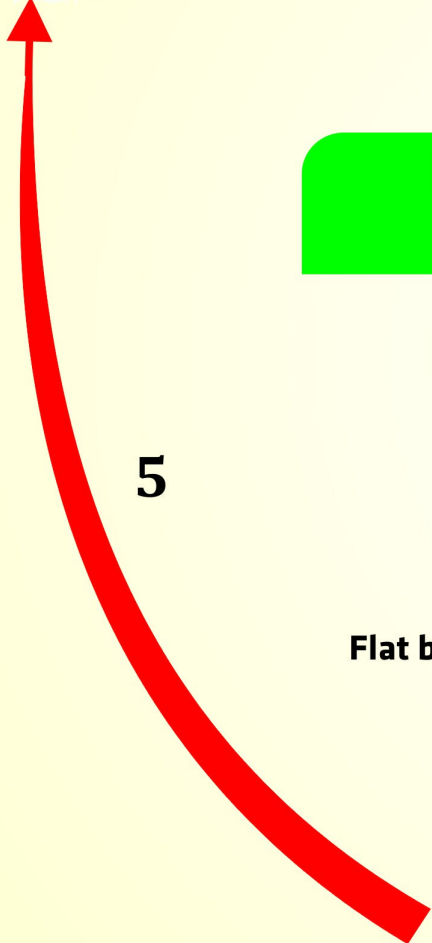
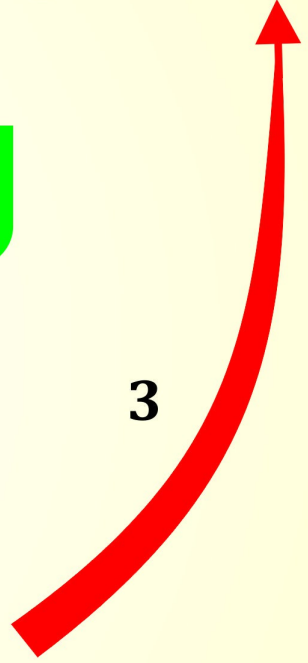
Flat buyer, RTI activist & common man may file RTI applications  
& write complaints to **GOVERNMENT**,  
and struggles to get orders passed against builder.

and / or

**Engages LAWYER and fights in  
COURT for several years**

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### 3. INFORMATION AND DOCUMENTS TO BE FURNISHED BY PROMOTER FOR REGISTRATION OF REAL ESTATE PROJECT

*(1) A promoter shall furnish the following information and documents, along with those specified under section 4 of the Act, for registration of the project with the Authority, namely:-*





(2) An application to the Authority for registration of the real estate project shall be made in writing in Form 'A', in triplicate, until the procedure is made web based for filing of such application.

(3) The promoter shall pay a registration fee at the time of application for registration by way of a demand draft or a bankers cheque drawn on any scheduled bank or through online payment mode, as the case may be, for a sum calculated at the rate of,-

**(a) in case of  
group housing  
project**

**five rupees per square meter for -  
land proposed to be developed does not  
exceed one thousand sq. mtr.**

**Rupees ten per sq. mtr. For -  
land proposed to be developed exceeds one  
thousand square meters, but shall not be  
more than five lakhs rupees;**



**(b) In case of mixed development (residential and commercial) project,-**

**Ten rupees per sq. mtr. For –** land proposed to be developed does not exceed one thousand sq. mtrs;

**Fifteen rupees per sq. mtr. for –** land proposed to be developed exceeds one thousand sq. mtrs, but shall not be more than seven lakhs rupees;

**(c) in case of commercial projects,-**

**Twenty rupees per sq. mtr. For –** land proposed to be developed does not exceed one thousand sq. mtrs

**Twenty five rupees per sq. mtr. for** land proposed to be developed exceeds one thousand sq. mtrs, but shall not be more than ten lakhs rupees;

**(d) in case of plotted development projects,-**

**five rupees per square meter, but shall not be more than two lakhs rupees.**

(4) The declaration to be submitted under clause (1) of subsection (2) of section 4, shall be in Form 'B', which shall include a declaration stating that the promoter shall not discriminate against any allottee at the time of allotment of any apartment, plot or building, as the case may be.



## 4. ADDITIONAL DISCLOSURE BY PROMOTERS OF ONGOING PROJECTS.—

1. Upon the notification for commencement of sub-section (1) of section 3, the promoter of an ongoing project which has not received completion certificate shall, within the time specified in the said sub-section, make an application to the Authority as provided in rule 3.
2. The promoter shall in addition to disclosures provided in rule 3 disclose the following information, namely:-
  - (a) the original sanctioned plan, layout plan and specifications and the subsequent modifications carried out, if any, including the existing sanctioned plan, layout plan and specifications;

#### 4. ADDITIONAL DISCLOSURE BY PROMOTERS OF ONGOING PROJECTS.—

(b) the total amount of money collected from the allottees and the total amount of money used for development of the project including the total amount of balance money lying with the promoter;

(c) Status of the project (extent of development carried out till date and the extent of development pending) including the original time period disclosed to the allottee for completion of the project at the time of sale including the delay and the time period within which he undertakes to complete the pending project, which shall be commensurate with the the extent of development already completed, and this information shall be certified by an engineer, an architect and a chartered accountant in practice.

## 4. ADDITIONAL DISCLOSURE BY PROMOTERS OF ONGOING PROJECTS.—

3. The promoter shall disclose the size of the apartment based on carpet area even if earlier sold on any other basis such as super area, super built up area, built up area etc. which shall not affect the validity of the agreement entered into between the promoter and the allottee to that extent.
4. In case of plotted development, the promoter shall disclose the area of the plot being sold to the allottees as per the layout plan.
5. For projects that are ongoing and have not received completion certificate, on the date of commencement of the Act, the promoter shall, within a period of three months of the application for registration of the project with the Authority,

#### **4. ADDITIONAL DISCLOSURE BY PROMOTERS OF ONGOING PROJECTS.—**

deposit in the separate bank account, seventy per cent. of the amounts already realized from the allottees, which have not been utilized for construction of the project or the land cost for the project as required under sub-clause (D) of clause (1) of sub-section (2) of section 4, which shall be used for the purposes specified therein.



## 5. GRANT OR REJECTION OF REGISTRATION OF PROJECT.

- (1) Upon the registration of a project as per section 5 read with rule 3 and rule 4, as the case may be, the Authority shall issue a registration certificate with a registration number in Form 'C' to the promoter.
- (2) In case of rejection of the application as per section 5, the Authority shall inform the applicant in Form 'D': Provided that the Authority may grant an opportunity to the applicant to rectify the defects in the application within such time period as may be specified by it.



## 6. EXTENSION OF REGISTRATION OF PROJECT.—

- (1) The registration granted under the Act, may be extended by the Authority, on an application made by the promoter in Form 'E', in triplicate, until the application procedure is made web based, within three months prior to the expiry of the registration granted.
- (2) The application for extension of registration shall be accompanied with a demand draft or a bankers cheque drawn on any scheduled bank or through online payment mode, as the case may be, for an amount equivalent to half the registration fees as prescribed under sub-rule (3) of rule 3 along with an explanatory note setting out the reasons for delay in the completion of the project and the need for extension of registration for the project, along with documents supporting such reasons:



## 6. EXTENSION OF REGISTRATION OF PROJECT.—

- (3) Provided that where the promoter applies for extension of registration of the project due to force majeure he shall not be liable to pay any fee.
- (4) The extension of registration of the project shall not be beyond the period provided as per local laws for completion of the project or phase thereof, as the case may be.
- (5) In case of extension of registration, the Authority shall inform the promoter about such extension in Form 'F' and in case of rejection of the application for extension of registration the Authority shall inform the promoter about such rejection in Form 'D': Provided that the Authority may grant an opportunity to the promoter to rectify the defects in the application within such time period as may be specified by it.

# 7. REVOCATION OF REGISTRATION OF THE PROJECT

Upon the revocation of registration of a project as per section 7, the Authority shall inform the promoter about such revocation in Form 'D'.



