

# The Maharashtra Real Estate (Regulation & Development) Act, 2017



# The Real Estate (Regulation & Development) Act, 2016

- The Govt. of India Published The RERA on 26th March 2016
- Govt. of Maharashtra published the enabling rules under the notification on 20th April 2017.

# The Real Estate (Regulation & Development) Act, 2016

## Applicability

- Entire Country except J & K.
- Plots, Flats, Bungalows & commercial.
- Builder, Development Authority

## Enabling Set-up of

- Real Estate Regulatory Authority
- Appellate Tribunal
- Appointment of adjudicating Officers

**Projects or phases of projects only received Commencement Certificate but no Completion Certificate.**

**Residential & Commercial projects**

**PROJECTS ATTRACTED UNDER RERA OR NEED TO REGISTER**

**Plotted development**

**Land under development more than 500 Sq. mts. / more than 8 No. of Units**

**Renovation, redevelopment or projects under repair which do not involve marketing, Advertising, selling & New allotment need not be registered.**

# Customer is the King

## The Customer must know the Entire project related information

- The Complete details of the Builder/Company carrying out the project
- All the Project related documents - Title, Approval, Financial
- Number, type & carpet area of the apartment.
- Protected against defective title by way of Insurance

## Details of the Project

- Number of Flats
- Wings & Phases
- Buildings
- Specifications
- Open, covered parking & garage.
- Amenities, common areas, facilities.
- Body / Association to be formed of the purchasers.

## The Customer has larger say in the development

- Any major changes in the project needs consent of 2/3 members.
- Advertisements, media communications history is available on web for future reference.
- No arbitrary cancellation of Units by Promoter.

- Maximum Booking amount of 10% can be collected from customers prior to Registration.
- The funds collected from Customers must be deposited in the specially designated separate accounts.
- 30% of the amount from the collection can be withdrawn by Builder without any restrictions.
- 70% of the amount can be withdrawn as per the percentage of completion of the work – strictly to cover project cost.
- Withdrawal of the amount to be certified by – Architect, Engineer & CA.
- Projects account to be audited on every financial year & copy of the same to be submitted to RERA.
- For non – compliance of RERA, provision of the stronger financial penalties.



- Any project cannot be sold /advertised without Registration on RERA site.
- Registration of New and existing projects (3 months cool off time) with RERA is mandatory.
- Authenticated copy of all the approvals, sanctioned plan, formats of Agreements, Sale Deed & conveyance deed & complete details of the Builder firm undertaking the project to be submitted to RERA when applying for Registration of Project.

Authenticated copy ;

1. Builder & Builder Firm Details
2. All Title related documents
3. All Approval Related documents
4. All papers related to any disputes / loans.

- Registration of different phases of single project to be done separately.
- Project completion date needs to be specified for each phase.
- Max 1 year extension is applicable for delay only if developer is not at fault
- Insurance for Construction & Land title to be obtained.
- Quarterly update on sold, unsold units & status of pending approvals to be done on RERA Website.
- Annual audit of projects account by CA

The promoter shall furnish the information as required under the Act and documents, specified under the sub-sections (1) & (2) of section 4 of the Act

- PAN Card & Aadhar Card
- Name, photo, contact details & address of the promoter if he is individual.
- Name, photo, contact details & address of the Chairman, Partners, Directors as the case may be and the authorised representative in other entities.
- Copy of Title report of the Land
- Sale Deed/Development agreement / collaboration agreement/ Joint development agreement, as the case may be.
- Information relating to any encumbrances with the proceedings which are sub-judice.

- Sanctioned plan of the project with information relating to FSI / TDR and other entitlements which are proposed to be utilized.
- The proposed plan, proposed layout plan of the whole project and FSI proposed to be consumed in the whole project
- Proposed number of buildings or wings to be constructed & sanctioned number of building & wings.
- Aggregate area in Sq. Mts. Of the recreation open space.
- The number of covered parking, Garages for sale.
- The application for registration of a real estate project referred to in sub-section (1) of section 4 shall be made as Form 'A' and in writing by the promoter or his authorised representative authorized by a letter of Authority or Board Resolution and shall be submitted in triplicate.
- The promoter shall pay a registration fee, calculated on the area of the land proposed to be developed at the rate of Rs. 10/- per square meter, subject to a minimum of Rs. 50,000/- and a maximum of Rs. 10 lakhs.
- The fees for registration of real estate project shall be paid through NEFT or RTGS or any other digital transaction mode.

The registration of a real estate project shall not be required

- For the purpose of any renovations or repair or redevelopment which does not involve marketing, advertisement, selling or new allotment of any apartment, plot or building as the case may be under the real estate project.
- Where only structural repairs of existing buildings are being undertaken by or through any Public Authority or as per requirement under any law, rules or regulations of the State Government or directions of any Competent Authority

## Withdrawal of Application

- The promoter may apply for withdrawal of application for registration before the expiry of the period of 30 days of its submission to Authority.
- The registration fee shall be refunded after deducting administrative charges towards processing of application by the Authority. Refund shall be processed within such period as may be specified in such regulations

## Disclosure by promoter of ongoing real estate projects

- The promoter Shall provide the complete details of all the on-going real estate projects such as no of buildings as per sanctioned plan pending occupancy certificate or completion certificate, as provided by clause (b) of sub-section (2) of section 3. He shall also submit separate applications for registration for each phase of the project, within a period of 3 months.
- The Promoter shall disclose the number of the apartments sold or allotted to the customers and further disclose the size of the apartment based on carpet area even if such apartments are sold earlier on any other basis.
- In case of plotted development, the promoter shall disclose the area of the plots sold to the allottees including extent of share of common areas and amenities etc.

The promoter on receiving Login ID & Password after registration shall create his web page on the website of the Authority & enter all details as follows

- Details of the registration granted by the Authority.
- Quarterly up-date of the list of number and types of units booked.
- Quarterly up-date the list of number of garage booked.
- Quarterly up-date the list of approvals taken and the approvals which are pending subsequent to Commencement Certificate.
- Quarterly up-date on construction status of the project.
- Any information & documents as may be specified by the regulations made by the Authority.



- No marketing or advertising before registration of project.
- RERA website to be mentioned in any advertisement published by promoter. (Details about the project to be updated in RERA Website)
- Promoter has to compensate the consumer for any loss due to false or incorrect statement included in advertisement.
- Buyer has rights to withdraw his entire amount along with interest due to false or incorrect statement in advertisement.

- Every real estate agent relating to marketing, advertising, sale or purchase of apartment, required to be registered.
- Registration is valid for 5 years, agent needs to apply for renewal atleast 60 days before the expiry.
- Real Estate Agent has to furnish all his details as prescribed in the Form G attached with documents of his identity, address & particulars of Registration obtained under other law.
- Coloured photograph of the agent.
- The details of all promoters on whose behalf he has acted as a Real Estate Agent in preceding five years.
- Details of Civil & /or Criminal cases pending against him.

- Self certified copies of all letterheads, rubber stamps, acknowledgement receipts etc. proposed to be used by Real Estate Agent.
- Income tax returns for last three financial years
- Details of registration in any other state and under any other law.
- Registration fee Rs. 10,000/- for individual & Rs. 1 Lakh for firm.
- Real Estate Agent requires maintaining separate books of Accounts for each Project.



Thank You

## The Promoter shall disclose

- Land cost in the real estate project for the purposes of sub-clause (D) of clause (1) of sub-section (2) of section 4;
- Cost of construction in real estate project for the purposes of sub-clause (D) of clause (1) of sub-section (2) of section 4;
- “Estimated cost of the real estate project,” within the meaning of clause (v) of section 2.