

**പതിനാലാം കേരള നിയമസഭ
പതിനഞ്ചാം സമ്മേളനം**

**നക്ഷത്ര ചിഹ്നമിട്ട
ചോദ്യം നം. 447**

26.06.2019-ൽ മറുപടിയ്ക്ക്

റിയൽ എസ്റ്റേറ്റ് റെഗുലേറ്ററി അതോറിറ്റി

ചോദ്യം

മറുപടി

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**ശ്രീ. എ.സി.മൊയ്തീൻ
(തദ്ദേശ സ്വയംഭരണ വകുപ്പ് മന്ത്രി)**

എ) റിയൽ എസ്റ്റേറ്റ് റെഗുലേറ്ററി അതോറിറ്റിയുടെ പ്രവർത്തനം ആരംഭിച്ചിട്ടുണ്ടോ; ഇത് സംബന്ധിച്ച വിശദാംശങ്ങൾ അറിയിക്കുമോ;

എ) റിയൽ എസ്റ്റേറ്റ് റെഗുലേറ്ററി അതോറിറ്റിയുടെ പ്രവർത്തനം ആരംഭിച്ചിട്ടില്ല. എന്നാൽ 28.06.2018-ലെ സ.ഉ. (കെ) നം. 87/2018/തസ്വഭവ നമ്പർ ഉത്തരവ് പ്രകാരം തദ്ദേശ സ്വയംഭരണ വകുപ്പ് അഡീഷണൽ സെക്രട്ടറി ഡോ. റ്റി. മിത്ര ഐ. എ. എസ്സിനെ ഇടക്കാല റിയൽ എസ്റ്റേറ്റ് റെഗുലേറ്ററി അതോറിറ്റിയായി നിയമിക്കുകയുണ്ടായി. കേന്ദ്ര ആക്ടിന്റെ 20-ാം വകുപ്പ് പ്രകാരം, ആക്ട് പ്രാബല്യത്തിൽ വന്ന തീയതി മുതൽ ഒരു വർഷത്തിനകം റിയൽ എസ്റ്റേറ്റ് റെഗുലേറ്ററി അതോറിറ്റി രൂപീകരിക്കേണ്ടതാണ്. ഇതിനുള്ള സത്വര നടപടി സ്വീകരിച്ചു വരുന്നു.

ബി) ഈ അതോറിറ്റിയിൽ രജിസ്ട്രേഷൻ നടത്തുന്നത് സംബന്ധിച്ചും ആയതിന് സമർപ്പിക്കേണ്ട രേഖകൾ സംബന്ധിച്ചുമുള്ള വിവരങ്ങൾ അറിയിക്കുമോ;

ബി) അതോറിറ്റിയിൽ രജിസ്ട്രേഷൻ നടത്തുന്നത് സംബന്ധിച്ചും സമർപ്പിക്കേണ്ട രേഖകൾ സംബന്ധിച്ചും കേരള റിയൽ

എസ്റ്റേറ്റ് (റെഗുലേഷൻ & ഡെവലപ്പ്മെന്റ്) റൂൾസ്, 2018 - ലെ രണ്ടാം അദ്ധ്യായത്തിലെ 3, 4, 5 എന്നീ ഖണ്ഡികകളിൽ വിശദമായി പ്രതിപാദിച്ചിട്ടുണ്ട്. പ്രസക്തഭാഗം അനുബന്ധം-1 ആയി ചേർക്കുന്നു.

സി) ഇത്തരത്തിലൊരു അതോറിറ്റി നിലവിൽ വരുന്നത് മൂലം ഭൂമി വില നിയന്ത്രണത്തിൽ ഏതൊക്കെ തരത്തിലുള്ള ഇടപെടൽ സാധ്യമാകുമെന്ന് അറിയിക്കുമോ;