## 8. APPLICATION FOR REGISTRATION BY THE REAL ESTATE AGENT

1. Every real estate agent required to register as per sub-section (2) of section 9 shall make an application in writing to the Authority in Form 'G', in triplicate, until the application procedure is made web based, along with the following documents, namely:-

(a) the brief details of his enterprise including its name, registered address, type of enterprise (proprietorship, societies, partnership, company etc.);

(b) the particulars of registration (whether as a proprietorship, partnership, company, society etc.) including the bye-laws, memorandum of association, articles of association etc. as the case may be;

## 8. APPLICATION FOR REGISTRATION BY THE REAL ESTATE AGENT

(c) name, address, contact details and photograph of the real estate agent, if it is an individual

(d) the authenticated copy of the PAN card of the real estate agent;


(e) the authenticated copy of the address proof of the place of business.

(2) The real estate agent shall pay a registration fee at the time of application for registration by way of a demand draft or a bankers cheque drawn on any scheduled bank or through online payment, as the case may be, for a sum of ten thousand rupees in case of the applicant being an individual or fifty thousand rupees in case of the applicant other than an individual.

## 9. GRANT OF REGISTRATION TO THE REAL ESTATE AGENT.

- (1) On receipt of the application under rule 8, the Authority shall within a period of thirty days either grant registration to the real estate agent or reject the application, as the case may be: Provided that the Authority may grant an opportunity to the real estate agent to rectify the defects in the application within such time period as may be specified by it.
- (2) Upon the registration of a real estate agent, the Authority shall issue a registration certificate with a registration number in Form 'H' to the real estate agent.
- (3) In case of rejection of the application, the Authority shall inform the applicant in Form 'I'.
- (4) The registration granted under this rule shall be valid for a period of five years.

# 10. RENEWAL OF REGISTRATION OF REAL ESTATE AGENT.

- (1) The registration granted to a real estate agent under the Act, may be renewed, on an application made by the real estate agent in Form 'J', in triplicate, until the application procedure is made web based, which shall not be less than three months prior to the expiry of the registration granted.
  - (2) The application for renewal of registration shall be accompanied with a demand draft or a bankers cheque drawn on any scheduled bank or through online payment, as the case may be, for a sum of five thousand rupees in case of the real estate agent being an individual or twenty five thousand rupees in case of the real estate agent other than an individual.
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## 10. RENEWAL OF REGISTRATION OF REAL ESTATE AGENT.


- (3) The real estate agent shall also submit all the updated documents set out in clauses (a) to (e) of sub-rule (1) of rule 8 at the time of application for renewal.
- (4) In case of renewal of registration, the Authority shall inform the real estate agent about the same in Form 'K' and in case of rejection of the application for renewal of registration the Authority, shall inform the real estate agent in Form 'I':
- (5) The renewal granted under this rule shall be valid for a period of five years.



## 11. REVOCATION OF REGISTRATION OF REAL ESTATE AGENT.—

The Authority may, due to reasons specified under sub-section (7) of section 9, revoke the registration granted to the real estate agent or renewal thereof, as the case may be, and intimate the real estate agent of such revocation in Form 'I'.

## 12. BOOKS OF ACCOUNTS, RECORDS AND DOCUMENTS

The real estate agent shall maintain and preserve its books of account, records and documents in accordance with the provisions of the Income Tax Act, 1961 (43 of 1961), as amended from time to time, and the rules made thereunder. 



## 13. OTHER FUNCTIONS OF A REAL ESTATE AGENT.

The real estate agent shall provide assistance to enable the allottee and promoter to exercise their respective rights and fulfil their respective obligations at the time of booking and sale of any plot, apartment or building, as the case may be.



# DETAILS TO BE PUBLISHED ON THE WEBSITE OF THE AUTHORITY



## 14 A. DETAILS TO BE PUBLISHED ON WEBSITE

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### **(i) promoter or group profile,-**

(A) a brief detail of his enterprise including its name, registered address, type of enterprise (proprietorship, limited liability partnership, society, partnership, company, competent authority) and the particulars of registration as such enterprise and in case of a newly incorporated or registered entity, brief details of the parent entity including its name, registered address, type of enterprise (whether as proprietorship, societies, limited liability partnership, partnership, company, competent authority);



## 14 A. DETAILS TO BE PUBLISHED ON WEBSITE

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### **(i) promoter or group profile,-**


- (B) background of promoter:- work experience of the promoter and in case of a newly incorporated or registered entity work experience of the chairman, directors, partners, as the case may be and that of the authorised persons of the parent entity;
- (C) name, address, contact details and photograph of the promoter in case of an individual and the name, address, contact details and photograph of the chairman, directors, partners, as the case may be and that of the authorised persons.



## 14 A. DETAILS TO BE PUBLISHED ON WEBSITE

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### **(ii) track record of the promoter,-**

- (A) number of years of experience of the promoter or parent entity, as the case may be, in real estate development in the Union territory;
  - (B) number of years of experience of the promoter or parent entity, as the case may be, in real estate development in other States or Union territories;
  - (C) number of completed projects and area constructed till date in the past five years including the status of the projects, delay in its completion, details of type of land and payments pending;
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## 14 A. DETAILS TO BE PUBLISHED ON WEBSITE

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### **(ii) track record of the promoter,-**

- (D) number of ongoing projects and proposed area to be constructed launched in the past five years including the status of the said projects, delay in its completion, details of type of land and payments pending;
- (E) details and profile of ongoing and completed projects for the last five years as provided under clause (b) of sub-section (2) of section 4.

### **(iii) litigations,- Details of litigation in the past five years in relation to the real estate projects developed or being developed by the promoter.**

## 14 A. DETAILS TO BE PUBLISHED ON WEBSITE

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### **(iv) website,-**

- (A) web link of the promoter or parent entity, as the case may be;
- (B) Web link of the project;

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## 14 B. DETAILS OF THE REAL ESTATE PROJECT

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- (i) advertisement and prospectus issued in regard to the project;**



## 14 B. DETAILS OF THE REAL ESTATE PROJECT

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### **(ii) compliance and registration,-**

- (A) authenticated copy of the approvals and commencement certificate received from the competent authority as provided under clause (c) of sub-section (2) of section 4;
- (B) the sanctioned plan, layout plan and specifications of the project or the phase thereof, and the whole project as sanctioned by the competent authority as provided under clause (d) of sub-section (2) of section 4;
- (C) details of the registration granted by the Authority under the Act;





## 14 B. DETAILS OF THE REAL ESTATE PROJECT

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### (iii) apartment, plot and garage related details,-

- (A) details of the number, type and carpet area of apartments for sale in the project along with the area of the exclusive balcony or verandah areas and the exclusive open terrace areas with the apartment, if any, or details of the number, type and area of plots for sale in the project or both, as the case may be;
- (B) details of the number and area of garage for sale in the project;
- (C) details of the number of open parking areas and covered parking areas available in the real estate project;

## 14 B. DETAILS OF THE REAL ESTATE PROJECT

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**(iv) registered Agents,- names and addresses of real estate agents for the project.**

**(v) Consultants- Details, including name and addresses, of contractors, architect, structural engineers and other persons concerned with the development of the real estate project such as-**

- (A) name and address of the person;
- (B) names of promoters;
- (C) year of establishment;
- (D) names and profile of key projects completed;



## 14 B. DETAILS OF THE REAL ESTATE PROJECT

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**(vi) location,-** the details of the location of the project, with clear demarcation of land dedicated for the project along with its boundaries including the latitude and longitude of the end points of the project;

**(vii) development Plan,-**

- (A) the plan of development works to be executed in the proposed project and the proposed facilities to be provided thereof including fire fighting facilities, drinking water facilities, emergency evacuation services, use of renewable energy etc.;
- (B) amenities:- a detailed note explaining the salient features of the proposed project including access to the project, design for electric supply including street lighting, water supply arrangements and site for disposal and treatment

## 14 B. DETAILS OF THE REAL ESTATE PROJECT

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### **(vii) development Plan,-**

of storm and sullage water, and any other facilities and amenities or public health services proposed to be provided in the project;

(C) gantt charts or milestone charts and project schedule:- the plan of development works to be executed in the project and the details of the proposed facilities to be provided thereof and the timelines to achieve the same;

(D) the stage wise time schedule of completion of the project, including the provisions for civic infrastructure like water, sanitation and electricity etc.

