



A & S LAW WEEKLY

Week - 21

Registration under RERA



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PRIOR REGISTRATION OF REAL ESTATE PROJECT WITH RERA

YouTube Video Link: <https://www.youtube.com/shorts/LHuwZ1rBkwM>

APPLICATION FOR REGISTRATION OF REAL ESTATE PROJECTS



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S.4 - APPLICATION FOR REGISTRATION OF REAL ESTATE PROJECTS

- (1) Every promoter shall make an application to the **Authority of Registration**.
- (2) The following documents are attached with the Application –
 - Brief details of the enterprise – Its **name, registered address, type of enterprise, particulars of registration, names & photograph** of the promoter.
 - Brief detail & **current status of the projects** launched by them in the **past five years**.
 - An **authenticated copy of the approvals and commencement certificate** from the competent authority with **regard to the the sanctioned plan, layout plan and specifications** of the proposed project.
 - The **plan of development works** yet to be executed in the proposed project & facilities to be provided which may include **fire fighting facilities, drinking water facilities, emergency evacuation services, use of renewable energy**.
 - **Clear demarcation of land** dedicated for the project along with its **boundaries** including the **latitude and longitude of the end points** of the project.



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S.4 - APPLICATION FOR REGISTRATION OF REAL ESTATE PROJECTS

- Proforma of the **allotment letter, agreement for sale, and the conveyance deed** proposed to be signed with the allottees.
- The **number, type and the carpet area** of apartments **for sale** in the project along with the **area of the exclusive balcony or veranda** and the **exclusive open terrace areas** appurtenant with the apartment.
- The **number and area of garage** for sale.
- The **names and addresses of his real estate agents, the proposed project**.
- The **names and addresses of the contractors, architect, structural engineers and other persons concerned with the development** of the proposed project.





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S.4 - APPLICATION FOR REGISTRATION OF REAL ESTATE PROJECTS

- A declaration supported by an affidavit shall be signed by the promoter or any person authorised by the promoter, stating that:
 - a. He has a legal title to the land
 - b. The land is free from all encumbrances
 - c. The time period within which it is to be completed
 - d. Seventy percent of the amounts realised for the real estate project 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
 - e. He shall take all the pending approvals on time, from the competent authorities
 - f. He has furnished such other documents as may be prescribed by the rules or regulations made under this Act
- (3) The Authority shall operationalise a web based online system for submitting applications within a period of one year from the date of its establishment.





Grant of Registration

Section 5 of RERA ACT

- **Application to be made by applicant through TamilNadu Real Estate Regulatory Authority (TNRERA) Website.**
- **Application rejection reason to be recorded in Writing.**
- **If the authority fails to grant or reject the application, the project shall be deemed to have been registered within 7 days from the expiry of 30 days**

PROJECT EXTENTION AND REVOCATION OF RERA



SECTION 6 OF RERA



The registration granted under section 5 may be extended by the Authority on an application made by the promoter, due to force majeure, in such form and on payment of such fee.

Authority may in reasonable circumstances, without default on the part of the promoter, based on the facts of each case, and for reasons to be recorded in writing, extend the registration granted to a project for such time as it considers necessary, which shall, in aggregate, not exceed a period of 1 year

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

FORCE MAJEURE" SHALL MEAN A CASE OF WAR, FLOOD, DROUGHT, FIRE, CYCLONE, EARTHQUAKE OR ANY OTHER CALAMITY CAUSED BY NATURE AFFECTING THE REGULAR DEVELOPMENT OF THE REAL ESTATE PROJECT.

Section 7 OF RERA



- Authority on receipt of a complaint or suo motu in this behalf or on the recommendation of the competent authority, revoke the registration granted under section 5, after being satisfied that—
- (a) the promoter makes default in doing anything required by or under this Act or the rules or the regulations made thereunder;
- (b) the promoter violates any of the terms or conditions of the approval given by the competent authority;
- (c) the promoter is involved in any kind of unfair practice or irregularities.

Section 7 OF RERA

(A) the practice of making any statement, whether in writing or by visible representation which,—

(i) falsely represents that the services are of a particular standard or grade;

(ii) represents that the promoter has approval or affiliation which such promoter does not have;

(iii) makes a false or misleading representation concerning the services;

(B) the promoter permits the publication of any advertisement or prospectus whether in any

newspaper or otherwise of services that are not intended to be offered;

(d) the promoter indulges in any fraudulent practices



Section 7 OF RERA

(2) The registration granted to the promoter under section 5 shall not be revoked unless the Authority has given to the promoter not less than 30 days notice, in writing, stating the grounds on which it is proposed to revoke the registration, and has considered any cause shown by the promoter within the period of that notice against the proposed revocation.

(3) The Authority may, instead of revoking the registration under subsection (1), permit it to remain in force subject to such further terms and conditions as it thinks fit to impose in the interest of the allottees, and any such terms and conditions so imposed shall be binding upon the promoter.





Section 7 OF RERA



(4) The Authority, upon the revocation of the registration,—

(a) shall debar the promoter from accessing its website in relation to that project and specify his name in the list of defaulters and display his photograph on its website and also inform the other Real Estate Regulatory Authority in other States and Union territories about such revocation or registration;

(b) shall facilitate the remaining development works to be carried out in accordance with the provisions of section 8;

(c) shall direct the bank holding the project bank account, to freeze the account, and thereafter take such further necessary actions, including consequent de-freezing of the said account, towards facilitating the remaining development works ;

(d) may, to protect the interest of allottees or in the public interest, issue such directions as it may deem necessary.

REGISTRATION AND FUNCTIONS OF REAL ESTATE AGENTS



Registration of Real Estate Agents under Section 9 of RERA

1. No person shall be real estate agent facilitating sale or purchase of land without being registered as real estate agent
2. A person willing to be a real estate agent shall make an application along with necessary documents and fee

Scrutiny of Applications

Once the application is submitted the authority may scrutinize the application and accept or reject the same

On rejection, sufficient reasons must be stated in writing

On Acceptance, the agent will be provided a registration number

Functions of real estate agents under Section 10 of the RERA Act

1. An agent should not facilitate sale or purchase of any property not registered under this act
2. Maintain and preserve books of accounts
3. Not engaging in unfair trade practices such as false representation, false advertisement etc

