Kolkata



Gazette

Extraordinary Published by Authority

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THURSDAY, SEPTEMBER 24, 2020

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PART I-Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

WEST BENGAL HOUSING INDUSTRY REGULATORY AUTHORITY

Calcutta Greens Commercial Complex (1st Floor) 1050/2, Survey Park, Kolkata-700 075

NOTIFICATION

No. 967-HIRA/L-5/2020

Dated, Kolkata, 24th September, 2020

The West Bengal Housing Industry Regulatory Authority (General) Regulations-3, 2020

In exercise of the powers conferred under section 81 of the West Bengal Housing Industry Regulation Act, 2017 (West Bengal Act XLI of 2017) (hereinafter referred to as the said Act), and of all other powers enabling it in that behalf, the West Bengal Housing Industry Regulatory Authority (hereinafter referred to as the Authority) established under section 20 of the said Act vide Notification No.197-HIV/3M-11/17 (Pt.) dated 30th May, 2020 with the approval of the state Government hereby makes the following regulations to carry out the purposes of the

Short Title, Object, Commencement and Extent:

- (a) These regulations may be called the West Bengal Housing Industry Regulatory Authority (General) Regulations-3,
 - (b) The object of these Regulations is to establish procedures regarding the general functioning of the Authority and for the conduct of business of the Authority.
 - (c) These Regulations shall apply in relation to all matters falling within the jurisdiction of the Authority in the State of West Bengal.
 - (d) These Regulations shall come into force on the date of their publication in the official Gazette.

Definitions:

- (a) In these Regulations, unless the context otherwise requires:-
 - "Act" means The West Bengal Housing Industry Regulation Act, 2017 as amended from time to time;
 - (ii) "Adjudication" means the process of arriving at decisions on complaints submitted to the Authority or the Adjudicating officer under section 31 of the Act;
 - (iii) "Chairperson" means the Chairperson of the Authority;

- (iv) "Authority" means the West Bengal Housing Industry Regulatory Authority;
- (v) "Consultant" includes any person not in the employment of the Authority who may be appointed as such to assist the Authority on any matter required to be dealt with by the Authority under the Act and the rules and regulations made thereunder;
- (vi) "Member" means a member of the Authority;
- (vii) "Proceedings" mean and include proceedings of all nature that the Authority may conduct in the discharge of its functions under the Act and the rules and regulations;
- (viii) "Secretary" means the Secretary of the Authority;
- (ix) "Officer" means an Officer of the Authority;
- (xi) "Regulations" mean the West Bengal Housing Industry Regulatory Authority (General) Regulations-3, 2020 as amended from time to time.
- (x) "Rules" mean the rules framed by Government of West Bengal, under the West Bengal Housing Industry Regulatory Authority Rules, 2018 as amended from time to time;
- (b) Words or expressions occurring in these Regulations and not defined herein but defined in the Act or the Rules shall bear the same meanings respectively assigned to them in the Act and the Rules.
- (c) In construing these Regulations, the singular shall include the plural and vice versa.
- 3. Duties and Responsibilities of different officers of the Authority:
 - (a) Duties and Responsibilities of the Secretary, West Bengal Housing Industry Regulatory Authority:
 - (1) Secretary of the West Bengal Housing Industry Regulatory Authority shall be the Principal Executive Officer of the Authority and shall exercise his powers and perform his duties under the direct control of the Chairperson.
 - (2) The Secretary shall be the controlling officer for the subordinate establishment personnel including the section Officers.
 - (3) The Authority in discharge of its functions, may take such assistance from the Secretary as it may deem necessary.
 - (4) In Particular, and without prejudice to the generality of the provisions (1), (2) and (3) above, the Secretary shall discharge the following functions:
 - (a) Shall function as an authorized joint signatory in respect of the bank accounts of the Authority.
 - (b) Shall assist the Authority in preparation of annual budget of the Authority and obtain approval of the Authority.
 - (c) Shall grant Casual Leave to group B, C and D personnel of the Authority.
 - (d) Shall be responsible for maintenance of the website through the designated agency.
 - (e) Shall be responsible for generating the Registration certificates for Real Estate Projects and Registration of Real Estate Agents.
 - (f) Shall be responsible for arranging for the custody of office records.
 - (g) Shall receive or cause to receive all documents, in soft or hard copies as the case may be, scrutinize such documents, inter alia documents, including complaints, applications or references, obtain necessary directions from the Authority wherever necessary, and take appropriate action accordingly.
 - (h) Shall prepare agenda items for meetings of the Authority in consultation with the Authority, issue meeting notice, agenda items, prepare and circulate the minutes of the Authority.
 - (i) Any other work that may be assigned by the Chairperson.