## **14 C. FINANCIAL DETAILS OF THE PROMOTER,-**

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- (i) the authenticated copy of the PAN card of the promoter;
- (ii) the annual report including audited profit and loss account, balance sheet, cash flow statement, directors report and the auditors report of the promoter for the immediately preceding three financial years and where annual report is not available then the audited profit and lost account, balance sheet, cash flow statement and the auditors report of the promoter for the immediately preceding three financial years and in case of newly incorporated or registered entity such information shall be disclosed for the parent entity;



**14 D. The promoter shall upload the following updates on the webpage for the project, within fifteen days from the expiry of each quarter, namely:-**

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- (i) list of number and types of apartments or plots, booked;
- (ii) list of number of garages booked;
- (iii) status of the project,-

(A) status of construction of each building with photographs;

(B) status of construction of each floor with photographs;

(C) Status of construction of internal infrastructure and common areas with photographs.

**14 D. The promoter shall upload the following updates on the webpage for the project, within fifteen days ~~from the expiry of each quarter, namely:-~~**

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(iv) status of approvals,-

(A) approvals received;

(B) approvals applied and expected date of receipt;

(C) approvals to be applied and date planned for application;

(D) modifications, amendment or revisions, if any, issued by the competent authority with regard to any sanctioned plans, layout plans, specifications, license, permit or approval for the project;



## 14 E. THE DETAILS OF APPROVALS, PERMISSIONS, CLEARANCES, LEGAL DOCUMENTS

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### (i) approvals-

- (A) Authenticated copy of the license or land use permission, building sanction plan & the commencement certificate from the competent authority obtained in accordance with the laws applicable for the project, and where the project is proposed to be developed in phases, an authenticated copy of the license or land use permission, building sanction plan and the commencement certificate for each of such phases;
- (B) authenticated copy of the site plan or site map showing the location of the project land along with names of revenue estates, survey numbers, cadastral numbers, khasra numbers and area of each parcels of the project land;



## **(i) approvals-**

- (C) authenticated copy of the layout plan of the project or the phase thereof, and also the layout plan of the whole project as sanctioned by the competent authority and other specifications of the project;
- (D) floor plans for each tower and block including clubhouse, amenities and common areas;
- (E) any other permission, approval, or license that may be required under applicable law including fire no-objection certificate, permission from water and sewerage department etc.;
- (F) authenticated copy of occupancy certificate and completion certificate including its application.

## **(ii) legal documents-**

- (A) the details including the proforma of the application form, allotment letter, agreement for sale and the conveyance deed;
- (B) authenticated copy of the legal title deed reflecting the title of the promoter to the land on which development of project is proposed along with legally valid documents for chain of title with authentication of such title;
- (C) land title search report from an advocate having experience of at least ten years;
- (D) details of encumbrances on the land on which development of project is proposed including details of any rights, title, interest, dues, litigation and name of...

## **(ii) legal documents-**

any party in or over such land or non encumbrance certificate through an advocate having experience of atleast ten years from the revenue authority not below the rank of tehshildar, as the case may be;

(E) where the promoter is not the owner of the land on which development is proposed details of the consent of the owner of the land along with a copy of the collaboration agreement, development agreement, joint development agreement or any other agreement, as the case may be, entered into between the promoter and such owner and copies of title and other documents reflecting the title of such owner on the land proposed to be developed;

(F) details of mortgage or charge, if any, created on the land and the project;

## 14. DETAILS TO BE PUBLISHED ON WEBSITE

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- (2) The Authority shall maintain a database and ensure that the information specified therein shall be made available on its website in respect of each project revoked or penalised, as the case may be.
- (3) The Authority shall ensure that the following information shall be made available on its website in respect of each real estate agent registered with it or whose application for registration has been rejected or revoked, namely:-

### **(a) For real estate agents registered with the Authority:-**

- (i) registration number and the period of validity of the registration of the real estate agent with the Authority;

**(a) For real estate agents registered with the Authority:-**

- (ii) brief details of his enterprise including its name, registered address, type of enterprise.
- (iii) particulars of registration as proprietorship, societies, partnership, company etc. including the bye-laws, memorandum of association, articles of association etc. as the case may be;
- (iv) name, address, contact details and photograph of the real estate agent, if it is an individual and the name, address, contact details and photograph of the partners, directors etc. in case of other persons;
- (v) authenticated copy of the PAN card of the real estate agent;
- (vi) authenticated copy of the address proof or the place of business and the contact address, contact numbers and email-id of the real estate agent and its other officials;

**(b) In case of applicants whose application for registration as a real estate agent have been rejected or real estate agents whose registration has been revoked by the Authority-**

- (i) registration number and the period of validity of the registration of the real estate agent with the Authority;
- (ii) brief details of his enterprise including its name, registered address, type of enterprise (whether as proprietorship, societies, partnership, company etc.);
- (iii) name, address, contact details and photograph of the real estate agent if it is an individual and the name, address, contact details and photograph of the partners, directors etc. in case of other persons;

**(c) Such other documents or information as may be specified by the Act or the rules and regulations made thereunder.**

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(4) The Authority shall maintain a back-up, in digital form, of the contents of its website in terms of this rule, and ensure that such back-up is updated on the last day of each month.



# **INTEREST PAYABLE BY PROMOTER AND ALLOTTEE AND TIMELINES FOR REFUND**





## 15. INTEREST PAYABLE BY PROMOTER AND ALLOTTEE

- ✓ The rate of interest payable by the promoter to the allottee or by the allottee to the promoter, as the case may be, shall be the State Bank of India highest Marginal Cost of Lending Rate plus two per cent.:
- ✓ Provided that in case the State Bank of India Marginal Cost of Lending Rate is not in use it would be replaced by such benchmark lending rates which the State Bank of India may fix from time to time for lending to the general public.



## 16. TIMELINES FOR REFUND

- ✓ Any refund of monies along with the applicable interest and compensation, if any, payable by the promoter in terms of the Act or the rules and regulations made thereunder, shall be payable by the promoter to the allottee within forty-five days from the date on which such refund along with applicable interest and compensation, as the case may be, becomes due.



An illustration of an advisory council meeting. In the center, a large white rounded rectangle contains the text "ADVISORY COUNCIL" in bold black capital letters. Surrounding this central area are ten stylized human figures, each sitting at a desk and working on a laptop. The figures are arranged in two rows of five. Above and below each figure is a circular callout bubble in various colors (red, green, blue, orange, yellow, purple, brown, white). The background is a light gray gradient. The entire image is framed by a thin orange border on the right and bottom sides.

# ADVISORY COUNCIL

## 24. RECOMMENDATION OF THE CENTRAL ADVISORY COUNCIL.

1. The Central Advisory Council shall, at such intervals as it may deem necessary, make recommendation on the matters set out in sub-section (1) of section 42.
2. The Central Advisory Council shall prepare draft recommendation and invite comments on the same from stakeholders, experts, civil society etc.
3. Upon receipt of comments on the draft recommendation as per sub-rule (2), the Central Advisory Council shall finalise its recommendation after incorporating such comments as it may deem appropriate and refer the same to the Central Government, who shall have the authority,-

(a) to accept such recommendation in entirety;




## 24. RECOMMENDATION OF THE CENTRAL ADVISORY COUNCIL.

(b) to accept such recommendation with such amendments as it may deem fit and proper;

(c) to refer back such recommendation to the Central Advisory Council with its comments for consideration;

(d) to reject such recommendation.

4. Pursuant to acceptance of the recommendations or part thereof the Central Government may share the recommendation of the Central Advisory Council with the appropriate Government of States and Union territories with Legislature for further necessary action to give effect to the said recommendation.
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## 24. RECOMMENDATION OF THE CENTRAL ADVISORY COUNCIL.

5. As regards, the Union territories without Legislature, the Central Government may, if it deems fit, by notification, make rules to give effect to such recommendations of the Central Advisory Council.