സി) ഭൂമി വില നിയന്ത്രണവുമായി അതോറിറ്റിക്ക് ബന്ധമില്ല. റിയൽ എസ്റ്റേറ്റ് രംഗം സുതാര്യമാക്കുകയും ഈ രംഗത്തെ പ്രശ്നങ്ങൾ പരിഹരിക്കുകയുമാണ് അതോറിറ്റി കൊണ്ട് ലക്ഷ്യമാക്കുന്നത്. റിയൽ എസ്റ്റേറ്റ് രംഗത്തെ പരാതികൾ പരിഹരിക്കുവാനുള്ള സംവിധാനം ഒരുക്കുക, റിയൽ എസ്റ്റേറ്റ് രംഗത്ത് നിയന്ത്രണവും വികസനവും കൊണ്ടു വരുക എന്നിവയാണ് റിയൽ എസ്റ്റേറ്റ് റെഗുലേറ്ററി അതോറിറ്റിയുടെ പ്രവർത്തന ലക്ഷ്യം. കെട്ടിടങ്ങളുടെയും സ്ഥലങ്ങളുടെയും വില്പന സുതാര്യമാക്കുവാനും ഉപഭോക്താക്കളുടെ താല്പര്യം സംരക്ഷിച്ചു കൊണ്ട് റിയൽ എസ്റ്റേറ്റ് രംഗം കാര്യക്ഷമമാക്കുവാനും അതോറിറ്റി വിഭാവനം ചെയ്യുന്നു. ഈ രംഗത്തെ പരാതികൾ പരിഹരിക്കുന്നതിനുള്ള സംവിധാനമൊരുക്കുകയെന്നതും റിയൽ എസ്റ്റേറ്റ് റെഗുലേറ്ററി അതോറിറ്റിയുടെ ചുമതലയിൽ പ്പെടുന്നു.

ഡി) നിർമ്മാണം ആരംഭിക്കാനിരിക്കുന്ന ഏറ്റെടുക്കലുകളുടെയും ആരംഭിച്ച കഴിഞ്ഞ ഏറ്റെടുക്കലുകളുടെയും രജിസ്ട്രേഷൻ സമയത്ത് ഇടപെടുന്ന തുക സംബന്ധിച്ചുള്ള വിവരങ്ങൾ വ്യക്തമാക്കുമോ;

ഡി) റിയൽ എസ്റ്റേറ്റ് റെഗുലേറ്ററി അതോറിറ്റിയിൽ പ്രോജക്ടുകൾ രജിസ്റ്റർ ചെയ്യുന്നത് സംബന്ധിച്ച് കേരള റിയൽ എസ്റ്റേറ്റ് (റെഗുലേഷൻ & ഡെവലപ്മെന്റ്) റൂൾസ്, 2018-ലെ രണ്ടാമത്തെ അദ്ധ്യായത്തിൽ പ്രതിപാദിച്ചിട്ടുണ്ട്. രജിസ്ട്രേഷൻ അപേക്ഷിക്കുന്ന സമയത്ത്, ഏതെങ്കിലും ദേശസാൽകൃത ബാങ്കിൽ എടുത്ത ഡിമാന്റ് ഡ്രാഫ്റ്റ് മുഖേന, അതോറിറ്റിയുടെ നിർദ്ദേശ പ്രകാരം ഫീസടയ്ക്കേണ്ടതാണ്. പ്ലോട്ടിന്റെ കാര്യത്തിൽ പ്ലോട്ട് ഏരിയയുടെ ചതുരശ്ര മീറ്ററിന് 10 രൂപ നിരക്കിലാണ് ഫീസ്. പുതുതായി നിർമ്മിക്കുന്ന താമസാവശ്യത്തിനുള്ള കെട്ടിടങ്ങളുടെ കാര്യത്തിൽ ചതുരശ്ര മീറ്ററിന് 25 രൂപ നിരക്കിലും നിർമ്മാണം തുടർന്നു കൊണ്ടിരിക്കുന്ന താമസാവശ്യത്തിനുള്ള കെട്ടിടങ്ങളുടെ കാര്യത്തിൽ ചതുരശ്ര മീറ്ററിന് 50 രൂപ നിരക്കിലുമാണ് ഫീസ്. വാണിജ്യാവശ്യത്തിനോ മറ്റാവശ്യത്തിനോ ഉള്ള കെട്ടിടങ്ങൾക്ക് ചതുരശ്ര മീറ്ററിന് 100 രൂപ നിരക്കിലാണ് ഫീസ്. ആകെ തറവിസ്തീർണ്ണത്തിന്റെ അടിസ്ഥാനത്തിലാണ് ഇത് കണക്കാക്കുന്നത്. രണ്ടാം അദ്ധ്യായത്തിന്റെ പ്രസക്തഭാഗം അനുബന്ധം-3 ആയി ചേർക്കുന്നു.