- (j) The Financial powers of the Secretary shall be governed by the Delegation of Financial Rules of the State Government.
- (k) The Secretary shall be responsible for checking and examining all complaints received by the Authority on a regular basis. He is also authorized to respond to all minor queries, he shall also bring the complaints to the notice of the Chairperson or the Members of the Authority, as the case may be.

(b) Duty and responsibilities of the Finance Officer:

The Finance Officer Shall be responsible for all financial works of the Authority, including assisting the Secretary in:

- (1) Preparing the budget estimates, compilation or cause to compile the monthly and Annual Accounts,
- (2) Preparation of Annual Report of the Authority.
- (3) Replying to audit queries in consultation with the Secretary and Chairperson or any member as may be assigned by the Chairperson.
- (4) Preparation of salary bills and disbursement of salary of all employees of the Authority.
- (5) All other payments for running of the Authority office.
- (6) The Financial power of the Finance Officer shall be as per the State Government delegation of Financial power rules.
- (7) The Finance officer shall also be working as the Middle level Officer for examination of the proposals for registration of Real estate Projects and Real estate Agents. He will supervise the works of the Junior level Officer who will examine the proposals on receipt through online, and after examination, shall put it up online to the Middle level Officer (MLO).
- (8) The Finance Officer will be assisted by Accounts Assistant/LDC, Junior level Officer, and any other assistant as the Authority may deem necessary.
- (9) Any other work that may be assigned by the Chairperson.
- (c) Duties and responsibilities of the Special Law Officer / Law Officer:
- (1) The Special Law Officer / Law Officer shall be responsible for examining all complaint cases received by the Authority, preparing brief to be put up to the member of the Authority as may be assigned by the Chairperson.
- (2) Preparation and uploading Cause lists.
- (3) The cause list so prepared shall have to be put up on the website of the Authority.
- (4) The Special Law Officer / Law Officer shall also be responsible for putting up the orders of the Authority in connection with Complaint cases on the website of the Authority.
- (5) The Special Law Officer / Law Officer shall also function as a Middle Level Officer (MLO) and assist the Authority in checking the legal documents submitted for registration of projects with their applications.
- (6) The Special Law Officer / Law Officer, is authorised to undertake all the functions of a MLO and return the projects, where ever necessary, for rectification and resubmission.
- (7) In absence of the Secretary in the office, the Special Law Officer / Law Officer is authorized to issue the certificates of Registration of the Real Eastate Projects and the Real estate agents, Extension certificates and certificates for modification of registered project and issue other communications on behalf of the Authority, wich are duly approved by the Authority.
- (8) The Special Law Officer / Law Officer shall issue the notices for hearing of complaint cases.
- (9) The Special Law Officer / Law Officer shall be responsible for taking up matters related to court cases where the Authority is involved, and shall maintain close liaison with the concerned advocates, prepare necessary briefs etc.
- (10) The Special Law Officer / Law Officer shall be assisted by UDC, LDC, Junior officers and any other assistant as the Authority may deem necessary.
- (11) Any other work as may be assigned by the Chairperson.

4. Procedure for examination of proposals for registration of real estate projects and real estate agents Authority hereby describes the procedure for processing the applications mentioned herein above:-