# REAL ESTATE APPELLATE TRIBUNAL



## 25. APPEAL AND THE FEES PAYABLE.

- (1) Every appeal filed under sub-section (1) of section 44 shall be accompanied by a fees of five thousand rupees in the form of a demand draft or a bankers cheque drawn on a scheduled bank in favour of the Appellate Tribunal and payable at the branch of that Bank at the station where the seat of the said Appellate Tribunal is situated or through online payment, as the case may be.
- (2) Every appeal shall be filed in Form 'L', in triplicate, until the application procedure is made web based, along with the following documents, namely:-
  - (a) true copy of the order against which the appeal is filed;
  - (b) copies of the documents relied upon by the appellant and referred to in the appeal; and



## 25. APPEAL AND THE FEES PAYABLE.

- (c) an index of the documents.
- (3) Every appeal shall be either filed at the filing counter of the Registry of the Appellate Tribunal or through a registered post or through online system, as applicable.
- (4) In case of an appeal sent by post under sub-rule (3), it shall be deemed to have been presented to the Appellate Tribunal on the day on which it is received in its office.
- (5) Where a party to the appeal is represented by an authorised person, as provided under section 56, a copy of the authorisation to act as such and the written consent thereto by such authorised person, both in original, shall be appended to the appeal or the reply to the notice of the appeal, as the case may be.

## 25. APPEAL AND THE FEES PAYABLE.

- (6) On the date of hearing or any other date to which hearing could be adjourned, it shall be obligatory on the parties or their agents, as the case may be, to appear before the Appellate Tribunal: Provided that where the appellant or his authorised person, as the case may be, fails to appear before the Appellate Tribunal on such days, the Appellate Tribunal may in its discretion either dismiss the appeal for default or decide it on merits and where the opposite party or his authorised person fails to appear on the date of hearing, the Appellate Tribunal may decide the appeal ex-parte.
- (7) The procedure for day to day functioning of the Appellate Tribunal, which have not been provided by the Act or the rules made thereunder, shall be as specified by the Appellate Tribunal.

## 26. SELECTION OF MEMBERS OF APPELLATE TRIBUNAL.

- (1) As and when vacancies of a Member in the Appellate Tribunal exist or arise, or are likely to arise, the appropriate Government may make a reference to the Selection Committee in respect of the vacancies to be filled.
- (2) The Selection Committee may, for the purpose of selection of the Member of the Appellate Tribunal, follow such procedure as deemed fit including the appointment of a Search Committee consisting of such persons as the Selection Committee considers appropriate to suggest a panel of names for appointment as Member of the Appellate Tribunal.
- (3) The Selection Committee shall select two persons for each vacancy and recommend the same to the appropriate Government.

## 26. SELECTION OF MEMBERS OF APPELLATE TRIBUNAL.

- (4) The Selection Committee shall make its recommendation to the appropriate Government within a period of sixty days from the date of reference made under sub-rule (1).
- (5) The appropriate Government shall within thirty days from the date of the receipt of the recommendation by the Selection Committee, appoint one of the two persons recommended by the Selection Committee for the vacancy of the Member.



## 27. SALARY AND ALLOWANCES PAYABLE AND OTHER TERMS AND CONDITIONS OF SERVICE OF CHAIRPERSON AND MEMBERS OF APPELLATE TRIBUNAL.

- (1) The salaries and allowances payable to the Chairperson and Members of the Appellate Tribunal shall be as follows,-
  - (a) the Chairperson shall be paid a monthly salary equivalent to the last drawn salary by such person, as a Judge of a High Court;
  - (b) the Member shall be paid a monthly salary equivalent to the salary drawn at the maximum of the scale of pay of Additional Secretary to the Government of India:
- (2) The Chairperson and every other Member shall be entitled to thirty days of earned leave for every completed year of service.
- (3) The other allowances and conditions of service of the Chairperson and the other Member shall be such as may be determined by the appropriate Government from time to time.

## 28. INQUIRY OF THE CHARGES AGAINST CHAIRPERSON OR MEMBER OF AUTHORITY OR APPELLATE TRIBUNAL

- (1) The appropriate Government shall on the occurrence of any of the circumstances specified in clause (d) or clause (e) of sub-section (1) of section 26 in case of a Chairperson or Member of the Authority or as specified under sub-section (1) of section 49 in case of a Chairperson or Member of the Appellate Tribunal, either by receipt of a complaint in this regard or suo motu, as the case may be, make a preliminary scrutiny with respect to such charges against the Chairperson or any Member of the Authority or Appellate Tribunal, as the case may be.
- (2) If, on preliminary scrutiny, the appropriate Government considers it necessary to investigate into the allegation, it

## 28. INQUIRY OF THE CHARGES AGAINST CHAIRPERSON OR MEMBER OF AUTHORITY OR APPELLATE TRIBUNAL

shall place the complaint, if any, together with supporting material as may be available, before Chief Justice of the High Court to appoint a sitting or retired Judge of the High Court.

- (3) The appropriate Government shall forward to the Judge appointed under sub-rule (2), copies of,-
  - (a) The statement of charges against the Chairperson / Member
  - (b) material documents relevant to the inquiry.
- (4) The Chairperson or Member of the Authority or Appellate Tribunal, as the case may be, shall be given a reasonable opportunity of being heard with respect to the charges

## 28. INQUIRY OF THE CHARGES AGAINST CHAIRPERSON OR MEMBER OF AUTHORITY OR APPELLATE TRIBUNAL

- (5) Where it is alleged that the Chairperson or Member of an Appellate Tribunal is unable to discharge the duties of his office efficiently due to any physical or mental incapacity and the allegation is denied, the Judge may arrange for the medical examination of the Chairperson or Member of the Appellate Tribunal.
- (6) After the conclusion of the investigation, the Judge shall submit his report to the appropriate Government stating therein his findings and the reasons thereof on each of the articles of charges separately with such observations on the whole case as he thinks fit.



## **28. INQUIRY OF THE CHARGES AGAINST CHAIRPERSON OR MEMBER OF AUTHORITY OR APPELLATE TRIBUNAL**


(7) After receipt of the report under sub-rule (6), the appropriate Government shall in consultation with the Chief Justice of the High Court decide to either remove or not to remove the Chairperson or Member of the Authority or Appellate Tribunal, as the case may be.



## 29. SALARY AND ALLOWANCES PAYABLE AND OTHER TERMS AND CONDITIONS OF SERVICE OF OFFICERS AND OTHER EMPLOYEES OF APPELLATE TRIBUNAL

- (1) The conditions of service of the officers and employees of the Appellate Tribunal and any other category of employees in the matter of pay, allowances, leave, joining time, joining time pay, age of superannuation and other conditions of service, shall be regulated in accordance with such rules and regulations as are, from time to time, as applicable to officers and employees of the appropriate Government and drawing the corresponding scales of pay.
- (2) The appropriate Government shall have power to relax the provisions of any of these rules in respect of any class or category of officers or employees, as the case may be.

## 30. ADDITIONAL POWERS OF APPELLATE TRIBUNAL

- (1) In addition to the powers specified in clause (g) of subsection (4) of section 53, the Appellate Tribunal shall exercise the following additional powers,-
- (a) require the promoter, allottee or real estate agent to furnish in writing such information or explanation or produce such documents within such reasonable time, as it may deem necessary;
  - (b) requisitioning, subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), any public record or document or copy of such record or document from any office.
- 

## 30. ADDITIONAL POWERS OF APPELLATE TRIBUNAL

(2) The Appellate Tribunal may call upon such experts or consultants from the fields of economics, commerce, accountancy, real estate, competition, construction, architecture, law or engineering or from any other discipline as it deems necessary, to assist the Appellate Tribunal in the conduct of any inquiry or proceedings before it.