ഇ) ഭൂമി വാങ്ങി പ്ലോട്ടുകളാക്കി മറിച്ചുവില്പന ഏജന്റുമാർ രജിസ്ട്രേഷൻ എടുക്കേണ്ടതുണ്ടോ; വ്യക്തമാക്കുമോ; കോടതി നടപടികൾ മുഖേനയോ മറ്റോ ശിക്ഷാനടപടികൾ നേരിടുന്ന മോശം ട്രാക്ക് റെക്കോർഡ് ഉള്ള ഈ മേഖലയിലെ കമ്പനികളുടെ വിവരങ്ങൾ പ്രസിദ്ധപ്പെടുത്തുമോ?

ഇ) റിയൽ എസ്റ്റേറ്റ് ഏജന്റുമാർ അതോ റിറ്റിയിൽ രജിസ്റ്റർ ചെയ്യേണ്ടതുണ്ട്. ഇവരുടെ രജിസ്ട്രേഷൻ സംബന്ധിച്ച വിവരങ്ങൾ കേരള റിയൽ എസ്റ്റേറ്റ് (റെഗുലേഷൻ & ഡെവലപ്പ്മെന്റ്) റൂൾസ്, 2018-ലെ മൂന്നാം അദ്ധ്യായത്തിൽ വിശദമായി പ്രതിപാദിച്ചിട്ടുണ്ട്. പ്രസക്ത ഭാഗം അനുബന്ധം-2 ആയി ചേർക്കുന്നു. ഇതിനു പുറമേ, അതോറിറ്റിയുടെ വെബ് സൈറ്റിൽ പ്രമോട്ടറുടെ എല്ലാ വിവരങ്ങൾ അടങ്ങും (കഴിഞ്ഞ അഞ്ചു വർഷത്തെ പ്രവർത്തനം ഉൾപ്പെടെ) പ്രസിദ്ധപ്പെടുത്തേണ്ടതുമാണ്.

കോടതി നടപടികൾ മുഖേനയോ മറ്റോ ശിക്ഷാനടപടികൾ നേരിടുന്ന മോശം റെക്കോർഡ് ഉള്ള ഈ മേഖലയിലെ കമ്പനികളുടെ വിവരങ്ങൾ പ്രസിദ്ധപ്പെടുത്തുന്ന കാര്യം അതോറിറ്റി രൂപീകരിച്ചതിനു ശേഷം കൂടിയാലോചിച്ച് തീരുമാനിക്കാവുന്നതാണ്.

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2. *Definitions.*—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Real Estate (Regulation and Development) Act, 2016; (Central Act 16 of 2016);
- (b) “Annexure” means an annexure appended to these rules;
- (c) “Authenticated copy” shall mean a self-attested copy of any document required to be provided by any person under these rules;
- (d) “Authority” means the Real Estate Regulatory Authority established by the Government of Kerala under sub-section (1) of section (20) of the Act;
- (e) “Form” means a form appended to these rules;
- (f) “Government” means the Government of Kerala;
- (g) “Layout plan” means a plan of the project depicting the division or proposed division of land into plots, roads, open spaces, amenities, etc. and other details as may be necessary;
- (h) “Permit” means a permission or authorisation in writing by the Secretary of the Local authority concerned to carry out the work;
- (i) “Project land” means any parcel or parcels of land on which the project is or proposed to be developed and constructed by a promoter;
- (j) “Section” means section of the Act.
- (k) “Selection Committee” means the Selection Committee constituted under Section 22 of the Act in accordance with these rules.

(2) Words and expressions used herein and not defined, but defined in the Act, shall have the same meaning respectively assigned to them in the Act.

CHAPTER II

REAL ESTATE PROJECT

3. *Registration of Real Estate Projects with Authority.*—(1) The promoter shall make an application as referred to in sub-section (1) of section 4 of the Act in Form “A” to the Authority for Registration of the real estate project for which all the Statutory Approvals and permits have been obtained on or after the date of notification of commencement of section 3 of the Act and displaying it on the Website of Real Estate Regulatory Authority in such manner prescribed by these regulations.

(2) In the case of ongoing projects on the commencements of Section 3 of the Act and for which the occupancy certificate has not been issued, the promoter shall make an application in Form “A1” to the Authority for Registration of the said project.

(3) The application for registration referred to in sub-rule (1) and (2) shall be submitted in triplicate, until the application procedure is made web based as provided under sub-section (3) of section 4 of the Act.

