

THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016 REGISTRATION PROCESS

WORKSHOP ON MAHARERA – PIMPRI
CHINCHVAD BRANCH OF WIRC

14TH JULY 2018

CA SUMIT KAPURE

B.COM, ACA



IMPORTANT DEFINATIONS

PROMOTER

(zk) "promoter" means,—

(i) a person who constructs or causes to be constructed an independent building or a building consisting of apartments, or converts an existing building or a part thereof into apartments, for the purpose of selling all or some of the apartments to other persons and includes his assignees; or

(ii) a person who develops land into a project, whether or not the person also constructs structures on any of the plots, for the purpose of selling to other persons all or some of the plots in the said project, whether with or without structures thereon; or

(iii) any development authority or any other public body in respect of allottees of—

(a) buildings or apartments, as the case may be, constructed by such authority or body on lands owned by them or placed at their disposal by the Government;

PROMOTER

Continued

(b) plots owned by such authority or body or placed at their disposal by the Government, for the purpose of selling all or some of the apartments or plots; or

(iv) an apex State level co-operative housing finance society and a primary co-operative housing society which constructs apartments or buildings for its Members or in respect of the allottees of such apartments or buildings; or

(v) any other person who acts himself as a builder, coloniser, contractor, developer, estate developer or by any other name or claims to be acting as the holder of a power of attorney from the owner of the land on which the building or apartment is constructed or plot is developed for sale; or

(vi) such other person who constructs any building or apartment for sale to the general public.

Explanation.—For the purposes of this clause, where the person who constructs or converts a building into apartments or develops a plot for sale and the persons who sells apartments or plots are different persons, both of them shall be deemed to be the promoters and shall be jointly liable as such for the functions and responsibilities specified, under this Act or the rules and regulations made thereunder;

REAL ESTATE PROJECT

“Real Estate Project” means the development of a building or a building consisting of apartments, or converting an existing building or a part thereof into apartments, or the development of land into plots or apartments, as the case may be, for the purpose of selling all or some of the said apartments or plots or building as the case may be, and includes the common areas, the development works, all improvements and structures thereon, and all easements, rights and appurtenances belonging thereto

EXEMPTIONS FROM REGISTRATION

1ST EXEMPTIONS

- ▶ PROJECTS HAVING COMPLETION CERTIFICATE

2ND EXEMPTION

- ▶ PLOT SIZE NOT MORE THAN 500 SQ MTRS &
- ▶ NUMBER OF UNITS PROPOSED TO BE DEVELOPED ON SUCH LAND INCLUDING ALL PHASES - NOT MORE THAN 8 UNITS

3RD EXEMPTION

- ▶ RENOVATION/REPAIR/ REDEVELOPEMNT WHICH DOESN'T INVOLVE MARKETING, ADVERTISING, SELLING

SECTION 4 OF THE REAL ESTATE (REGULATION AND DEVELOPEMNT)ACT, 2016 READ WITH RULE 3 OF THE MAHARASHTRA REAL ESTATE (REGULATION AND DEVELOPEMNT) (REGISTRATION OF REAL ESTATE PROJECTS, REGISTRATION OF REAL ESTATE AGENTS, RATES OF INTEREST AND DISCLOSURES ON WEBSITE) RULES, 2017

CHECKLIST FOR MahaRERA REGISTRATION OF THE REAL ESTATE PROJECT

- ▶ PAN of the Individual / All Partners
- ▶ Aadhar of the Individual / All Partners
- ▶ PAN of the Entity (Firm/Company)
- ▶ Partnership Deed / Incorporation Certificate / Any other Document of the Entity
- ▶ Past Experience Details
- ▶ Project Name
- ▶ Project date of completion
- ▶ Land Details
- ▶ FSI Details
- ▶ RERA Bank Account Details.
- ▶ List of No. of Flats along with its RERA carpet area & Type.
- ▶ Common Area Details.