## 31. ADMINISTRATIVE POWERS OF CHAIRPERSON OF APPELLATE TRIBUNAL.

- (1) The Chairperson of the Appellate Tribunal shall exercise the administrative powers in respect of-
- (a) matters pertaining to staff strength, wages and salary structures, emoluments, perquisites and personnel policies;
  - (b) matters pertaining to creation and abolition of posts;
  - (c) matters pertaining to appointments, promotions and confirmation for all posts;
  - (d) acceptance of resignations by any Member, officer or employee;
  - (e) officiating against sanctioned posts;
  - (f) authorisation of tours to be undertaken by any Member, officer or employee: within and outside India;
  - (g) matters in relation to reimbursement of medical claims;

## 31. ADMINISTRATIVE POWERS OF CHAIRPERSON OF APPELLATE TRIBUNAL.

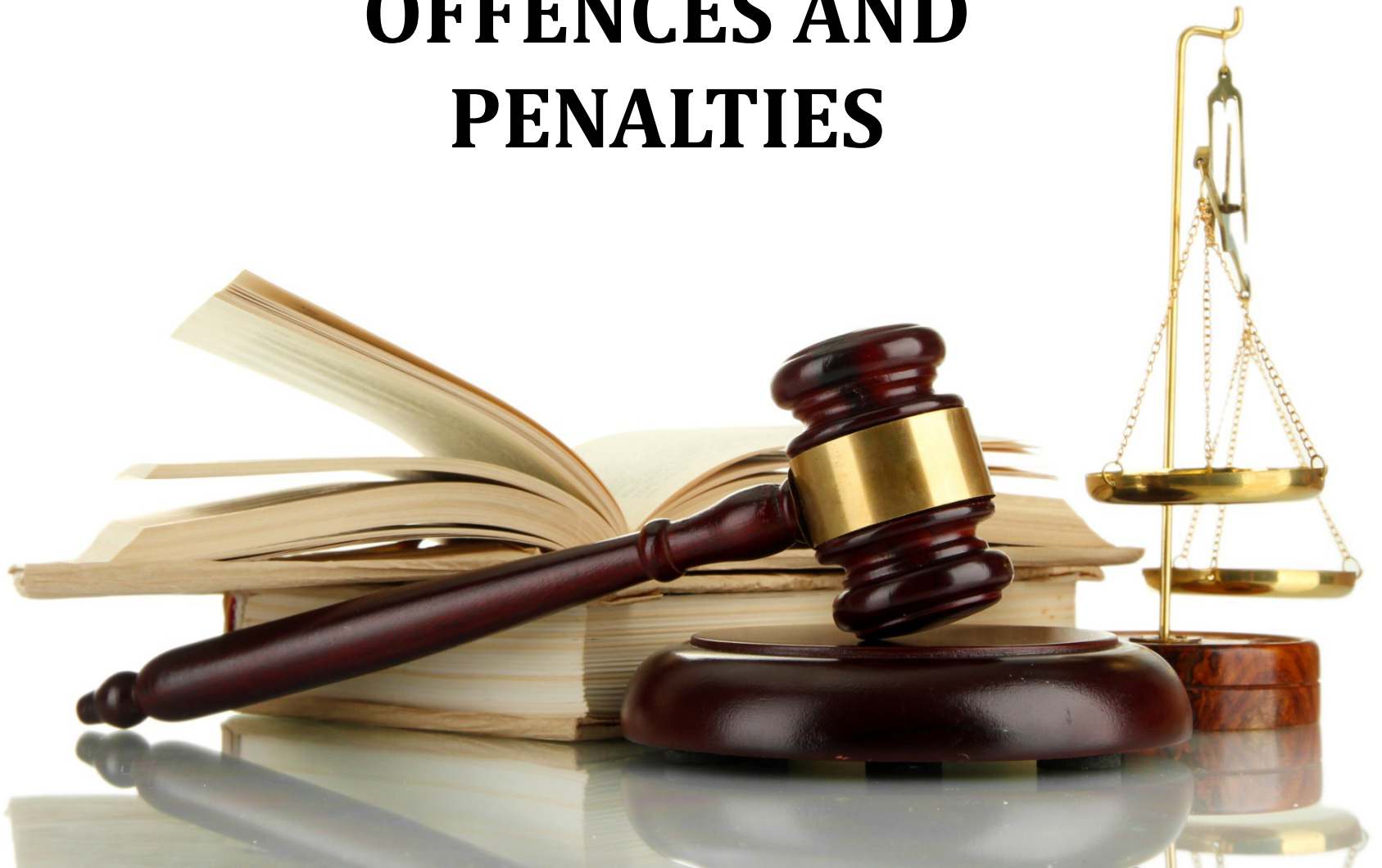
- (h) matters in relation to grant or rejection of leaves;
- (i) permission for hiring of vehicles for official use;
- (j) nominations for attending seminars, conferences and training courses in India or abroad;
- (k) permission for invitation of guests to carry out training course; matters pertaining to staff welfare expenses;
- (l) sanction or scrapping or write-off of capital assets which due to normal wear and tear have become unserviceable or are considered beyond economical repairs;
- (m) all matters relating to disciplinary action against any Member, officer or employee.

(2) The Chairperson of the Appellate Tribunal shall also exercise such other powers that may be required for the efficient functioning of the Appellate Tribunal and enforcement of the provisions of the Act and the rules.

## 32. FUNCTIONING OF APPELLATE TRIBUNAL

- (1) The office of the Appellate Tribunal shall be located at such place as may be determined by the appropriate Government by notification.
- (2) The working days and office hours of the Appellate Tribunal shall be the same as that of the normal working days and office hours of the other offices of the appropriate Govt.
- (3) The official common seal and emblem of the Appellate Tribunal shall be such as the appropriate Government may specify.
- (4) Every notice, order and judgment of the Appellate Tribunal shall bear the seal of the Appellate Tribunal which shall be in custody with the person designated by the Chairperson.
- (5) The Appellate Tribunal shall ordinarily have sittings at its headquarters and at such places as the Chairperson may by general or special order specify.

# OFFENCES AND PENALTIES





### 33. TERMS AND CONDITIONS AND THE FINE PAYABLE FOR COMPOUNDING OF OFFENCE.—

<b>Offence</b>	<b>Amount to be paid for compounding the offence</b>
Punishable with imprisonment under sub section (2) of section 59.	ten per cent. of the estimated cost of the real estate project.
Punishable with imprisonment under section 64.	ten per cent. of the estimated cost of the real estate project.
Punishable with imprisonment under section 66.	ten per cent. of the estimated cost of the plot, apartment or building, as the case may be, of the real estate project, for which the sale or purchase has been facilitated.
Punishable with imprisonment under section 68.	ten per cent. of the estimated cost of the plot, apartment or building, as the case may be.

### 33. TERMS AND CONDITIONS AND THE FINE PAYABLE FOR COMPOUNDING OF OFFENCE.—

<b>Offence</b>	<b>Amount to be paid for compounding the offence</b>
Punishable with imprisonment under sub section (2) of section 59.	ten per cent. of the estimated cost of the real estate project.
Punishable with imprisonment under section 64.	ten per cent. of the estimated cost of the real estate project.
Punishable with imprisonment under section 66.	ten per cent. of the estimated cost of the plot, apartment or building, as the case may be, of the real estate project, for which the sale or purchase has been facilitated.
Punishable with imprisonment under section 68.	ten per cent. of the estimated cost of the plot, apartment or building, as the case may be.

# **FILING OF COMPLAINT WITH THE AUTHORITY AND THE ADJUDICATING OFFICER**



## 34. FILING OF COMPLAINT WITH THE AUTHORITY AND INQUIRY BY AUTHORITY.

(1) Any aggrieved person may file a complaint with the Authority for any violation under the Act or the rules and regulations made thereunder, save as those provided to be adjudicated by the adjudicating officer, in Form 'M', in triplicate, until the application procedure is made web based, which shall be accompanied by a fees of one thousand rupees in the form of a demand draft or a bankers cheque drawn on a scheduled bank in favour of Authority and payable at the branch of that bank at the station where the seat of the said Authority is situated or through online payment, as the case may be.

