

Madhya Pradesh Real Estate (Regulation and Development) Rules,2017

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Bhopal, the 26th October 2016

NOTIFICATION

In exercise of the powers conferred by section 84 read with sub-clause (iv) of clause (g) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016), State Government, hereby makes the following rules, namely:-

CHAPTER I PRELIMINARY

1. Short title and Commencement

- (1) These rules may be called the Madhya Pradesh Real Estate (Regulation and Development) Rules, 2016.
- (2) They shall come into force from the date of its publication in the Madhya Pradesh Gazette.
- (3) These rules shall apply to entire state of Madhya Pradesh.

2. Definitions

(1) In these rules, unless the context otherwise requires, -

- (a) "Act" means the Real Estate (Regulation and Development) Act, 2016 (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) "Form" means a form appended to these rules;
- (e) "appropriate Government" means the Government of Madhya Pradesh;
- (f) "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;
- (g) "project land" means any parcel or parcels of land on which the project is developed and constructed by a promoter;
- (h) "section" means a section of the Act.

(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. Information and documents to be furnished by the promoter 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, for registration of the real estate project with the regulatory 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 open parking areas available in the said real estate project;
- (d) copy of the legal title deed reflecting the title of the promoter to the land on which 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 may be specified by regulations.

(2) The application referred to in sub-section (1) of section 4 shall be made in Form 'A', in triplicate, until the application procedure is made web based as provided under sub-section (3) of section 4 of the Act.

(3) The promoter shall pay a registration fee at the time of application for registration by way of a demand draft drawn in a scheduled bank, for a sum calculated at the rate of:-

- (a) rupees ten per square meter for residential projects where the area of land proposed to be developed does not exceed one thousand square meters; or rupees twenty per square meter for residential projects where the area of land proposed to be developed exceeds one thousand square meters; or
- (b) rupees fifty per square meter for commercial or any other projects, where the area of land proposed to be developed does not exceed one thousand square meters; or rupees one hundred per square meter for commercial or any other projects, where the area of land proposed to be developed exceeds one thousand square meters;

(4) The declaration to be submitted under clause (1) of sub-section (2) of section 4 of the Act, shall be in Form 'B', including a declaration 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.

(5) 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 percent 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. **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 completion certificate shall, within the time specified in the said sub-section, make an application to the Regulatory Authority in the form and manner provided in 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 plotted development the promoter shall disclose the area of the plot being sold to the allottees.

5. **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 for the physical development of the project.

6. **Grant or rejection of registration of the project.-** (1) Upon the registration of a project as per section 5 read with Rule 3, the Regulatory Authority shall issue a registration certificate with a registration number as per Form 'C' to the promoter.

(2) In case of rejection of the application as per section 5 the regulatory authority shall inform the applicant as per Form 'D'.

7. **Extension of registration of the project.-** (1) The registration granted under section 5 of the Act

may be extended as per section 6, 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 twice the registration fee 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:

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

(3) 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.

(4) In case of extension of registration, the regulatory authority shall inform the promoter about the same as per Form 'F' and in case of rejection of the application for extension of registration the regulatory 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 as per Form 'D'.

8. **Revocation of Registration of the project.**- Upon the revocation of registration of a project as per section 7 of the Act, the regulatory authority shall inform the promoter about such revocation as per Form 'D'.

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

(2) Any application letter, allotment letter 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.

CHAPTER III REAL ESTATE AGENT

10. **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 Regulatory Authority as per Form 'G' along with the following documents, namely:-

- (a) brief 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 if it is 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 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 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.

(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 in case of the applicant being an individual; or rupees two lakh fifty thousand in case of the applicant being anyone other than an individual.

11. Grant of Registration to the real estate agent.- (1) 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.

(2) In case of rejection of the application as per section 9 the Regulatory Authority shall inform the applicant as per Form 'I'.

(3) The registration granted under this rule shall be valid for a period of five years.

12. Renewal of registration of real estate agent.- (1) The registration granted under section 9, may be renewed as per section 6, 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 for a sum of rupees five thousand in case of the real estate agent being an individual or rupees fifty thousand 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 regulatory authority shall inform the real estate agent about the same as per Form 'K' and in case of rejection of the application for renewal of registration the regulatory authority, shall inform the real estate agent as per 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 of five years.

13. Revocation of Registration of real estate agent.- The Regulatory 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 as per Form 'I'.

14. Maintenance and preservation of books of accounts, records and documents.- 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.

15. 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.

CHAPTER IV

DETAILS TO BE PUBLISHED ON THE WEBSITE OF THE AUTHORITY

16. Details to be published on the website.- (1) For the purpose of clause (b) of section 34, 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) Developer 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. In case of a newly incorporated or registered entity, brief details of parent entity including its name, registered address, type of enterprise (proprietorship, societies, limited liability partnership, partnership, companies, competent authority);
- (B) background of promoter- educational qualification, work experience and in case of a newly incorporated or registered entity work experience of the parent entity.

(ii) Track record of the promoter:

- (A) number of years of experience of the promoter or parent entity in real estate construction in the state/union territory;
- (B) number of years of experience of the promoter or parent entity in real estate construction in other states or union territories;
- (C) number of completed projects and area constructed till date;
- (D) number of ongoing projects and proposed area to be constructed;
- (E) details and profile of ongoing and completed projects for the last 5 years as provided under clause (b) of sub-section (2) of section 4 of the Act.

(iii) Litigations: Details of past or ongoing litigations in relation to the real estate project.

(iv) Website:

- (A) web link to the developer or group website;
- (B) web link to the project website.

(b) Details of the real estate project including the following:

(i) Compliance and registration:

- (A) authenticated copy of the approvals and commencement certificate 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.

- (ii) Apartment and garage related details:
- (A) Details of the number, type and carpet area of apartments for sale in the project as provided under clause (h) of sub-section (2) of section 4;
 - (B) Details of the number and areas of garage for sale in the project as provided under clause (i) of sub-section (2) of section 4;
 - (C) Details of the number of open parking areas available in the real estate project.
- (iii) Registered Agents: Names and addresses of real estate agents as provided under clause (j) of sub-section (2) of section 4.
- (iv) Consultants: Details, including name and addresses, of contractors, architect and structural engineers and other persons concerned with the development of the real estate project as provided under clause (k) of sub-section (2) of section 4, such as:-
- (A) Name and address of the firm
 - (B) Names of promoters
 - (C) Year of establishment
 - (D) Names and profile of key projects completed
- (v) Location: 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 as provided under clause (f) of sub-section (2) of section 4.
- (vi) 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. as provided under clause (e) of sub-section (2) of section 4;
 - (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 of storm and sullage water, any other facilities and amenities or public health services proposed to be provided in the project;
 - (C) Gantt 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.
- (c) Financials of the promoter:
- (i) authenticated copy of the PAN card of the promoter
 - (ii) audited balance sheet of the promoter for the preceding financial year and income tax returns of the promoter for three preceding financial years and in case of a newly incorporated or registered entity annual returns of the last 3 financial years of the parent entity.
- (d) The promoter shall upload the following updates on the webpage for the project, within seven days from the expiry of each quarter:

- (i) List of number and types of apartments or plots, as the case may be 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.
- (iv) Status of approvals:
- (A) Approval 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 license, permit or approval for the project.
- (e) Downloads:
- (i) Approvals:
- (A) No Objection certificates
- Consent to Establish and Operate;
- Environmental Clearance;
- Fire NOC;
- Permission from Water and Sewerage department;
- Height clearance from Airport Authority of India;
- Such other approvals as may be required and obtained for the project.
- (B) Authenticated copy of the license or land use permission, building sanction plan and 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;
- (C) 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;
- (D) 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;
- (E) Floor plans for each tower and block including clubhouse, amenities and common areas;
- (F) Any other permission, approval, or licence that may be required under applicable law;
- (G) Authenticated copy of occupancy certificate and completion certificate including its application.
- (ii) Legal Documents:
- (A) 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 is proposed along with legally valid documents with authentication of such title, if such land is owned by another person;
- (C) Land Title Search Report from an advocate having experience of at least ten years in land related matters;
- (D) 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 or no encumbrance certificate from an advocate having experience of at-least ten years in land related matters;
- (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) Sanction letters:
- From banks for construction finance;
- From banks for home loan tie-ups.
- (f) Contact details: Contact address, contact numbers and email-ids of the promoter and other officials handling the project.
- (g) Such other documents or information as may be specified by the Act or the rules and regulations made thereunder.
- (2) For the purpose of clause (c) of section 34, the regulatory 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 penalized, as the case may be.
- (3) For the purpose of clause (d) of section 34, the regulatory 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:
- (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 regulatory authority;
- (ii) brief details of his enterprise including its name, registered address, type of enterprise (proprietorship, societies, partnership, companies etc.);
- (iii) particulars of registration including the bye-laws, memorandum of association, articles of association etc. as the case may be;
- (iv) photograph of the real estate agent if it is an individual and the photograph of the partners, directors etc. in case of other persons;
- (v) authenticated copy of the PAN card;

- (vi) income tax returns filed under the provisions of the Income Tax Act, 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 for any of the three year preceding the application, a declaration to such effect;
- (vii) authenticated copy of the address proof of the place of business and the contact address, contact numbers and email-ids of the real estate agent and other officials responsible.
- (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 regulatory authority:
- (i) registration number and the period of validity of the registration of the real estate agent with the regulatory authority;
- (ii) brief details of his enterprise including its name, registered address, type of enterprise (proprietorship, societies, partnership, companies etc.);
- (iii) photograph of the real estate agent if it is and individual and the 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.
- (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.

CHAPTER V

RATE OF INTEREST PAYABLE BY PROMOTER AND ALLOTTEE AND TIMELINES FOR REFUND

17. **Rate of interest payable by the promoter and the 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 Prime Lending Rate plus two percent.
18. **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, if any, becomes due.

CHAPTER VI

REAL ESTATE REGULATORY AUTHORITY

19. **Manner of selection of chairperson and members of the Authority.** (1) As and when vacancies of Chairperson or a Member in the regulatory authority exist or arise, or are likely to arise, the State 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 Chairperson or a Member of the regulatory authority, follow such procedure as deemed fit. The Secretariat for the Selection Committee shall be the office of Commissioner/Directorate, Urban Administration & Development, M.P., Bhopal .

(3) The Selection Committee shall select two persons for each vacancy and recommend the same to the State Government within a period of forty five days from the date of reference made under sub-rule (1) of rule 19

(4) The State government shall within fifteen days from the date of the recommendation by the Selection Committee, appoint one of the two persons recommended by the Selection Committee for the vacancy of the Chairperson or Member, as the case may be.

- 20. Salary and allowances payable and other terms and conditions of service of Chairperson and Members of the regulatory authority.-** (1) The salaries and allowances payable to and other terms and conditions of service of the Chairperson and whole time Members of the regulatory authority shall be the same as those of the Chief Information Commissioner and Information Commissioners respectively in the State.
- (2) Every part-time member, shall be paid a sitting fee for each day he attends the meetings of the regulatory authority as may be determined by the State Government, from time to time and they shall not be entitled to any allowance relating to house and vehicle.

- 21. Administrative powers of the Chairperson of the regulatory authority.-** The administrative powers of the Chairperson of the regulatory authority shall include making decisions with regard to the following-

- (a) all matters pertaining to staff strength, wages and salaries structures, emoluments, perquisites and personnel policies;
- (b) all matters pertaining to creation and abolition of posts;
- (c) all matter 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) authorization of tours to be undertaken by any Member, officer or employee: within and outside India and allowance to be granted for the same;
- (g) all matters in relation to reimbursement of medical claims;
- (h) all 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;
- (l) all matters pertaining to staff welfare expenses;
- (m) sanction scrapping or write-off of capital assets which due to normal wear and tear have become unserviceable or are considered beyond economical repairs;
- (n) all matters relating to disciplinary action against any Member, officer or employee;
- (o) any other powers that may be required for the efficient functioning of the Authority and enforcement of the provisions of the Act and these Rules.

- 22. Salary, allowances payable and other terms and conditions of service of the officers, employees, experts and consultants engaged by the regulatory authority.-** (1) The conditions of service of the officers and employees of the Authority and any other category of employees in the matter of pay, allowances, leave, joining time, joining time pay, age of superannuation shall be regulated in accordance with such rules and regulations as are, from time to time, applicable to officers and employees of the State Government and drawing the corresponding scales of pay;
- (2) Consultants or experts that may be engaged by the Authority shall be paid a monthly honorarium as may be determined by the State Government from time to time;
- (a) the consultant or expert shall not be deemed to be regular members of the staff borne on the establishment of the Authority;
- (b) the consultant or expert may be appointed for a tenure of one year, extendable on year to year basis;
- (c) their appointment may be terminated by the Authority by serving one month's notice.
- (3) The State Government shall have power to relax the provisions of any of these rules in respect of any class or category of officers or employees or consultants and experts, as the case may be.
- 23. Functioning of the Authority.-** (1) The office of the regulatory authority shall be located at Bhopal.
- (2) The working days and office hours of the regulatory authority shall be the same as that of the State Government.
- (3) The official common seal and emblem of the regulatory authority shall be such as the State Government may specify.
- 24. Additional powers of the Authority.-** (1) In addition to the powers specified in sub-section (2) of section 35 the regulatory authority shall have 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.
- (2) The regulatory authority may call upon such experts or consultants from the fields of economics, commerce, accountancy, real estate, competition, construction, architecture or engineering or from any other discipline as it deems necessary, to assist the regulatory authority in the conduct of any inquiry or proceedings before it.
- (3) On receipt of the application in prescribed form, complete in all respects under section 4 read with rule 3 for registration of a project, the Authority may review the documents submitted along with the application under rule 3 and enquire, *inter-alia*, into the following matters and such other matters, as it may consider necessary, prior to grant of registration within the time prescribed under sub-section (1) of section 5, namely:-

- (a) the nature of rights and interest of the promoter to the land which is proposed to be developed;
- (b) extent and location of area of land proposed to be developed;
- (c) layout plan of the project;
- (d) financial, technical and managerial capacity of the promoter to develop the project;
- (e) plan regarding the development works to be executed in the project; and
- (f) conformity of development of the project with neighboring areas.