- (1) The proposals received online shall be first checked by the JLO and forwarded to MLO online with observations of JLO.
- (2) MLO, on receipt of the proposal from JLO, shall examine the documents submitted and put his observations and simultaneously forward hard/soft copy of the proposal, as the case may be, along with his observations to the Special Law Officer / Law Officer of the Authority for examining the legal documents such as the Agreement, lease Deed, Agreement cum declaration in form A, land details and ownership documents etc.
- (3) The Special Law Officer / Law Officer shall examine the documents and record observations on the soft copy i.e in the website place for application for registration, and return it to the applicant for rectification if necessary. Law Officer will also return the hard copy to MLO if there is any lacunae in the proposal. If the proposal is correct in all respects the Law Officer shall Forward the soft copy and hard copies to the Chairperson.
- (4) If the proposal is correct in all respect, the MLO shall forward it to the Chairperson of the Authority.
- (5) The Authority shall examine the proposals for approval or rejection, as the case may be, and the members present shall document their decision on each project in the minutes of the meeting under the signature of the members present.
- (6) For Quorum of the meeting, presence of any two persons, including the Chairman, will be acceptable. In case of unavailability of the Chairman, two members will conduct the meeting for deciding on the applications.
- (7) Hard copy of the signed minutes of the meeting sheet shall be sent to the Secretary of the Authority.
- (8) The meetings for approval or rejection of the proposals will be exclusive for the purpose and independent of the meetings of the Authority, and no other agenda item will be considered in such meeting.
- (9) Secretary of the Authority shall convey the approval of the proposal and return the minutes of the meeting to the MLO for record.
- (10) In absence of the Secretary, the Special Law Officer / Law Officer is authorized to convey the approval of the proposal, issue the registration certificate and conduct necessary procedures.

5. Procedures for meeting of the Authority:

- (1) This section shall be applicable to the meetings of the Authority, other than the adjudicatory proceedings of the Authority.
- (2) The quorum for the meetings of the Authority shall be two.
- (3) If in any meeting of the Authority is duly convened and the quorum is not present, the meeting shall stand adjourned for the next day at the same time and venue.
- (4) The Chairperson shall preside over the meeting and conduct the meeting. If the Chairperson is unable to be present in the meetings for any reason, or where there is no Chairperson, any one Member will preside over the proceedings.
- (5) Decisions in the meetings will be generally taken through consensus among the Chairperson and the members. However, in absence of consensus, the decision will be taken on the basis of votes and majority opinion. Each member will have one vote.
- (6) Invitee members may attend the meetings and give their opinion. However, they shall not have any voting rights, However, their opinion will be recorded in the minutes of the meeting.
- (7) The Secretary or in his absence an Officer of the Authority designated by the Chairperson, shall record the minutes of the meetings and maintain a register which will, amongst other things, contain the names

and designation of Members and invitees present in the meeting, a record of proceedings and notes of dissent, if any. The draft minutes shall, as soon as practicable, be sent to the Chairperson and the attending Members.

(8) The decision taken in a meeting of the Authority shall be recorded in the minutes in a clear and concise manner, alongwith reasons. In case the minutes record any statement/submission made by an invitee, a copy of the minutes shall be sent to such invitee. The minutes of the previous meeting shall be confirmed by circulation or at the next meeting of the Authority.

6. Adjudication proceedings:

- (1) Adjudication of complaint cases will be done through online hearing or in physical presence of the parties concerned.
- (2) In case of online hearing, the Standard Operating Procedure(SOP) already notified by the Authority in the WBHIRA website shall be followed.
- (3) The hearings may be taken by the Chairperson and the members of the Authority. Any one or both of the members may conduct the hearing.
- (4) The Special Law Officer / Law Officer will assist the Authority to conduct the hearing.
- (5) Hearing will be done as per the Cause list notified in the Notice section of the WBHIRA website.
- (6) The orders of the each case will be signed by the Chairman or the member/s who took the hearing and the orders will be put up on the website of the Authority.
- (7) The orders signed by the chairperson or member/s and certified to be true copy by the Special Law Officer / Law Officer, WBHIRA shall also be uploaded on the website of the Authority.
- (8) The complainant and the respondent shall be bound to submit all documents as may be directed during adjudication, in both hard and soft copies.

7. Engagement of contractual workers and consultants by the Authority

The Authority, at its discretion and manpower requirement, may engage personnel, or Consultant on contractual basis, as and when required.

8. Formats of Certificates of Architect, Engineer and Chartered Accountant:

The certificates, issued by the project architect, project engineer, chartered accountant and submitted to the banks for getting release of money from the separate account shall be in Form 4, 5, and 6 respectively.