(2) The Authority shall for the purposes of deciding any complaint as specified under sub-rule (1), follow summary procedure for inquiry in the following manner, namely:-

## **34. FILING OF COMPLAINT WITH THE AUTHORITY AND INQUIRY BY AUTHORITY.**

(a) upon receipt of the complaint, the Authority shall issue a notice along with particulars of the alleged contravention and the relevant documents to the respondent;

(b) the respondent against whom such notice is issued under clause (a) of sub-rule (2), may file his reply in respect of the complaint within the period as specified in the notice;

(c) the notice may specify a date and time for further hearing and the date and time for the hearing shall also be communicated to the complainant;

(d) on the date so fixed, the Authority shall explain to the respondent about the contravention alleged to have been committed in relation to any of the provisions of the Act or the rules and regulations made thereunder and if the respondent,-

## 34. FILING OF COMPLAINT WITH THE AUTHORITY AND INQUIRY BY AUTHORITY.

(i) pleads guilty, the Authority shall record the plea, and pass such orders including imposition of penalty as it thinks fit in accordance with the provisions of the Act or the rules and regulations, made thereunder;

(ii) does not plead guilty and contests the complaint, the Authority shall demand an explanation from the respondent;

(e) in case the Authority is satisfied on the basis of the submissions made that the complaint does not require any further inquiry it may dismiss the complaint;

(f) in case the Authority is satisfied on the basis of the submissions made that there is need for further hearing into the complaint it may order production of documents or other evidence on a date and time fixed by it;

## 34. FILING OF COMPLAINT WITH THE AUTHORITY AND INQUIRY BY AUTHORITY.

(g) the Authority shall have the power to carry out an inquiry into the complaint on the basis of documents and submissions;

(h) the Authority shall have the power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any documents which in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry, and in taking such evidence, the Authority shall not be bound to observe the provisions of the Indian Evidence Act, 1872 (11 of 1872);

(i) on the date so fixed, the Authority upon consideration of the evidence produced before it and other records and submissions is satisfied that,-

## 34. FILING OF COMPLAINT WITH THE AUTHORITY AND INQUIRY BY AUTHORITY.

- (i) the respondent is in contravention of the provisions of the Act or the rules and regulations made thereunder, it shall pass such orders including imposition of penalty as it thinks fit in accordance with the provisions of the Act or the rules and regulations made thereunder;
- (ii) the respondent is not in contravention of the provisions of the Act or the rules and regulations made thereunder, the Authority may, by order in writing, dismiss the complaint, with reasons to be recorded in writing;
- (iii) if any person fails, neglects or refuses to appear, or present himself as required before the Authority, the Authority shall have the power to proceed with the inquiry in the absence of such person or persons after recording the reasons for doing so.



## **34. FILING OF COMPLAINT WITH THE AUTHORITY AND INQUIRY BY AUTHORITY.**

- (3) The procedure for day to day functioning of the Authority, which have not been provided by the Act or the rules made thereunder, shall be as specified by regulations made by the Authority.
- (4) Where a party to the complaint is represented by an authorised person, as provided under section 56, a copy of the authorisation to act as such and the written consent thereto by such authorised person, both in original, shall be appended to the complaint or the reply to the notice of the complaint, as the case may be.



## **35. Filing of complaint with the adjudicating officer and inquiry by adjudicating officer**

- (1) Any aggrieved person may file a complaint with the adjudicating officer for interest and compensation as provided under section 12, 14, 18 and 19 in Form 'N', in triplicate, until the application procedure is made web based, which shall be accompanied by a fees of one thousand rupees in the form of a demand draft or a bankers cheque drawn on a scheduled bank in favour of the Authority and payable at the branch of that bank at the station where the seat of the said Authority is situated or through online payment, as the case may be.
- (2) The adjudicating officer shall for the purposes of adjudging interest and compensation follow summary procedure for inquiry in the following manner, namely:-

## 35. Filing of complaint with the adjudicating officer and inquiry by adjudicating officer

- (a) Upon receipt of the complaint, the adjudicating officer shall issue a notice along with particulars of the alleged contravention and the relevant documents to the respondent;
- (b) The respondent against whom such notice is issued under clause (a) of sub-rule (2) may file his reply in respect of the complaint within the period as specified in the notice;
- (c) The notice may specify a date and time for further hearing and the date and time for the hearing shall also be communicated to the complainant;
- (d) On the date so fixed, the adjudicating officer shall explain to the respondent about the contravention alleged to have been committed in relation to any of the provisions of the Act or the rules and regulations made thereunder and if the respondent,-

## 35. Filing of complaint with the adjudicating officer and inquiry by adjudicating officer

- (i) pleads guilty, the adjudicating officer shall record the plea, and by order in writing, order payment of interest as specified in rule 15 and such compensation as he thinks fit, as the case may be, in accordance with the provisions of the Act or the rules and regulations, made thereunder;
- (ii) does not plead guilty and contests the complaint, the adjudicating officer shall demand and explanation from the respondent;
- (e) in case the adjudicating officer is satisfied on the basis of the submissions made that the complaint does not require any further inquiry it may dismiss the complaint;
- (f) in case the adjudicating officer is satisfied on the basis of the submissions made that there is need for further

## 35. Filing of complaint with the adjudicating officer and inquiry by adjudicating officer

hearing into the complaint it may order production of documents or other evidence on a date and time fixed by him;

(g) the adjudicating officer shall have the power to carry out an inquiry into the complaint on the basis of documents and submissions;

(h) the adjudicating officer shall have the power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any documents which in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry, and in taking such evidence, the adjudicating officer shall not be bound to observe the provisions of the Indian Evidence Act, 1872 (11 of 1872);

## 35. Filing of complaint with the adjudicating officer and inquiry by adjudicating officer

- (i) on the date so fixed, the adjudicating officer upon consideration of the evidence produced before him and other records and submissions is satisfied that the respondent is,-
- (i) liable to pay interest and compensation, as the case may be, the adjudicating officer may, by order in writing, order payment of interest as specified in rule 15 and such compensation as he thinks fit, as the case may be, in accordance with the provisions of the Act or the rules and regulations, made thereunder; or
  - (ii) not liable to any interest and compensation, as the case may be, the adjudicating officer may, by order in writing, dismiss the complaint, with reasons to be recorded in writing;

## 35. Filing of complaint with the adjudicating officer and inquiry by adjudicating officer

- (1) if any person fails, neglects or refuses to appear, or present himself as required before the adjudicating officer, the adjudicating officer shall have the power to proceed with the inquiry in the absence of such person
- (3) The procedure for day to day functioning of the adjudicating officer, which have not been provided by the Act
- (4) Where a party to the complaint is represented by an authorised person, as provided under section 56, a copy of the authorisation to act as such and the written consent thereto by such authorised person, both in original, shall be appended to the complaint or the reply to the notice of the complaint, as the case may be.

# BUDGET AND REPORT





## 36. BUDGET, ACCOUNTS AND AUDIT.—

(1) At the end of the financial year of every year, the Authority shall prepare a budget, maintain proper accounts and other relevant records and prepare an annual statement of accounts in Form 'O'.

(2) The Authority shall preserve the accounts and other relevant records prepared under sub-rule (1) for a minimum period of five years.

(3) The accounts and other relevant records under sub-rule (1) shall be signed by the Chairperson, Members, Secretary and the officer in-charge of Finance and Accounts.

(4) The accounts of the Authority and the audit report shall, as soon as possible, be submitted to the appropriate Government for laying before the Parliament.

## 36. BUDGET, ACCOUNTS AND AUDIT.—

(1) At the end of the financial year of every year, the Authority shall prepare a budget, maintain proper accounts and other relevant records and prepare an annual statement of accounts in Form 'O'.

(2) The Authority shall preserve the accounts and other relevant records prepared under sub-rule (1) for a minimum period of five years.

(3) The accounts and other relevant records under sub-rule (1) shall be signed by the Chairperson, Members, Secretary and the officer in-charge of Finance and Accounts.

(4) The accounts of the Authority and the audit report shall, as soon as possible, be submitted to the appropriate Government for laying before the Parliament.

## **37. Annual Report.**

- (1) The Authority shall prepare its annual report in Form 'P'.
- (2) The Authority may also include in the Annual Report such other matters as deemed fit by the Authority for reporting to the appropriate Government.
- (3) The annual report shall, after adoption at a meeting of the Authority and signed by the Chairperson and Members and authenticated by affixing the common seal of the Authority, with requisite number of copies thereof, be submitted to the appropriate Government within a period of one hundred and eighty days immediately following the close of the year for which it has been prepared.



**FORM 'A'**  
**[See rule 3(2)]**  
**APPLICATION FOR REGISTRATION OF PROJECT**

To  
The Real Estate Regulatory Authority (Name of Place)

Sir,

[I/We] hereby apply for the grant of registration of  
[my/our] project to be set up at Tehsil \_\_\_\_\_  
\_ District \_\_\_\_\_ Union territory \_ \_.