(4) The Authority may in the interest of the allottees, enquire into the payment of amounts imposed as penalty, interest or compensation, paid or payable by the promoter, in order to ensure that the promoter has not-

- (a) withdrawn the said amounts from the account maintained as provided under sub-clause (D) of clause (I) of sub-section (2) of section 4; or
- (b) used any amounts paid to such promoter by the allottees for the that real estate project for which the penalty, interest or compensation is payable, or any other real estate project;
- (c) recovered the amounts paid as penalty, fine or compensation from the allottees of the relevant real estate project or any other real estate project.

25. Manner of recovery of interest, penalty and compensation.- Subject to the provisions of sub-section (1) of section 40, the recovery of the amounts due as arrears of land revenue shall be carried out in the manner provided in local laws.

26. Manner of implementation of order, direction or decisions of the adjudicating officer, the Authority or the Appellate Tribunal.- For the purpose of sub-section (2) of section 40, every order passed by the adjudicating officer, regulatory authority or Appellate Tribunal, as the case may be, under the Act or the rules and regulations made thereunder, shall be enforced by the adjudicating officer, regulatory authority or the Appellate Tribunal in the same manner as if it were a decree or order made by the principal civil court in a suit pending therein and it shall be lawful for the adjudicating officer, regulatory authority or Appellate Tribunal, as the case may be, in the event of its inability to execute the order, send such order to the principal civil court, to execute such order either within the local limits of whose jurisdiction the real estate project is located or in the principal civil court within the local limits of whose jurisdiction the person against whom the order is being issued, actually and voluntarily resides, or carries on business, or personally works for gain.

CHAPTER VII REAL ESTATE APPELLATE TRIBUNAL

27. Form for filing Appeal and the fees payable.- (1) Every appeal filed under sub-section (1) of section 44 shall be accompanied by a fee of rupees one thousand in the form of a demand draft drawn on a nationalized bank in favour of the Appellate Tribunal and payable at the main branch of that Bank at the station where the seat of the said Appellate Tribunal is situated.

(2) Every appeal shall be filed as per Form 'L' along with the following documents:

- (a) An attested 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;
- (c) An index of the documents.

(3) Procedure for filing the appeal shall be as decided by the Appellate Tribunal.

28. Manner of selection of members of the Appellate Tribunal.- (1) As and when vacancies of a Member in the Appellate Tribunal exist or arise, or are likely to arise, the State 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.

(3) The Selection Committee shall select two persons for each vacancy and recommend the same to the State Government.

(4) The Selection Committee shall make its recommendation to the State Government within a period of forty five days from the date of reference made under sub-rule (1).

(5) The State Government shall within fifteen days from the date of the recommendation by the Selection Committee, appoint one of the two persons recommended by the Selection Committee for filling the vacancy of the Member.

29. Salary and allowances payable and other terms and conditions of service of Chairperson and Members of the 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 whole-time Member shall be paid a monthly salary equivalent to the last drawn salary at the post held by such person, prior to his appointment as a Member of the Appellate Tribunal;
- (c) Every full-time Member, who is not a servant of the Government, shall be paid a monthly salary equivalent to the Additional Secretary to the Government of India;
- (d) Every part-time Member, who is not a servant of the Government, shall be paid a sitting fee for each day he attends the meetings of the Appellate Tribunal as may be determined by the State Government, from time to time.

(2) The Chairperson and every other Member shall be entitled to thirty days of earned leave for every year of service.

(3) The other allowances and conditions of service of the Chairperson and the whole-time Member shall be as per notification issued by the State Government from time to time.

30. Procedure for inquiry of the charges against the Chairperson or Member of the Authority or the Appellate Tribunal.- (1) In the event of the State Government becoming aware of 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 regulatory authority or as specified under sub-section (1) of section 49 in case of a Chairperson or Member of the Appellate Tribunal, by receipt of a complaint in this regard or *suo motu*, as the case may be, the State Government shall make a preliminary scrutiny with respect to such charges against the Chairperson or any Member of the regulatory authority or Appellate Tribunal, as the case may be.

(2) If, on preliminary scrutiny, the State Government considers it necessary to investigate into the allegation, it shall place the complaint, if any, together with supporting material as may be available, before a Judge of the High Court.

(3) The State Government shall forward to the Judge, copies of-

- (a) the statement of charges against the Chairperson or Member of the regulatory authority or Appellate Tribunal, as the case may be; and
- (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 within the time period as may be specified in this behalf by the Judge.

(5) Where it is alleged that the Chairperson or Member 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 State 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.

(7) Thereafter, the State 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 regulatory authority or Appellate Tribunal, as the case may be.

31. Salary and allowances payable and other terms and conditions of service of the officers and other employees of the Appellate Tribunal.- (1) The conditions of service of the officers and employees of the Authority and any other category of employees in the matter of pay, allowances, leave, joining time, joining time pay, age of superannuation shall be regulated in accordance with such rules and regulations as are, from time to time, applicable to officers and employees of the State Government.

(2) The State Government shall have power to relax the provisions of any of these rules in respect of any class or category of officers or employees or consultants and experts, as the case may be.

32. Additional powers of the Appellate Tribunal.- The Appellate Tribunal may call upon such experts or consultants from the fields of economics, commerce, accountancy, real estate, competition, construction, architecture 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.

33. Administrative powers of the Chairperson of the Appellate Tribunal.- The administrative powers of the Chairperson of the Appellate Tribunal shall include making decisions with regard to the following:

- (a) all matters pertaining to staff strength, wages and salaries structures, emoluments, perquisites and personnel policies;
- (b) all matters pertaining to creation and abolition of posts;
- (c) all matter 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) authorization of tours to be undertaken by any Member, officer or employee: within and outside India and allowance to be granted for the same;
- (g) all matters in relation to reimbursement of medical claims;
- (h) all 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;
- (l) all matters pertaining to staff welfare expenses;
- (m) sanction scrapping or write-off of capital assets which due to normal wear and tear have become unserviceable or are considered beyond economical repairs;
- (n) all matters relating to disciplinary action against any Member, officer or employee;
- (o) any other powers that may be required for the efficient functioning of the Appellate Tribunal and enforcement of the provisions of the Act and these Rules.