(4) The promoter shall pay a registration fee at the time of application for registration by way of a demand draft drawn on any scheduled bank as directed by the authority,

(a) in the case of plot for a sum calculated at the rate of Rupees Ten per square meter of plot area.

(b) in the case of building, for a sum of,—

(i) Rupees Twenty Five per square meter of total floor area for all residential projects for which application is made in Form 'A-1' as per sub-rule (2) of rule 3.

(ii) Rupees Fifty per square meter of total floor area for all residential projects for which application is made in Form 'A' as per sub-rule (2) of rule 3.

(iii) Rupees Hundred per square meter of total floor area for commercial or any other projects.

(c) for a real estate project involving only development of land into plots without any construction of buildings, the registration fee shall be as provided in clause (a) of sub-rule (4) to be paid along with the application.

(d) for a project involving construction and sale of building, the total registration fee for the project shall be the sum of registration fee for plot and registration fee for buildings as computed as provided in clause (a) and (b) of, sub-rules 4.

(e) floor area as per these rules shall be, the total floor area as specified in the permit issued by the competent authority.

(5) The promoter shall enclose along with the application form the documents as specified in sub-section (2) of section 4 of the Act.

(6) The declaration to be submitted under clause (i) of sub-section (2) of section 4 of the Act, shall be as per Form 'B', which shall include a declaration stating the details as mentioned in sub-clause (A) to (F) of clause (i) of sub-section (2) of section 4 of the Act.

(7) In case the promoter applies for withdrawal of application for registration of the project before the expiry of the period of 30 days provided under sub-section (1) of section 5, registration fee to the extent of ten per cent paid under sub-rules (3) above, or Rupees Fifty Thousand, whichever is more, shall be retained as processing fee by the regulatory authority and the remaining amount shall be refunded to the promoter within thirty days from the date of such withdrawal.

4. *Additional information and documents to be furnished by the promoter along with the application for registration of project.*—(1) The promoter shall furnish the following additional information and documents, along with those specified under the relevant sections of the Act, along with the application for registration of the real estate project with the authority, namely:—

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CHAPTER III
REAL ESTATE AGENT

11. *Application for registration by the real estate agent.*—(1) Every real estate agent required to register as per sub-section (2) of section 9 of the Act shall make an application in writing to the Authority in Form G along with the following documents, namely:—

- (a) details of his enterprise including its name, registered address, type of enterprise (proprietorship, societies, partnership, companies etc.);
- (b) particulars of registration including the bye-laws, memorandum of association, articles of association etc. as the case may be;
- (c) photograph of the real estate agent being an individual and the photograph of the partners, directors etc. in case of other entities;
- (d) authenticated copy of the PAN card;
- (e) income tax returns filed under the provisions of the Income Tax Act, 1961 (Central Act 43 of 1961) for three financial years preceding the application or in case the applicant was exempted from filing returns under the provisions of the Income Tax Act, 1961 (Central Act 43 of 1961) for any of the three year preceding the application, a declaration to such effect;
- (f) authenticated copy of the address proof of the place of business; and
- (g) such other information and documents, as may be specified by regulations;
- (h) such other information as may be required in Form "G" of these rules.

(2) The real estate agent shall pay a registration fee at the time of application for registration by way of a demand draft drawn on any scheduled bank, for a sum of Rupees Twenty Five Thousand only in case of the applicant being an individual; or Rupees Two Lakh Fifty Thousand only in case of the applicant being anyone other than an individual.

12. *Grant of Registration to the real estate agent.*—(1) On receipt of the application as per sub-section (2) of section 9 of the Act read with rule 11, 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 as per section 9 read with Rule 10, the Regulatory Authority shall issue a registration certificate with a registration number as per 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.

13. *Renewal of registration of real estate agent.*—(1) The registration granted under section 9, of the Act may be renewed as per section 6, of the Act on an application made by the real estate agent in Form 'J' 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 drawn on any scheduled bank, for a sum of Rupees Five Thousand only in case of the real estate agent being an individual or Rupees Fifty Thousand only in case of the real estate agent being anyone other than an individual.

(3) The real estate agent shall also submit all the updated documents set out in clauses (a) to (f) of rule 10 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:

Provided that no application for renewal of registration shall be rejected unless the applicant has been given an opportunity of being heard in the matter.

(5) The renewal of registration of the real estate agent shall be granted provided that the real estate agent remains in compliance with the provisions of the Act and the rules and regulations made thereunder.

