

Exemptions under act-Section 3(2):

1. Where area of land proposed to be developed ≤ 500 sqr mt or the number of apartments proposed to be developed ≤ 8 , inclusive of all phases.
2. promoter has received completion certificate for a real estate project prior to commencement of this Act.
3. **Renovation or Repair or Re-development** which **does not involve** marketing, advertising selling or new allotment of any apartment, plot or building.

Advertisement of project for sale-Section 3(1)

1. The promoter can advertise his project for sale after the project has been registered with the Regulatory Authority.
2. It is mandatory that the advertisement for marketing of apartments in the real estate project must carry the MahaRERA registration number.

Registration of Real Estate projects:

1. The Regulatory Authority is required to register the project within 30 days of the application having been received by the Authority.
2. **As per Section 5, in case the Authority fails to take a decision within the period of 30 days the project shall be deemed to be registered.**
3. If the application for the registration of the project is not complete as required under the Act or the Rules and Regulations made there under, the Authority has the power to reject the application, only after giving an opportunity to the promoter of being heard.
4. Validity of Registration: till the period declared by the promoter under section 4(2)(I)(C), at the time of making the application for registration, within which he would complete the project.
5. Extension of period of registration: only in following two cases
 - In case of **force majeure** i.e. Any Natural Calamity affecting the regular development of the real estate project.
 - Extension can also be granted under reasonable circumstances, without the fault of the promoter, **which shall not be more than a maximum period of 1 year.**
6. Revocation of Registration-Section 7:
the Authority has the powers to revoke registration of a project, for violations specified under the said section. However, revocation of registration of a project is envisaged as a last resort and can only be done after providing a reasonable opportunity of being heard.
7. What after revocation
section 8 provides for various mechanisms in which the project can be completed after revocation.
8. Rights of association of allottees in case of revocation:
first right of refusal for carrying out the remaining development works.
9. **Penalty for non Registration of project-section 59**

Real Estate Regulatory & Development Act, 2016

- one time Default: penalty max **upto ten percent of the estimated cost** of the real estate project.
- on consistent defaults: **additional** fine of ten percent of the estimated cost of the real estate project **or** imprisonment upto 3 years **or** both

Separate account & not a Escrow Account

1. 'separate account' for every project undertaken by promoter
2. Deposit of Money: **70%** of the money received from the allottees shall be deposited
3. Utilisation of Money: **only for** the purposes of **construction and land cost**.
4. The account has to be self maintained and is not an escrow account requiring the approval of the Authority for withdrawal.
5. Withdrawal of money:
 - money to withdraw, to cover the cost of the project, in proportion to the percentage of completion of the project.
 - This withdrawals needs to be certified by Engineer, Architect & CA.

Audits

1. the promoter is required to get his accounts audited within 6 months from the end of every financial year by a CA in practice, and shall produce a statement of accounts duly certified and signed by such CA.
2. Verification to be done during audit:
 - **Amounts collected** for a particular project have been **utilized for the project** and
 - The **withdrawal** has been in compliance with the **proportion to the percentage of completion of the project**.

Real Estate Agents

1. Section 9: real estate agents which engage in selling projects registered under the Act, can only do so after registering themselves with the Authority
2. Registration is valid for 5 years
3. Section 10 of the Act provides for detailed functions and duties of real estate agents.
4. Penalty for non Registration: upto 10,000/day of default, which may cumulative extend upto 5% of the cost of the plot / apartment, for which the sale has been facilitated by him.

Functions and Duties Of Promoter

1. obligations regarding veracity of the advertisement or prospectus-Section 12
In case of any loss sustained by any person due to false information contained therein, the promoter is liable to make good the loss sustained due to the same.
2. Advance payment- Section 13
 - the promoter cannot accept a sum more than 10% of the apartment / plot cost as an advance payment / application fees.

Real Estate Regulatory & Development Act, 2016

- For >10% collection towards the apartment / plot cost, the promoter is required to enter into an 'Agreement for Sale' with the allottee.