CHAPTER VIII OFFENCES AND PENALTIES

34. Terms and conditions and the fine payable for compounding of offence.- (1) The court shall, for the purposes of compounding any offence specified under section 70, accept a sum of money as specified in the Table below:

Offence	Money to be paid for compounding the offence
Imprisonment under sub section (2) of section 59	10% of the estimated cost of the real estate project
Imprisonment under section 64	10% of the estimated cost of the real estate project
Imprisonment under section 66	10% 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
Imprisonment under section 68	10% of the estimated cost of the plot, apartment or building, as the case may be

Provided that the State Government may, by notification in the official gazette, amend the rates specified in the table above.

(2) On payment of the sum of money in accordance with the table above, any person in custody in connection with that offence shall be set at liberty and no proceedings shall be instituted or continued against such person in any court.

(3) The acceptance of the sum of money for compounding an offence in accordance with the table above, by the Court shall be deemed to amount to an acquittal within the meaning of section 300 of the Code of Criminal Procedure, 1973.

(4) The promoter, allottee or real estate agent, as the case may be, shall comply with the orders of the regulatory authority or the Appellate Tribunal, within the period specified by the court, which shall not be more than 30 days from the date of compounding of the offence.

35. Manner of filing a complaint with the regulatory authority and the manner of holding an inquiry by the regulatory authority.- (1) Any aggrieved person may file a complaint with the regulatory 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, as per Form 'M' which shall be accompanied by a fee of rupees one thousand in the form of a demand draft drawn on a nationalized bank in favour of regulatory authority and payable at the main branch of that bank at the station where the seat of the said regulatory authority is situated.

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

- (a) Upon receipt of the complaint the regulatory authority shall issue a notice along with particulars of the alleged contravention and the relevant documents to the respondent;
- (b) The notice shall specify a date and time for further hearing;
- (c) On the date so fixed, the regulatory 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:
 - (i) pleads guilty, the regulatory 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 regulatory authority shall demand and explanation from the respondent;
- (d) In case the regulatory authority is satisfied on the basis of the submissions made that the complaint does not require any further inquiry it may dismiss the complaint;
- (e) In case the regulatory 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;
- (f) The regulatory authority shall have the power to carry out an inquiry into the complaint on the basis of documents and submissions;
- (g) On the date so fixed, the regulatory authority upon consideration of the evidence produced before it and other records and submissions is satisfied that -

- (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 regulatory authority may, by order in writing, dismiss the complaint, with reasons to be recorded in writing.
- (h) If any person fails, neglects or refuses to appear, or present himself as required before the regulatory authority, the regulatory 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.

36. Manner of filing a complaint with the adjudicating officer and the manner of holding an inquiry by the adjudicating officer.- (1) Any aggrieved person may file a complaint with the adjudicating officer for compensation under section 12, 14, 18 and 19 as per Form 'N' which shall be accompanied by a fee of rupees one thousand in the form of a demand draft drawn on a nationalized bank in favour of regulatory authority and payable at the main branch of that bank at the station where the seat of the said regulatory authority is situated.

(2) The adjudicating officer shall for the purposes of adjudging compensation follow summary procedure for inquiry in the following manner:

- (i) 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 promoter;
- (j) The notice shall specify a date and time for further hearing;
- (k) On the date so fixed, the adjudicating officer shall explain to the promoter 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 promoter:
 - (iii) pleads guilty, the adjudicating officer shall record the plea, and award such compensation as he thinks fit in accordance with the provisions of the Act or the rules and regulations, made thereunder;
 - (iv) does not plead guilty and contests the complaint the adjudicating officer shall demand and explanation from the promoter;
- (l) 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;
- (m) In case the adjudicating officer 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 him;
- (n) The adjudicating officer shall have the power to carry out an inquiry into the complaint on the basis of documents and submissions;
- (o) 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 promoter is-
 - (iii) liable to pay compensation, the adjudicating officer may, by order in writing, order payment of such compensation, as deemed fit by the promoter to the complainant; or
 - (iv) not liable to any compensation, the adjudicating officer may, by order in writing, dismiss the complaint, with reasons to be recorded in writing.
- (p) 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 or persons after recording the reasons for doing so.

**CHAPTER IX
BUDGET AND REPORT**

37. **Budget, accounts and audit.**- The regulatory authority shall prepare a budget, maintain proper accounts and other relevant records and prepare an annual statement of accounts as provided in section 77 as per Form 'O'.
38. **Report and Returns.**- The regulatory authority shall prepare its annual report as provided in section 78 as per Form 'P'.

**ANNEXURE 'A'
[See rule 9]**

AGREEMENT FOR SALE

(To be inserted)

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

APPLICATION FOR REGISTRATION OF PROJECT

To
The Real Estate Regulatory Authority

Sir,
I/We hereby apply for the grant of registration of my/our project to be set up at
_____ Tehsil _____ District _____ State _____.

1. The requisite particulars are as under:-
- (i) Status of the applicant, whether individual / company / proprietorship firm / societies / partnership firm / competent authority;
- (ii) In case of individual -
- Name
 - Father's Name
 - Occupation
 - Permanent address
 - Photograph
- OR
- In case of firm / societies / trust / companies / limited liability partnership / competent authority -
- Name
 - Address
 - Copy of registration certificate
 - Main objects
 - Name, photograph and address of chairman of the governing body / partners / directors etc.
- (iii) PAN No. _____;
- (iv) Name and address of the bank or banker with which account in terms of section 4 (2)(I)(D) of the Act will be maintained _____;
- (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 dated _____ drawn on _____ bearing no. _____ for an amount of Rs. _____/- calculated as per sub-rule (3) of rule 3;
- (ix) Any other information the applicant may like to furnish.

2. I/we enclose the following documents in triplicate, namely:-

- (i) authenticated copy of the PAN card of the promoter;
- (ii) audited balance sheet of the promoter for the preceding financial year and income tax returns of the promoter for three preceding financial years;
- (iii) copy of the legal title deed reflecting the title of the promoter to the land on which development is proposed to be developed along with legally valid documents with authentication of such title, if such land is owned by another person;
- (iv) 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;
- (v) 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;
- (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;
- (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;
- (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 apartment with the apartment, if any;
- (xii) the number and areas of garage for sale in the project;
- (xiii) the number of open parking areas available in the real estate project;
- (xiv) the names and addresses of his real estate agents, if any, for the proposed 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 solemnly affirm and declare that the particulars given herein are correct to my /our knowledge and belief.