1. The requisite particulars are as under:-

(i) Status of the applicant - [individual / company /  
proprietorship firm / societies / partnership firm / competent  
authority etc.];

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**[See rule 3(2)]**  
**APPLICATION FOR REGISTRATION OF PROJECT**

(ii) In case of individual –

(a) Name

(b) Father's Name

(c) Occupation

(d) Address

(e) Contact Details (Phone number, E-mail, Fax Number etc.)

(f) Name, photograph, contact details and address of the promoter

OR

In case of [firm / societies / trust / company / limited liability partnership / competent authority etc.] –

(a) Name

**FORM 'A' [See rule 3(2)]**  
**APPLICATION FOR REGISTRATION OF PROJECT**

(b) Address

(c) Copy of registration certificate as [firm / societies / trust / company / limited liability partnership / competent authority etc.]

(d) Main objects

(e) Contact Details (Phone number, E-mail, Fax Number etc.)

(f) Name, photograph, contact details and address of [chairman / partners / directors] and authorised person etc.

(iii) PAN No. of the promoter;

(iv) Name and address of the bank or banker with which account in terms of sub-clause (D) of clause (l) of sub-section (2) of section 4 will be maintained ;

**FORM 'A' [See rule 3(2)]**  
**APPLICATION FOR REGISTRATION OF PROJECT**

(v) Details of project land held by the applicant \_ \_ \_ \_ \_;

(vi) Brief details of the projects launched by the promoter in the last five years, whether already completed or being developed, as the case may be, including the current status of the said projects, any delay in its completion, details of cases pending, details of type of land and payments pending etc.

(vii) Agency to take up external development works \_ \_ \_ \_ \_

[Local Authority / Self Development];

(viii) Registration fee by way of a demand draft / bankers cheque dated \_\_\_\_\_ drawn on \_\_\_\_\_ bearing no. \_\_\_\_\_ for an amount of Rs \_\_\_\_\_

**FORM 'A' [See rule 3(2)]**  
**APPLICATION FOR REGISTRATION OF PROJECT**

/- calculated as per sub-rule (3) of rule 3 or through

online payment as the case may be \_  
transaction no. etc.);

(ix) Any other information the applicant may like to furnish.

2. [I/We] enclose the following documents, namely:-

(i) authenticated copy of the PAN card of the promoter; (give details of online payment such as date paid,

(ii) annual report including audited profit and loss account, balance sheet, cash flow statement, directors report and the auditors report of the promoter for the immediately preceding



**FORM 'A' [See rule 3(2)]**  
**APPLICATION FOR REGISTRATION OF PROJECT**

three financial years and where annual report is not available, the audited profit and lost account, balance sheet, cash flow statement and the auditors report of the promoter for the immediately preceding three financial years;

(iii) authenticated copy of the legal title deed reflecting the title of the promoter to the land on which development of project is proposed along with legally valid documents for chain of title with authentication of such title;

(iv) details of encumbrances on the land on which development of project is proposed including details of any rights, title, interest, dues, litigation and name of any party in or over such land or no encumbrance certificate from an advocate having experience of atleast ten years or from the revenue authority not below the rank of tehshildar, as the case may be;

## **FORM 'A' [See rule 3(2)]**

### **APPLICATION FOR REGISTRATION OF PROJECT**

(v) where the promoter is not the owner of the land on which development of project is proposed details of the consent of the owner of the land along with a copy of the collaboration agreement, development agreement, joint development agreement or any other agreement, as the case may be, entered into between the promoter and such owner and copies of title and other documents reflecting the title of such owner on the land on which project is proposed to be developed;

(vi) an authenticated copy of the approvals and commencement certificate from the competent authority obtained in accordance with the laws as may be applicable for the real estate project mentioned in the application, and where the project is proposed to be developed in phases, an authenticated copy of the approvals and commencement certificate from the competent authority for each of such phases;

**FORM 'A' [See rule 3(2)]**  
**APPLICATION FOR REGISTRATION OF PROJECT**


(vii) the sanctioned plan, layout plan and specifications of the proposed project or the phase thereof, and the whole project as sanctioned by the competent authority;

(viii) the plan of development works to be executed in the proposed project and the proposed facilities to be provided thereof including fire-fighting facilities, drinking water facilities, emergency evacuation services, use of renewable energy;

(ix) the location details of the project, with clear demarcation of land dedicated for the project along with its boundaries including the latitude and longitude of the end points of the project;



**FORM 'A' [See rule 3(2)]**  
**APPLICATION FOR REGISTRATION OF PROJECT**

- (x) proforma of the allotment letter, agreement for sale, and the conveyance deed proposed to be signed with the allottees;
  - (xi) the number, type and the carpet area of apartments for sale in the project along with the area of the exclusive balcony or verandah areas and the exclusive open terrace areas with the apartment, if any;
  - (xii) the number and areas of garage for sale in the project;
  - (xiii) the number of open parking areas and the number of covered parking areas available in the real estate project;
  - (xiv) the names and addresses of his real estate agents, if any, for the proposed project;
- 

**FORM 'A' [See rule 3(2)]**  
**APPLICATION FOR REGISTRATION OF PROJECT**

(xv) the names and addresses of the contractors, architect, structural engineer, if any and other persons concerned with the development of the proposed project;

(xvi) a declaration in Form 'B'.

3. [I/We] enclose the following additional documents and information regarding ongoing projects, as required under rule 4, and under other provisions of the Act or the rules and regulations made thereunder, namely:-

(i)

(ii)

(iii)

.....



**FORM 'A' [See rule 3(2)]**  
**APPLICATION FOR REGISTRATION OF PROJECT**

4. [I/We] solemnly affirm and declare that the particulars given herein are correct to [my/our] knowledge and belief and nothing material has been concealed by [me/us] therefrom.

Dated:

Place:

Yours faithfully,

Signature and seal of the applicant(s)



# FORM 'B'

[See rule 3(4)]


## **DECLARATION, SUPPORTED BY AN AFFIDAVIT, WHICH SHALL BE SIGNED BY THE PROMOTER OR ANY PERSON AUTHORISED BY THE PROMOTER**

### Affidavit-cum-Declaration

Affidavit cum Declaration of [Mr./Ms.] \_\_\_\_\_ project,  
vide its/his/their authorisation dated

[promoter of the project / duly authorised by the promoter of  
the ];

I, [promoter of the project / duly authorised by the promoter  
of the project] do hereby solemnly declare, undertake and  
state as under:



**FORM 'B'**  
**[See rule 3(4)]**

1. That [I / promoter] [have / has] a legal title to the land on which the development of the project is proposed or carried out and \_ [have/has] a legal title to the land on which the development of the proposed project is to be a legally valid authentication of title of such land along with an authenticated copy of the agreement between such owner and promoter for development of the real estate project is enclosed herewith.
  
2. That the said land is free from all encumbrances. Or That details of encumbrances name of any party in or over such land. \_ including details of any rights, title, interest, dues, litigation and
  
3. That the time period within which the project shall be completed by [me / the promoter] is \_.



**FORM 'B'**  
**[See rule 3(4)]**

4. That seventy per cent. of the amounts realised by [me / the promoter] for the real estate project from the allottees, from time to time, shall be deposited in a separate account to be maintained in a scheduled bank to cover the cost of construction and the land cost and shall be used only for that purpose.

5. That the amounts from the separate account, to cover the cost of the project, shall be withdrawn by [me / the promoter] in proportion to the percentage of completion of the project.

6. That the amounts from the separate account shall be withdrawn by [me / the promoter] after it is certified by an engineer, an architect and a chartered accountant in practice that the withdrawal is in proportion to the percentage of completion of the project.

**FORM 'B'**  
**[See rule 3(4)]**

7. That [I / the promoter] shall get the accounts audited within six months after the end of every financial year by a chartered accountant in practice, and shall produce a statement of accounts duly certified and signed by such chartered accountant and it shall be verified during the audit that the amounts collected for a particular project have been utilised for the project and the withdrawal has been in compliance with the proportion to the percentage of completion of the project.

8. That [I / the promoter] shall take all the pending approvals on time, from the competent authorities.

9. That [I / the promoter] [have / has] furnished such other documents as have been prescribed by the Act and the rules and regulations made thereunder.

**FORM 'B'**  
**[See rule 3(4)]**

10. That [I / the promoter] shall not discriminate against any allottee at the time of allotment of any apartment, plot or building, as the case may be.