Date:

FORM - 4

[Sec Section 4 read with Reg. No. 8 of Regulations-3, 2020]

ARCHITECT'S CERTIFICATE

(To be submitted at the time of Registration of Project and for withdrawal of Money from Designated Account)

To				
The	(Name & Ad	dress of Promoter).		
Subject : Coberning R. of the end admeasuring	Certificate of Percentage of Compl Wing(s) of the Pha S. No/L.R. No./Survey no./ Final P points) to the North village/town/city ng sq.mts. area being de	etion of Construction Wase of the Project [WBI Plot no dem to the South sub-division	HIRA Registration narcated by its boun to the East District	Number] situated on the Plot ndaries (latitude and longitude
Sir,				
Project, sit	have undertak tion of Construction Work of the uated on the plot bearing no District by [Promoter's Name]	Building	(s)/Wing	g(s) of thePhase of the
		a.		
(i) M (ii) M (iii) M (iv) M Based certify that Estate Projection	wing technical professionals are a M/s/Shri/Smt M/s /Shri / Smt M/s /Shri / Smt on Site Inspection, with respect as on the date of this certificate, the ect as registered vide number of the work executed with respect and the work executed with respect the work executed with respect to the work executed with	as L.S. / A as Structu as MEP C as Site Sup to each of the Building he Percentage of Work under to each of the activity	architect; ral Consultant consultant pervisor g/Wing of the afor done for each of the WBHIRA is as por y of the entire pha	ne building/Wing of the Real er table A herein below. The use is detailed in Table B. Wing of the Project) Percentage of work
Ĭ	Excavation		700	done
2	number of Baseme	ent(s) and Plinth		
3 4	number of Podium Stilt Floor	is		•
5		of Super Structure		
6	Internal walls, Internal Plaster, Doors and Windows to each of	Floorings within Flats f the Flat/Premises	/Premises,	
7	Sanitary Fittings within the Fla	nt/Premises		
8	Electrical Fittings within the Fl	at/Premises		
9	Staircases, Lifts Wells and Lob Staircases and Lifts, Overhead	bies at each Floor leve and Underground Wat	l connecting er Tanks	24

Sr. No	Tasks /Activity	Percentage of work done
10	The external plumbing and external plaster, elevation, completion of terraces with waterproofing of the Building/Wing	
11	Installation of lifts, water pumps, Fire Fighting Fittings and Equipment as per CFO NOC, Electrical fittings to Common Areas, electro, mechanical equipment, Compliance to conditions of environment / CRZ NOC, Finishing to entrance lobby/s, plinth protection, paving of areas appurtenant to Building/Wing, Compound Wall and all other requirements as may be required to Obtain Occupation /Completion Certificate	

TABLE-B

Internal & External Development Works in Respect of the entire Registered Phase

W. 100 A.				agreered I must
S.No	Common areas and Facilities, Amenities	Proposed (Yes/No)	Percentage of Work done	Details
1	Internal Roads & Foothpaths		No.	
2	Water Supply			*
3	Sewarage (chamber, lines, Septic Tank, STP)	N.		
4	Storm Water Drains	,		
5	Landscaping & Tree Planting			
<u>6</u>	Street Lighting			
7	Community Buildings			
8	Treatment and disposal of sewage and sullage water			
9	Solid Waste management & Disposal	-		× 1c × 5
<u>10</u>	Water conservation, Rain water harvesting			
<u>11</u>	Energy management	1 45.4	eligen out to	
12	Fire protection and fire safety requirements		He of	
<u>13</u>	Electrical meter room, sub-station, receiving station	*		
14	Others (Option to Add more)			4

Yours Faithfully

Signature
& Name (IN BLOCK LETTERS) of L.S/ Architect
(License NO.....)

FORM - 5

[sec section 4 read with Reg. No. 8 of Regulations-3, 2020]

ENGINEER'S CERTIFICATE

Project wise)	itted at the time of Registration of Project and for withd	rawal of Money from Designated Account-
		Date :
То		
The	(Name & Address of Promoter),	
6 11 6 15		

Subject: Cer	rtificate of Cost Incur	red for Developm	ent of [Project Nam	e] for Construction	ofbuilding(s)
W,1	ing(s) of the	Phase (WBF	IIRA Registration	Number) situated or	the Plot hearing Plot no
	demarcated by	its boundaries (lai	itude and longitude	of the end noints)	to the North
the South _	to the East _	to the W	est of Division	village/town/c	ity sub-division
-	District	PIN	admeasuring	sq.mts.	area being developed by
[Promoter]	w british Registratio	n Number		Sir I/We	hove undertaleen
assignment	of certifying Estim	ated Cost for the	e Subject Real Est.	ate Project proposi	ed to be registered under
W DITINA, L	being B	uilding(s)/)/	Wing(s	ofthe	Dhasa situated at 1
bearing R.S	. No.L.R. No./Surve	y no./ Final Plot	no	of Division	village/town/city
	Sub-ulvisoii	Di	Strict	PIN	admeasuring
	sq.mts. area being d	leveloped by [Ov	vner/Promoter]		sameasaring