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 AUTHORIZED BY THE PROMOTER

Affidavit cum Declaration

Affidavit cum Declaration of Mr./Ms. _____ promoter of the proposed project / duly authorized by the promoter of the proposed project, vide its/his/their authorization dated _____;

I, _____ promoter of the proposed project / duly authorized by the promoter of the proposed project do hereby solemnly declare, undertake and state as under:

1. That I / promoter have / has a legal title to the land on which the development of the project is proposed

OR

_____ have/has a legal title to the land on which the development of the proposed project is to be carried out

AND

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 _____ including details of any rights, title, interest or name of any party in or over such land, along with details.

3. That the time period within which the project shall be completed by me/promoter is _____.

4. That seventy per cent of the amounts realised by me/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 in proportion to the percentage of completion of the project.

6. That the amounts from the separate account shall be withdrawn 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.

7. That I / 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 / promoter shall take all the pending approvals on time, from the competent authorities.
9. That I / promoter have / has furnished such other documents as have been prescribed by the rules and regulations made under the Act.
10. That I / promoter shall not discriminate against any allottee at the time of allotment of any apartment, plot or building, as the case may be, on any grounds.

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 _____.

Deponent

FORM 'C'
[See rule 6(1)]

REGISTRATION CERTIFICATE OF PROJECT

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

(Specify Details of Project including the project address);

1. (in the case of an individual) Mr./Ms. _____ son of
Mr./Ms. _____ Tehsil _____ District _____
State _____;

OR

(in the case of a firm / society / company / competent authority) _____ firm /
society / company / competent authority _____ having its registered
office / principal place of business at _____.

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 provided in 'Annexure A';
- (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 or the common areas as per section 17;
- (iii) 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 subclause (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 _____ unless renewed by the Real Estate Regulatory Authority in accordance with section 6 read with rule 7 of the Act;
- (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 in the area where the project is being developed.

3. If the above mentioned conditions are not fulfilled by the promoter, the regulatory 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 Authorized Officer
Real Estate Regulatory Authority

FORM 'D'
[See rule 6(2), rule 7(4); rule 8]

**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,

To

Application/Registration No.: _____

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 Authorized Officer
Real Estate Regulatory Authority

FORM 'E'
[See rule 7(1)]

APPLICATION FOR EXTENSION OF REGISTRATION OF PROJECT

From:

To

The Real Estate Regulatory Authority,

Sir,

I/We hereby apply for renewal of registration of the following project:

registered with the regulatory 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. _____ dated _____ for rupees _____ in favour of _____ drawn on _____ bank as extension fee as provided under sub-rule (2) of rule 7;
- (ii) Authenticated Plan of the project showing the stage of development works undertaken till date;
- (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 regulatory authority;
- (v) The original 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 7(4)]

CERTIFICATE FOR EXTENSION OF REGISTRATION OF PROJECT

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

_____ ,
registered with the regulatory authority vide project registration certificate bearing
No. _____ of _____

1. (in the case of an individual) Mr./Ms. _____ son of
Mr./Ms. _____ Tehsil _____ District _____
State _____ ;

OR

(in the case of a firm / society / company / competent authority) _____ firm /
society / company / competent authority _____ having its registered
office/principal place of business at _____ .

2. This renewal 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 or the common areas as per section 17;
- (ii) 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;
- (iii) The registration shall be valid for a period of _____ years commencing from _____ and ending with _____ unless renewed by the Real Estate Regulatory Authority in accordance with section 6 read with rule 7 of the Act;
- (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 in the area where the project is being developed;
- (vi) If the above mentioned conditions are not fulfilled by the promoter, the regulatory 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 Authorized Officer
Real Estate Regulatory Authority

FORM 'G'
[See rule 10(1)]

APPLICATION FOR REGISTRATION OF REAL ESTATE AGENT

To
The Real Estate Regulatory Authority

Sir,

I/We beg to apply for the grant of registration as a real estate agent to facilitate the sale or purchase of any plot, apartment or building, as the case may be, in real estate projects registered in the _____ State Government in terms of the Act and the rules and regulations made thereunder,

1. (in the case of an individual) Mr./Ms. _____ son of
Mr./Ms. _____ Tehsil _____ District _____
State _____;

OR

(in the case of a firm / society / company) _____ firm / society / company
_____ having its registered office / principal place of business at
_____.

2. The requisite particulars are as under:-

(i) Status of the applicant, whether individual / company / proprietorship firm / societies / partnership firm / limited liability partnership;

(ii) In case of individual -

- (a) Name
- (b) Father's Name
- (c) Occupation
- (d) Permanent address
- (e) Photograph

OR

In case of firm / societies / companies -

- (a) Name
- (b) Address
- (c) Copy of registration certificate
- (d) Major activities
- (e) Name, photograph and address of partners / directors etc.

- (iii) income tax returns filed under the provisions of the Income Tax Act, 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 for any of the three year preceding the application, a declaration to such effects;
- (iv) particulars of registration including the bye-laws, memorandum of association, articles of association etc. as the case may be;
- (v) authenticated copy of the address proof of the place of business;
- (vi) Details of registration in any other State or Union territory;
- (vii) Any other information the applicant may like to furnish.

3. I/we enclose the following documents along with, namely:-

- (i) Demand Draft No. _____ dated _____ for a sum of Rs. _____, in favour of _____, drawn on _____ bank as registration fee as per sub-rule (2) of rule 10;
- (ii) Income tax returns of the last 3 years or declaration as the case may be; (iii) authenticated copy of the PAN card of the real estate agent; and
- (iv) authenticated copy of the registration as a real estate agent in any other State or Union territory, if applicable;

4. I/we solemnly affirm and declare that the particulars given in herein are correct to my /our knowledge and belief.

Dated:
Place:

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

FORM 'H'
[See rule 11(1)]

REGISTRATION CERTIFICATE OF REAL ESTATE AGENT

1. This registration is granted under section 9 of the Act with registration certificate bearing No. _____ to -

(in the case of an individual) Mr./Ms. _____ son of
Mr./Ms. _____ Tehsil _____ District _____
State _____;

OR

(in the case of a firm / society / company) _____ firm / society / company
_____ having its registered office / principal place of business at
_____.

to act as a real estate agent to facilitate the sale or purchase of any plot, apartment or building, as the case may be, in real estate projects registered in the _____ State Government in terms of the Act and the rules and regulations made thereunder,

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

- (i) The real estate agent shall not facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a real estate project or part of it, being sold by the promoter which is required but not registered with the regulatory authority;
- (ii) The real estate agent shall maintain and preserve such books of account, records and documents as provided under rule 14;
- (iii) The real estate agent shall not involve himself in any unfair trade practices as specified under clause (c) of section 10;
- (iv) 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.
- (v) The real estate agent shall comply with the provisions of the Act and the rules and regulations made thereunder;
- (vi) The real estate agent shall not contravene the provisions of any other law for the time being in force in the area where the project is being developed;
- (vii) The real estate agent shall discharge such other functions as may be specified by the regulatory authority by regulations;

3. The registration is valid for a period of five years commencing from _____ and ending with _____ unless renewed by the regulatory authority in accordance with the provisions of the Act or the rules and regulations made thereunder.