3. Amendment in the sanctioned plans-section 14

- in case of minor additions or alterations: can modify or amend only after the approval of the competent authority and its disclosure to the allottees.
- in case of major modification / alteration: only after having taken approval from two-third of the allottees *(for arriving at the number of two-third allottees, the number of apartments held by the promoter will be excluded. Also, irrespective of the number of apartments held by an allottee he/she shall only be entitled to one vote.)

4. Liability of promoter in case of structural defects-section 14(2)

the promoter shall be **liable for 5 years** from the date of handing over of possession to the allottee towards structural defect or any other defect as specified therein.

5. Transfer of Project to Third party-Section 15

- the promoter is not entitled to transfer or assign his majority rights and liabilities in the project to a third party, without obtaining the **prior written consent of 2/3 of allottees and the Regulatory Authority.***

The Real Estate Appellate Tribunal

1. It is a quasi-judicial body.
2. it is empowered to hear appeals from the orders / decisions / directions of the Regulatory Authority or the Adjudicating Officer.
3. Any person aggrieved by the decision or order of the Appellate Tribunal can file an appeal with **the High Court**.
4. Appeal should be file within the period of 60 days
5. time period for disposing of appeal: Max 6 Days from filing the appeal.
6. Legal Representatives can be only following persons:
 - **CA,CS, ICWA or legal practitioner**

Forms under the Act

Sr No	Particulars	Form Name	Application Fees
For Developer			
1	Application for Registration of Project	Form A	Group Housing Project– Rs.5/Rs.10 for 1000 sqm/above1000 sqm, maximum 5 lakhs Mixed Development– Rs.10/Rs.15 for 1000sqm/above1000sqm, maximum 7 lakhs Commercial Projects– Rs.20/Rs.25 for 1000sqm/above1000sqm, maximum 10 lakhs Plotted Development- Rs.5per sqm, maximum 2 lakhs

Real Estate Regulatory & Development Act, 2016

Sr No	Particulars	Form Name	Application Fees
2	Declaration to be submitted as per section 4(2)(I) – time for completion of project ,deposit funds in separate account etc.	Form B	The Declaration should be an Affidavit on minimum 100 Rupees and duly notarized.
3	Registration Certificate of Project	Form C	NA
4	Intimation of Rejection or Revocation of application	Form D	NA
5	Application for Extension of Registration of Project	Form E	Extension fees is 50% of registration fee – along with explanatory note, however, where due to force majeure no extension fees
6	Certificate for Extension of Registration of Project	Form F	NA
For Agent			
	Application for Registration of Real Estate Agent	Form G	Individual: 10k Other than Individual: 50k
	Registration Certificate of Real Estate Agent	Form H	NA
	Intimation of Rejection or Revocation of Application	Form I	NA
	Application for Renewal Of Registration of Real Estate Agent	Form J	Individual: 5k Other than Individual: 25k
	Certificate of Renewal of Registration of Real Estate Agent	Form K	NA
For Buyer			
	Application to Adjudicating Officer	Form N	Rs.1000
Common Forms			
	Appeal to Appellate Tribunal	Form L	Rs.5000
	Complaint To Regulatory Authority	Form M	Rs.1000

Check list for Application as promoter

Sr no	Particulars	Comments
1	Name of Enterprise	
2	Registered address	
3	Type of enterprise	
4	names and photographs of the promoter	
5	For last 5 years: - any projects launched by him, either already completed or being developed - the current status of the said projects - any delay in its completion, - details of cases pending, - details of type of land and payments pending; - Prior registration of real estate project with Real Estate Regulatory Authority.	
6	an authenticated copy of the approvals for the real	

Real Estate Regulatory & Development Act, 2016

	estate project mentioned in the application	
7	commencement certificate from the competent authority obtained for the real estate project mentioned in the application	
8	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	
9	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	
10	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	
11	proforma of the allotment letter, agreement for sale, and the conveyance deed proposed to be signed with the allottees	
12	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 apartment with the apartment, if any.	
13	the number and areas of garage for sale in the project	
14	the names and addresses of his real estate agents , if any, for the proposed project	
15	the names and addresses of the contractors, architect, structural engineer , if any and other persons concerned with the development of the proposed project;	
16	A declaration, supported by an affidavit, which shall be signed by the promoter or any person authorised by the promoter- See Form B	