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- ▶ CA Certificate (Cost Details)
- ▶ Legal Title Report
- ▶ Encumbrance Details.
- ▶ Copy of Layout Approval or Building Plan Approval (IOD)
- ▶ Proforma of Agreement to sale & Allotment Letter
- ▶ Declaration in Form B
- ▶ Engineer Certificate.
- ▶ Architect Certificate (Not requiring in case of new Projects)
- ▶ Commencement Certificate.
- ▶ Draft Conveyance Deed (Not mandatory)
- ▶ Project Professional details.
- ▶ Litigations Related to Project
- ▶ Co Promoter Form B & Bank Details if applicable.

REGISTRATION AND EXTENSION

- ▶ REGISTRATION SHALL BE GRANTED SUBJECT TO THE PROVISIONS OF THE ACT WITHIN 30 DAYS OF THE SUBMISSION OF APPLICATION
- ▶ IF REGISTRATION NOT GRANTED WITHIN 30 DAYS, PROJECT SHALL BE DEEMED AS REGISTERED
- ▶ APPLICATION CANNOT BE REJECTED WITHOUT GIVING AN OPPORTUNITY OF BEING HEARD
- ▶ PROJECT CAN BE EXTENDED FOR MAXIMUM PERIOD OF ONE YEAR AT A TIME
- ▶ REASON FOR EXTENSION MUST BE BEYOND THE CONTROL OF THE PROMOTER

REVOCACTION OF REGISTRATION

- ▶ Upon Non Compliance of any of the provisions of this Act or
 - ▶ Upon violation of the any of the condition put by approving Authority
 - ▶ Upon involvement in Unfair practice or irregularities.
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- ▶ **CONSEQUENCES OF REVOCATION**
 - ▶ Shall Debar promoter from accessing its website, specify his name & Photograph in the list of defaulter and also inform other State Real Estate Regulatory Authority about the Same.
 - ▶ Shall Facilitate the remaining development works to be carried out in accordance with provisions of Section 8.
 - ▶ Shall Freeze RERA Bank Account
 - ▶ To protect the interest of the allottees or in the public interest, may issue such directions as it may deem necessary.



Maharashtra Real Estate Regulatory Authority

REGISTRATION CERTIFICATE OF PROJECT

FORM 'C'

[See rule 6(a)]

This registration is granted under section 5 of the Act to the following project under project registration number :
P51800009817

Project: Alok Chs Ltd, Plot Bearing / CTS / Survey / Final Plot No.: 635 at Kurla, Kurla, Mumbai Suburban, 400081;

1. **Mr./Ms. Abhijeet Madhukar Kadam** son/daughter of **Mr./Ms. Madhukar Kadam** Tehsil: **Kurla, District: Mumbai Suburban, Pin: 400081**, situated in State of Maharashtra.
2. This registration is granted subject to the following conditions, namely:-
 - The promoter shall enter into an agreement for sale with the allottees;
 - 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 or the common areas as per Rule 9 of Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017;
 - The promoter shall deposit seventy percent 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 (I) of sub-section (2) of section 4 read with Rule 5;
OR
That entire of the amounts to be realised hereinafter by 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, since the estimated receivable of the project is less than the estimated cost of completion of the project.
 - The Registration shall be valid for a period commencing from **22/08/2017** and ending with **31/03/2019** unless renewed by the Maharashtra Real Estate Regulatory Authority in accordance with section 5 of the Act read with rule 6.
 - The promoter shall comply with the provisions of the Act and the rules and regulations made there under;
 - That the promoter shall take all the pending approvals from the competent authorities
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 there under.

Signature valid



Dated: **22/08/2017**
Place: **Mumbai**

Signature and seal of the Authorized Officer
Maharashtra Real Estate Regulatory Authority

Section 8 – Obligation of Authority consequent upon lapse of or on revocation of registration

- ▶ Upon lapse of the registration or on revocation of the registration under this act, the authority may consult the appropriate government to take such actions as it may deem fit including the carrying out of the remaining development works by Competent Authority or by association of allottees or in any other manner, as may be determined by the authority:
- ▶ Provided that no direction, decision or order of the Authority under this section shall take effect until the expiry of the period of appeal provided under the provisions of this Act
- ▶ Provided Further That in case of revocation of registration of a project under this Act, the association of allottees shall have the first right of refusal for carrying out of the remaining development works.



REFER

MahaRERA

USER MANUAL



THANK YOU

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