4. If the above mentioned conditions are not fulfilled by the real estate agent, the regulatory authority may take necessary action against the real estate agent including revoking the registration granted herein, as per the Act and the rules and regulations made thereunder.

Dated:

Place:

Signature and seal of the Authorized Officer
Real Estate Regulatory Authority

FORM 'F'
[See rule 11(2), 12(4), 13]

**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**

From:

The Real Estate Regulatory Authority,

To

Application / Registration No.: _____

Dated: _____

You are hereby informed that your application for registration as real estate agent is rejected.

OR

You are hereby informed that your application for the renewal of the registration as real estate agent is rejected.

OR

You are hereby informed that the registration granted to you as real estate agent is hereby revoked.

for the reasons set out:- _____

Place:

Dated:

Signature and seal of the Authorized Officer
Real Estate Regulatory Authority

FORM 'J'
[See rule 12(1)]

APPLICATION FOR RENEWAL OF REGISTRATION OF REAL ESTATE AGENT

From:

To

The Real Estate Regulatory Authority,

Sir,

I/we beg to apply for renewal my/our registration as a real estate agent under registration certificate bearing No. _____, which expires on _____.

As required I/we submit the following documents and information, namely:-

- (i) A demand draft no. _____ dated _____ for rupees _____ in favour of _____ drawn on _____ bank as renewal fee;
- (ii) The original registration certificate; and
- (iii) Status of the applicant, whether individual / company / proprietorship firm / societies / partnership firm / limited liability partnership;
- (iv) In case of individual -
 - (a) Name
 - (b) Father's Name
 - (c) Occupation
 - (d) Permanent address
 - (e) Photograph

OR

In case of firm / societies / companies -

- (a) Name
- (b) Address
- (c) Copy of registration certificate
- (d) Major activities
- (e) Name, photograph and address of partners / directors
- (v) income tax returns filed under the provisions of the Income Tax Act, 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 for any of the three year preceding the application, a declaration to such effect;
- (vi) particulars of registration including the bye-laws, memorandum of association, articles of association etc. as the case may be;
- (vii) authenticated copy of the address proof of the place of business;
- (viii) Details of registration in any other State or Union territory;
- (ix) Any other information as specified by regulations.

Dated:

Place:

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

FORM 'K'
[See rule 12(4)]

RENEWAL OF REGISTRATION OF REAL ESTATE AGENT

1. This renewal of registration is granted under section 9 of the Act to -

(in the case of an individual) Mr./Ms. _____ son of
Mr./Ms. _____ Tehsil _____ District _____
State _____;

OR

(in the case of a firm / society / company) _____ firm / society / company
_____ having its registered office / principal place of business at
_____.

in continuation to registration certificate bearing No. _____, of
_____.

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

- (i) The real estate agent shall not facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a real estate project or part of it, being sold by the promoter which is required but not registered with the regulatory authority;
- (ii) The real estate agent shall maintain and preserve such books of account, records and documents as provided under rule 14;
- (iii) The real estate agent shall not involve himself in any unfair trade practices as specified under clause (c) of section 10;
- (iv) The real estate agent shall facilitate the possession of all documents, as the allottee is entitled to, at the time of booking of any plot, apartment or building, as the case may be.
- (v) 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.
- (vi) The real estate agent shall comply with the provisions of the Act and the rules and regulations made thereunder;
- (vii) The real estate agent shall not contravene the provisions of any other law for the time being in force in the area where the project is being developed;
- (viii) The real estate agent shall discharge such other functions as may be specified by the regulatory authority by regulations;

3. The registration is valid for a period of five years commencing from _____ and ending with _____ unless renewed by the regulatory authority in accordance with the provisions of the Act or the rules and regulations made thereunder.

4. If the above mentioned conditions are not fulfilled by the real estate agent, the regulatory authority may take necessary action against the real estate agent including revoking the registration granted herein, as per the Act and the rules and regulations made thereunder.

Dated:

Place:

Signature and seal of the Authorized Officer
Real Estate Regulatory Authority

FORM 'L'
[See rule 27(2)]

APPEAL TO APPELLATE TRIBUNAL

Appeal under section 44 of the Act

Every appeal shall be filed in English and in case it is in some other Indian language, it shall be accompanied by a copy translated in English and shall be fairly and legibly type-written, lithographed or printed in double spacing on one side of standard petition paper with an inner margin of about four centimetres width on top and with a right margin on 2.5 cm, and left margin of 5 cm, duly paginated, indexed and stitched together in paper book form.

For use of Appellate Tribunal's office:

Date of filing: _____

Date of receipt by post: _____

Registration No.: _____

Signature: _____

Registrar: _____

IN THE REAL ESTATE APPELLATE TRIBUNAL (Name of place)

Between
_____ Appellant(s)

And
_____ Respondent(s)

Details of appeal:

1. Particulars of the appellants:
 - (i) Name of the appellant:
 - (ii) Address of the existing office / residence of the appellant:
 - (iii) Address for service of all notices:
2. Particulars of the respondents:
 - (i) Name(s) of respondent:
 - (ii) Office address of the respondent:
 - (iii) Address for service of all notices:
3. Jurisdiction of the Appellate Tribunal:

The appellant declares that the subject matter of the appeal falls within the jurisdiction of the Appellate Tribunal.

4. Limitation:

The appellant declares that the appeal is within the limitation specified in sub-section (2) of section 44

OR

If the appeal is filed after the expiry of the limitation period specified under sub-section (2) of section 44 specify reasons for delay _____

5. Facts of the case:

(give a concise statement of facts and grounds of appeal against the specific order of regulatory authority or the adjudicating officer, as the case may be passed under section(s) _____ of the Act.

6. Relief(s) sought:

In view of the facts mentioned in paragraph 5 above, the appellant prays for the following relief(s) _____

[Specify below the relief(s) sought explaining the grounds of relief(s) and the legal provisions (if any) relied upon]

7. Interim order, if prayed for:

Pending final decision on the appeal the appellant seeks issue of the following interim order:

[Give here the nature of the interim order prayed for with reasons]

8. Matter not pending with any other court, etc.:

The appellant further declares that the matter regarding which this appeal has been made is not pending before any court of law or any other authority or any other tribunal(s).