(6) The renewal granted under this rule shall be valid for a period five years.

14. *Revocation of registration of real estate agent.*—The Authority may, due to reasons specified under sub-section (7) of section 9 of the Act, 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'.

15. *Maintenance and preservation of books of accounts, records and documents.*—(1) The real estate agent shall maintain and preserve books of account, records and documents in accordance with the provisions of the Income Tax Act, 1961 (Central Act 43 of 1961).

(2) The agent shall also maintain such books and records as specified by the regulations issued by the authority.

16. *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 fulfill their respective obligations at the time of booking and sale of any plot, apartment or building, as the case may be.

CHAPTER IV

DETAILS TO BE PUBLISHED ON THE WEBSITE OF THE AUTHORITY

17. *Details to be published on the website.*—(1) For the purpose of clause (b) of section 34 of the Act the regulatory authority shall ensure that the following information shall be made available on its website in respect of each project registered:

(a) details of the promoter including the following:

(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, company etc.) and the particulars of registration and in case of a newly incorporated or registered entity, brief details of the parent

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2. *Definitions.*—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Real Estate (Regulation and Development) Act, 2016; (Central Act 16 of 2016);
- (b) “Annexure” means an annexure appended to these rules;
- (c) “Authenticated copy” shall mean a self-attested copy of any document required to be provided by any person under these rules;
- (d) “Authority” means the Real Estate Regulatory Authority established by the Government of Kerala under sub-section (1) of section (20) of the Act;
- (e) “Form” means a form appended to these rules;
- (f) “Government” means the Government of Kerala;
- (g) “Layout plan” means a plan of the project depicting the division or proposed division of land into plots, roads, open spaces, amenities, etc. and other details as may be necessary;
- (h) “Permit” means a permission or authorisation in writing by the Secretary of the Local authority concerned to carry out the work;
- (i) “Project land” means any parcel or parcels of land on which the project is or proposed to be developed and constructed by a promoter;
- (j) “Section” means section of the Act.
- (k) “Selection Committee” means the Selection Committee constituted under Section 22 of the Act in accordance with these rules.

(2) Words and expressions used herein and not defined, but defined in the Act, shall have the same meaning respectively assigned to them in the Act.

CHAPTER II

REAL ESTATE PROJECT

3. *Registration of Real Estate Projects with Authority.*—(1) The promoter shall make an application as referred to in sub-section (1) of section 4 of the Act in Form “A” to the Authority for Registration of the real estate project for which all the Statutory Approvals and permits have been obtained on or after the date of notification of commencement of section 3 of the Act and displaying it on the Website of Real Estate Regulatory Authority in such manner prescribed by these regulations.

(2) In the case of ongoing projects on the commencements of Section 3 of the Act and for which the occupancy certificate has not been issued, the promoter shall make an application in Form “A1” to the Authority for Registration of the said project.

(3) The application for registration referred to in sub-rule (1) and (2) shall be submitted in triplicate, until the application procedure is made web based as provided under sub-section (3) of section 4 of the Act.

(4) The promoter shall pay a registration fee at the time of application for registration by way of a demand draft drawn on any scheduled bank as directed by the authority,

- (a) in the case of plot for a sum calculated at the rate of Rupees Ten per square meter of plot area.
- (b) in the case of building, for a sum of,—
 - (i) Rupees Twenty Five per square meter of total floor area for all residential projects for which application is made in Form 'A-1' as per sub-rule (2) of rule 3.
 - (ii) Rupees Fifty per square meter of total floor area for all residential projects for which application is made in Form 'A' as per sub-rule (2) of rule 3.
 - (iii) Rupees Hundred per square meter of total floor area for commercial or any other projects.
- (c) for a real estate project involving only development of land into plots without any construction of buildings, the registration fee shall be as provided in clause (a) of sub-rule (4) to be paid along with the application.
- (d) for a project involving construction and sale of building, the total registration fee for the project shall be the sum of registration fee for plot and registration fee for buildings as computed as provided in clause (a) and (b) of, sub-rules 4.
- (e) floor area as per these rules shall be, the total floor area as specified in the permit issued by the competent authority.

(5) The promoter shall enclose along with the application form the documents as specified in sub-section (2) of section 4 of the Act.