Deponent

**Verification**

The contents of my above Affidavit cum Declaration are true and correct and nothing material has been concealed by me therefrom.

Verified by me at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ .



**FORM 'C'**  
**[See rule 5(1)]**  
**REGISTRATION CERTIFICATE OF PROJECT**

This registration is granted under section 5 to the following project under project registration number \_\_\_\_\_  
[Specify Details of Project

1. [in the case of an individual] [Mr./Ms.] \_\_\_\_\_

\_\_\_\_\_

[Specify Details of Project [Mr./Ms.] \_\_\_\_\_

OR Tehsil \_\_\_\_\_ District \_\_\_\_\_ Union Territory

[in the case of a firm / society / company / competent authority etc.] \_\_\_\_\_ [firm / society / company / competent authority etc.] \_\_\_\_\_ having its [registered office / principal place of business] at \_\_\_\_\_

**FORM 'C'**  
**[See rule 5(1)]**  
**REGISTRATION CERTIFICATE OF PROJECT**

2. This registration is granted subject to the following conditions, namely:-

- (i) The promoter shall enter into an agreement for sale with the allottees as prescribed by the appropriate Government;
- (ii) The promoter shall execute and register a conveyance deed in favour of the allottee or the association of the allottees, as the case may be, of the apartment, plot or building, as the case may be, or the common areas as per section 17;
- (iii) The promoter shall deposit seventy per cent. of the amounts realised by the promoter in a separate account to be

**FORM 'C'**  
**[See rule 5(1)]**  
**REGISTRATION CERTIFICATE OF PROJECT**

maintained in a schedule bank to cover the cost of construction and the land cost to be used only for that purpose as per sub-clause (D) of clause (1) of sub-section (2) of section 4;

(iv) The registration shall be valid for a period of \_\_\_\_\_ years commencing from and ending with rules made thereunder; \_\_\_\_\_ unless extended by the Authority in accordance with the Act and the

(v) The promoter shall comply with the provisions of the Act and the rules and regulations made thereunder;

(vi) The promoter shall not contravene the provisions of any other law for the time being in force as applicable to the project.

**FORM 'C'**  
**[See rule 5(1)]**  
**REGISTRATION CERTIFICATE OF PROJECT**

3. If the above mentioned conditions are not fulfilled by the promoter, the Authority may take necessary action against the promoter including revoking the registration granted herein, as per the Act and the rules and regulations made thereunder.

Dated:

Place:

Signature and seal of the Authorised Officer

Real Estate Regulatory Authority

**FORM 'D'**

**[See rule 5(2), rule 6(4); rule 7]**

**INTIMATION OF**

**REJECTION OF APPLICATION FOR REGISTRATION OF  
PROJECT / REJECTION OF APPLICATION FOR EXTENSION  
OF REGISTRATION OF PROJECT / REVOCATION OF  
REGISTRATION OF PROJECT**

From:

The Real Estate Regulatory Authority (Name of place)

To

\_\_\_\_\_  
\_\_\_\_\_

[Application/Registration] No.:





## FORM 'D'

[See rule 5(2), rule 6(4); rule 7]

Dated:

You are hereby informed that your application for registration of your project is rejected. Or

You are hereby informed that your application for extension of the registration of your project is rejected. Or

You are hereby informed that the registration granted to your project is hereby revoked.

for the reasons set out:-

Place:

Dated:

Signature and seal of the Authorised Officer

Real Estate Regulatory Authority

**FORM 'E' [See rule 6(1)]**  
**APPLICATION FOR EXTENSION OF REGISTRATION OF**  
**PROJECT**

From:

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To,  
The Real Estate Regulatory Authority (Name of Place)

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Sir,

[I/We] hereby apply for extension of registration of the  
following project:

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## FORM 'E' [See rule 6(1)]

registered with the Authority vide project registration certificate bearing No.\_\_\_\_\_ which expires \_ on\_

As required [I/We] submit the following documents and information, namely:-

(i) A demand Draft No. / Bankers Cheque No. \_\_\_\_\_ dated \_\_\_\_\_ for rupees \_\_\_\_\_ in favour of \_\_\_\_\_ drawn on \_

bank as extension fee as provided under sub-rule (2) of rule 6 or through online payment as the case may be \_\_\_\_\_ (give details of online payment such as date paid, transaction no. etc.);

(ii) Authenticated Plan of the project showing the stage of development works undertaken till date;

## FORM 'E' [See rule 6(1)]

(iii) Explanatory note regarding the state of development works in the project and reason for not completing the development works in the project within the period declared in the declaration submitted in Form 'B' at the time of making application for the registration of the project ;

(iv) Authenticated 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 Authority;

(v) The authenticated copy of the project registration certificate; and

(vi) Any other information as may be specified by regulations.

Place:

Dated:

Yours faithfully, Signature and seal of the applicant(s)



**FORM 'F' [See rule 6(4)]**  
**CERTIFICATE FOR EXTENSION OF REGISTRATION OF PROJECT**

This extension of registration is granted under section 6, to the following project:

registered with the Authority vide project registration certificate bearing No. \_\_\_\_\_ of:-

1. \_\_\_\_\_ [in the case of an individual]

[Mr./Ms.] \_\_\_\_\_ son of [Mr./Ms.] \_\_\_\_\_ Tehsil \_\_\_\_\_

District \_\_\_\_\_ Union \_\_\_\_\_ Territory \_\_\_\_\_

OR

[in the case of a firm / society / company / competent authority etc.]

[firm / society / company / competent authority etc.]

## FORM 'F' [See rule 6(4)]

having its [registered office/principal place of business] at \_\_\_\_\_

2. This extension of registration is granted subject to the following conditions, namely:-

(i) The promoter shall execute and register a conveyance deed in favour of the allottee or the association of the allottees, as the case may be, of the apartment, plot or building, as the case may be, or the common areas as per section 17;

(ii) The promoter shall deposit seventy per cent. of the amounts realised by the promoter in a separate account to be maintained in a schedule bank to cover the cost of construction and the land cost to be used only for that purpose as per sub-clause (D) of clause (1) of sub-section (2) of section 4;

## FORM 'F' [See rule 6(4)]

(iii) The registration shall be extended by a period of \_\_\_\_\_  
\_ [days / weeks / months] and shall be valid until

(iv) The promoter shall comply with the provisions of the Act and the rules and regulations made thereunder;

(v) The promoter shall not contravene the provisions of any other law for the time being in force as applicable to the project;

(vi) If the above mentioned conditions are not fulfilled by the promoter, the Authority may take necessary action against the promoter including revoking the registration granted herein, as per the Act and the rules and regulations made thereunder.

Dated: Place:

**FORM 'G'**  
**[See rule 8(1)]**  
**APPLICATION FOR REGISTRATION OF REAL  
ESTATE AGENT**





**FORM 'H'**  
**[See rule 9(2)]**  
**REGISTRATION CERTIFICATE OF REAL**  
**ESTATE AGENT**



# **FORM 'I'**

**[See rule 9(3), 10(4), 11]**

**INTIMATION OF**

**REJECTION OF APPLICATION FOR  
REGISTRATION OF REAL ESTATE AGENT /  
REJECTION OF APPLICATION FOR RENEWAL  
OF REGISTRATION OF REAL ESTATE  
AGENT / REVOCATION OF REGISTRATION  
OF REAL ESTATE AGENT**



**FORM 'J'**  
**[See rule 10(1)]**  
**APPLICATION FOR RENEWAL OF**  
**REGISTRATION OF REAL ESTATE AGENT**



**FORM 'K'**  
**[See rule 10(4)]**  
**CERTIFICATE FOR RENEWAL OF**  
**REGISTRATION OF REAL ESTATE AGENT**



**FORM 'L'**

**[See rule 25(2)]**

**APPEAL TO APPELLATE TRIBUNAL**



**FORM 'M'**  
**[See rule 34(1)]**  
**COMPLAINT TO AUTHORITY**



**FORM 'N'**  
**[See rule 35(1)]**  
**COMPLAINT TO ADJUDICATING**  
**OFFICER**



**FORM 'O'**

**[See rule 36(1)]**

**ANNUAL STATEMENT OF ACCOUNTS**





# THANK YOU