9. Particulars of bank draft in respect of the fee in terms of sub-rule (1) of rule 27:

- (i) Amount
- (ii) Name of the bank on which drawn
- (iii) Demand draft number

10. List of enclosures:

- (i) An attested true copy of the order against which the appeal is filed
- (ii) Copies of the documents relied upon by the appellant and referred to in the appeal
- (iii) An index of the documents

Verification

I _____ (name in full block letters) son / daughter of _____ the appellant do hereby verify that the contents of paragraphs [1 to 10] are true to my personal knowledge and belief and that I have not suppressed any material fact(s).

Place:

Date:

Signature of the appellant(s)

FORM 'M'
[See rule 35(1)]

COMPLAINT TO REGULATORY AUTHORITY

Complaint under section 31 of the Act

For use of Regulatory Authority(s) office:

Date of filing: _____

Date of receipt by post: _____

Complaint No.: _____

Signature: _____

Registrar: _____

IN THE REGULATORY AUTHORITIES OFFICE (Name of place)

Between

_____ Complainant(s)

And

_____ Respondent(s)

Details of claim:

1. Particulars of the complainant(s):

(i) Name of the complainant:

(ii) Address of the existing office / residence of the complainant:

(iii) Address for service of all notices:

2. Particulars of the respondents:

(i) Name(s) of respondent:

(ii) Office address of the respondent:

(iii) Address for service of all notices:

3. Jurisdiction of the regulatory authority:

The complainant declares that the subject matter of the claim falls within the jurisdiction of the regulatory authority.

4. Facts of the case:

[give a concise statement of facts and grounds for complaint]

5. Relief(s) sought:

In view of the facts mentioned in paragraph 4 above, the complainant prays for the following relief(s) _____

[Specify below the relief(s) claimed explaining the grounds of relief(s) and the legal provisions (if any) relied upon]

6. Interim order, if prayed for:

Pending final decision on the complaint the complainant seeks issue of the following interim order:

[Give here the nature of the interim order prayed for with reasons]

7. Complainant not pending with any other court, etc.:

The complainant further declares that the matter regarding which this complaint has been made is not pending before any court of law or any other authority or any other tribunal(s).

8. Particulars of bank draft in respect of the fee in terms of sub-rule (1) of rule 36:

- (i) Amount
- (ii) Name of the bank on which drawn
- (iii) Demand draft number

9. List of enclosures:

[Specify the details of enclosures with the complaint]

Verification

I _____ (name in full block letters) son / daughter of _____ the complainant do hereby verify that the contents of paragraphs [1 to 9] are true to my personal knowledge and belief and that I have not suppressed any material fact(s).

Place:

Date:

Signature of the complainant(s)

FORM 'N'
[See rule 36(1)]

APPLICATION TO ADJUDICATING OFFICER

Claim for compensation under section 31 read with section 71 of the Act

For use of Adjudicating Officers office:

Date of filing: _____

Date of receipt by post: _____

Application No.: _____

Signature: _____

Authorized Officer: _____

IN THE ADJUDICATING OFFICERS OFFICE (Name of place)

Between _____ applicant(s)

And _____ Respondent(s)

Details of claim:

1. Particulars of the applicant(s):
 - (i) Name of the applicant:
 - (ii) Address of the existing office / residence of the appellant:
 - (iii) Address for service of all notices:
 - (iv) Details of allottees apartment, plot or building
2. Particulars of the respondents:
 - (i) Name(s) of respondent:
 - (ii) Office address of the respondent:
 - (iii) Address for service of all notices:
 - (iv) Registration no. and address of project.
3. Jurisdiction of the Adjudicating Officer:

The applicant declares that the subject matter of the claim falls within the jurisdiction of the adjudicating officer.

4. Facts of the case:

[give a concise statement of facts and grounds of claim against the promoter]

5. Compensation(s) sought:

In view of the facts mentioned in paragraph 4 above, the applicant prays for the following compensation(s) _____

[Specify below the compensation(s) claimed explaining the grounds of claim(s) and the legal provisions (if any) relied upon]

6. Claim not pending with any other court, etc.:

The applicant further declares that the matter regarding which this appeal has been made is not pending before any court of law or any other authority or any other tribunal(s).

7. Particulars of bank draft in respect of the fee in terms of sub-rule (1) of rule 36:

- (iv) Amount
- (v) Name of the bank on which drawn
- (vi) Demand draft number

8. List of enclosures:

[Specify the details of enclosures with the application]

Verification

I _____ (name in full block letters) son / daughter of _____ the applicant do hereby verify that the contents of paragraphs [1 to 8] are true to my personal knowledge and belief and that I have not suppressed any material fact(s).

Place:

Date:

Signature of the applicant(s)

FORM 'O'
[See rule 37]

ANNUAL STATEMENT OF ACCOUNTS

Receipts and Payments Account
For the year ended _____

(In Rupees)

A/c Code	Receipts	Current Year As on	Previous Year As on	A/c Code	Payments	Current year As on	Previous year As on
1.	To Balance Brought down:			13.	By Chairperson and Members:		
1.1.	To Bank			13.1.	By Pay and Allowances		
1.2.	To Cash in hand			13.2.	By Other benefits		
2.	To Fee, Charges and Fine:			13.3.	By Travelling expenses:		
2.1.	To Fees			13.3.	By Overseas		
2.2.	To Charges			1.			
2.3.	To Fines			13.3.	By Domestic		
2.4.	To Others (specify)			2.			
3.	To Grants:			14.	By Officers:		
3.1.	To Accounts with Government			14.1.	By Pay and Allowances		
3.2.	To Others (specify)			14.2.	By Retirement benefits		
4.	To Gifts			14.3.	By Other benefits		
5.	To Seminars and conferences			14.4.	By Travelling expenses:		
6.	To Sale of Publications			1.	By Overseas		
7.	To Income on investments and Deposits :			14.4.	By Domestic		
7.1.	To Income on investments			2.			
7.2.	To Income on Deposits			15.	By Staff:		
8.	To Loans:			15.1.	By Pay and Allowances		
8.1.	To Government			15.2.	By Retirement benefits		
8.2.	To Others (specify)			15.3.	By Other benefits		
				15.4.	By Travelling expenses:		
				1.	By Overseas		
				2.	By Domestic		