(6) The declaration to be submitted under clause (i) of sub-section (2) of section 4 of the Act, shall be as per Form 'B', which shall include a declaration stating the details as mentioned in sub-clause (A) to (F) of clause (i) of sub-section (2) of section 4 of the Act.

(7) In case the promoter applies for withdrawal of application for registration of the project before the expiry of the period of 30 days provided under sub-section (1) of section 5, registration fee to the extent of ten per cent paid under sub-rules (3) above, or Rupees Fifty Thousand, whichever is more, shall be retained as processing fee by the regulatory authority and the remaining amount shall be refunded to the promoter within thirty days from the date of such withdrawal.

4. *Additional information and documents to be furnished by the promoter along with the application for registration of project.*—(1) The promoter shall furnish the following additional information and documents, along with those specified under the relevant sections of the Act, along with the application for registration of the real estate project with the authority, namely:—

- (a) authenticated copy of the PAN card of the promoter;
- (b) audited balance sheet of the promoter for the preceding financial year and income tax returns of the promoter for three preceding financial years;
- (c) the number of parking areas available in the said real estate project;
- (d) copy of the legal title deed showing the title of the promoter to the land on development is proposed to be developed along with legally valid documents with authentication of such title, if such land is owned by another person;
- (e) the details of encumbrances on the land on which development is proposed including any rights, title, interest or name of any party in or over such land along with details;
- (f) 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;
- (g) such other information and documents, as specified in the 'Form A' or 'Form A-1' as the case may be;
- (h) such other information and documents, as may be specified by regulations made by the authority.

5. *Disclosure by promoters of existing projects.*—(1) Upon the notification for commencement of sub-section (1) of section 3, promoters of all ongoing projects which have not received occupancy certificate shall, within the time specified in the said sub-section, make an application to the Authority in the form and manner provided in sub-rule (2) of rule 3.

(2) The promoter shall disclose all project details as required under the Act and the rules and regulations made thereunder, including the status of the project and the extent of completion.

(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 plot development the promoter shall disclose the area of the plot being sold to the allottees.

6. *Withdrawal of sums deposited in separate account.*—(1) For the purposes of sub-clause (D) of clause (1) of sub-section (2) of section 4, the land cost shall be the cost incurred by the promoter, whether as an outright purchase, lease charges etc.

(2) For the purposes of sub-clause (D) of clause (1) of sub-section (2) of section 4, the construction cost shall be the cost incurred by the promoter, towards the on-site expenditure and off-site expenditure for the physical development of the project.

7. *Grant or rejection of registration of the project.*—(1) Upon the registration of a project as per section 5 read with rule 3, 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 if the application is incomplete in any respect, the authority may at its discretion, direct the promoter to rectify such application within a period of fifteen days or any such period as deemed fit to the authority, before rejecting the application as per section 5 and rule (2) above.

8. *Extension of registration of the project.*—(1) The registration granted under section 5 of the Act may be extended as per section 6 of the Act on an application made by the promoter in Form 'E' which shall not be less than three months prior to the expiry of the registration granted.

(2) The application for extension of registration shall be accompanied with a demand draft drawn on any scheduled bank, for an amount equivalent to half the registration fee as prescribed under sub-rule (4) 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:

Provided that where extension of registration is due to *force majeure* the authority may at its discretion waive the fee for extension of registration fully or by part.

(3) Extension of registration of the project for such time as it considers necessary which shall, in aggregate, not exceed a period of one year.

(4) In case of extension of registration, the authority shall inform the promoter about the same in Form 'F' and in case of rejection of the application for extension of registration the authority shall, after giving an opportunity to the applicant to be heard in the matter as per second proviso of section 6, inform the promoter about the same in Form 'D'.

9. *Revocation of registration of the project.*—(1) Upon the revocation of registration of a project as per section 7 of the Act the authority shall inform the promoter about such revocation in Form 'D'.

(2) Upon the lapse of registration or on revocation of the registration under the Act, Authority shall take necessary action as specified in section 7 and 8 of the Act.

10. *Agreement for sale.*—(1) For the purpose of sub-section (2) of section 13, the agreement for sale shall be in the form in Annexure 'A'.

(2) Any application letter, allotment letter, agreement or any other document signed by the allottee, in respect of the apartment, plot or building, prior to the execution and registration of the agreement for sale for such apartment, plot or building, as the case may be, shall not be construed to limit the rights and interests of the allottee under the agreement for sale or under the Act or the rules or the regulations made thereunder.

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