9.	To Sale of Assets			16.	By Hire of Conveyance		
10.	To Sale on Investments			17.	By Wages		
11.	To Recoveries from pay bills			18.	By Overtime		
				19.	By Honorarium		
				20.	By Other office expenses		
				21.	By Expenditure on Research		
				22.	By Consultation expenses		
				23.	By Seminars and conferences		
				24.	By Publications of Authority		
				25.	By Rent and Taxes		
				26.	By Interest on Loans		
				27.	By Promotional Expenses		
				28.	By Membership fee		
				29.	By Subscription		
				30.	By Purchase of Fixed Assets (specify)		
				31.	By Investments and Deposits:		
				31.1	By Investments		
				31.2	By Deposits		
				32.	By Security Deposits		
				33.	By Loans and Advances to:		
				33.1	By Employees:		
				33.1.1.	By Bearing Interest		
				33.1.2.	By Not bearing Interest		
				33.2.	By Suppliers/contractors		
				33.3.	By others (specify)		
				34.	By Repayment of loan		
				35.	By Others		
				35.1.	By Leave Salary and Pension		
				35.2.	Contribution		
				35.3.	By Audit Fee		
				35.4.	By Misc:		
				36.	By Balance carried down:		
				36.1	By Bank		

				36.2	By Cash in hand		
	Total				Total		

Member(s) (Signature)

Chairperson (Signature)

Income and Expenditure Account

For the 1st April _____ to 31st March _____

(In Rupees)

A/c Code	Expenditure	Current Year As on	Previous Year As on	A/c Code	Income	Current Year As on	Previous Year As on
37.	To Chairperson and Members			61.	By Fee, Charges and Fine		
37.1.	To Pay and Allowances			61.1.	By Fee		
37.2.	To Other benefits			61.2.	By Charges		
37.3.	To Travelling Expenses			61.3.	By Fines		
37.3.1.	To Overseas			61.4.	By Others (specify)		
37.3.2.	To Domestic			62.	By Grants		
38.	To Officers			62.1.	By Account with Government		
38.1.	To Pay and Allowances			62.2.	By Others (Specify)		
38.2.	To retirement Benefits			63.	By Gifts		
38.3.	To Other Benefits			64.	By Seminars and Conferences		
38.4.	To Traveling Expenses			65.	By Sale of Publications		
38.4.1.	To Overseas			66.	By Income on investments and Deposits		
38.4.2.	To Domestic			66.1.	By Income on investments		
39.	To Staff			66.2.	By Income on Deposits		
39.1.	To Pay and Allowances			66.3.	By Interest on Loan and Advances		
39.2.	To Retirement Benefits			67.	By Miscellaneous Income		
39.3.	To Other Benefits			67.1.	By Gain on Sales of Assets		
39.4.	To Traveling expenses			67.2.	By Excess of expenditure over		

					income		
39.4.1.	To Overseas			67.3.	(Transferred to Capital Fund Account)		
39.4.2.	To Domestic						
40.	To hire of Conveyance						
41.	To Wages						
42.	To Overtime						
43.	To Honorarium						
44.	To Other office expenses						
45.	To expenditure on Research						
46.	To Consultation expenses						
47.	To Seminars and conferences						
48.	To Publications of Real Estate Regulatory Authority						
49.	To Rent and Taxes						
50.	To Interest on loans						
51.	To Promotional Expenses						
52.	To membership fee						
53.	To Subscription						
54.	To Others						
54.1.	To Leave Salary and Pension						
54.2.	Contribution						
54.3.	To Audit Fee						
54.4.	To Misc.						
55.	To Depreciation						
56.	To Loss on sale of assets						
57.	To Bad Debts written off						
58.	To Provision for bad & doubtful debts						
59.	To Excess of income over Expenditure						
60.	(Transferred to capital Fund Account)						
	Total				Total		

Member(s) (Signature)

Chairperson (Signature)

Balance Sheet as on 31st March _____

(In Rupees)

A/c Code	Liabilities	Current Year As on	Previous Year As on	A/c Code	Assets	Current Year As on	Previous Year As on
68.	Funds			72.	Fixed Assets		
68.1	Capital Fund			72.1.	Gross Block at Cost		
68.2	Add Excess of Income over Expenditure/less excess of Expenditure over Income			72.2.	Less Cumulative depreciation		
68.3	Other Funds (Specify)			72.3.	Net Block		
69.	Reserves			73.	Capital Work-in-progress		
70.	Loans			74.	Investments & Deposits		
70.1	Government			74.1.	Investment		
70.2	Others			74.2.	Deposits		
71.	Current Liabilities and provisions			75.	Loans and Advances		
				75.1.	Account with Government		
				76.	Sundry Debtors		
				77.	Cash and Bank Balances		
				78.	Other Current Assets		
	Total				Total		

Accounting Policies and Notes:

Member(s) (Signature)

Chairperson (Signature)

FORM 'P'
[See rule 38]

ANNUAL REPORT TO BE PREPARED BY REGULATORY AUTHORITY

I. Return on registration of promoters and real estate agents

A. In relation to Promoters:

Serial Number	Name of promoter	Address of promoter	Description of project for which registration has been issued	Fee paid	Registration Number
1	2	3	4	5	6

Date of issue of registration	Date on which registration expires	Date of extension of registration with period of extension	Remark
7	8	9	10

B. In relation to Real Estate Agents:

Serial Number	Name of Real Estate Agent	Address of Real Estate Agent	Registration Fee paid	Date of issue of registration certificate	Date on which registration certificate expires	Date and period of renewal of registration certificate	Remark
1	2	3	4	5	6	7	8

II. Return on number of cases filed before the regulatory authority and the adjudicating officer for settlement of disputes and adjudicated upon.

SI. No.	No. of Cases pending in the last quarter by the regulatory authority	No. of Cases received during the quarter by the regulatory authority	No. of Cases disposed of by the regulatory authority

SI. No.	No. of Cases pending in the last quarter with the	No. of Cases received during the quarter by the adjudicating	No. of Cases disposed of by the adjudicating

	adjudicating officer	officer	officer

III. Statement on the periodical survey conducted by the regulatory authority to monitor the compliance of the provisions of the Act by the promoters, allottees and real estate agents.

SI. No.	Survey conducted during the quarter with details	Observation of Authority	Remedial steps taken

IV. Statement on steps taken to mitigate any non-compliance of the provisions of the and the rules and regulations made thereunder by the promoters, allottees and real estate agents.

SI. No.	Subject	Steps taken	Results achieved

V. Statements on penalty imposed by the regulatory authority for contraventions of the Act and directions of the regulatory authority and adjudicating officer.

SI. No.	Name of the promoter	Details of the directions issued	Penalty imposed	Whether paid

SI. No.	Name of the allottee	Details of the directions issued	Penalty imposed	Whether paid

SI. No.	Name of the real estate agent	Details of the directions issued	Penalty imposed	Whether paid

By Order and in the name of the Governor of Madhya Pradesh,
C. K. SADHAV, Dy. Secy.