- Following technical professionals are appointed by Owner / Promoter: –
 M/s/Shri/Smt
 - (i) M/s/Shri/Smt _____ as L.S. / Architect;
 (ii) M/s /Shri / Smt _____ as Structural Consultant
 - (iii) M/s /Shri / Smt _____ as MEP Consultant
 - (iv) M/s /Shri / Smt ______as Quantity Surveyor *
- 2. We have estimated the cost of the completion to obtain Occupation Certificate/ Completion Certificate, of the Civil, MEP and Allied works, of the Building(s) of the project. Our estimated cost calculations are based on the Drawings/plans made available to us for the project under reference by the Developer and Consultants and the Schedule of items and quantity for the entire work as calculated by ______ quantity Surveyor* appointed by Developer/Engineer, and the assumption of the cost of material, labour and other inputs made by developer, and the site inspection carried out by us.
- 3. We estimate Total Estimated Cost of completion of the building(s) of the aforesaid project under reference as Rs_______(Total of Table A and B). The estimated Total Cost of project is with reference to the Civil, MEP and allied works required to be completed for the purpose of obtaining occupation certificate / completion certificate for the building(s) from the _______ being the Planning Authority under whose jurisdiction the aforesaid project is being implemented.
- 4. The Estimated Cost Incurred till date is calculated at Rs. _____(Total of Table A and B)_. The amount of Estimated Cost Incurred is calculated on the base of amount of Total Estimated Cost.
- 5. The Balance cost of Completion of the Civil, MEP and Allied works of the Building(s) of the subject project to obtain Occupation Certificate / Completion Certificate from ______ (planning Authority) is estimated at Rs______ (Total of Table A and B).
- 6. I certify that the Cost of the Civil, MEP and allied work for the aforesaid Project as completed on the date of this certificate is as given in Table A and B below:

TABLE A

Building /Wing bearing Number___ or called ____ (to be prepared separately for each Building /Wing of the Real Estate Project)

Sr. No	Particulars	Amounts	
1	Total Estimated cost of the building/wing as on	Rs.	/-

Sr. No	Particulars		Amounts
2	date of Registration is Cost incurred as on (based on the Estimated cost)	Rs	/-
3	Work done in Percentage (as Percentage of the estimated cost)		%
4	Balance Cost to be Incurred (Based on Estimated Cost)	Rs.	1-
5	Cost Incurred on Additional /Extra Items as onnot included in the Estimated Cost (Annexure A)	Rs	/

TABLE B

	(To be prepared for the entire registered phase of the Real Estate Project)				
Sr. No	Particulars	Amounts			
1	Total Estimated cost of the Internal and External Development Works including amenities and Facilities in the layout as on date of Registration is	Rs/-			
2	Cost incurred as on (based on the Estimated cost)	Rs /-			
3	Work done in Percentage (as Percentage of the estimated cost)	%			
4	Balance Cost to be Incurred (Based on Estimated Cost)	Rs/-			
<u>5</u>	Cost Incurred on Additional /Extra Items as onnot included in the Estimated Cost (Annexure A)	Rs /-			

Yours faithfully,

Signature
Name (in block letters) of Engineer
(Licence No.....)

- * Note 1. The scope of work is to complete entire Real Estate Project as per drawings approved from time to time so as to obtain Occupation Certificate /Completion Certificate.
 - 2. (*) Quantity survey can be done by office of Engineer or can be done by an independent Quantity Surveyor, whose certificate of quantity calculated can be relied upon by the Engineer. In case of independent quantity surveyor being appointed by Developer, the name has to be mentioned at the place marked (*) and in case quantity are being calculated by office of Engineer, the name of the person in the office of Engineer, who is responsible for the quantity calculated should be mentioned at the place marked (*).
 - 3. The estimated cost includes all labour, material, equipment and machinery required to carry out entire work.
 - 4. As this is an estimated cost, any deviation in quantity required for development of the Real estate Project will result in amendment of the cost incurred/to be incurred.
 - 5. All components of work with specifications are indicative and not exhaustive.

Annexure A

List of Extra/Additional Items executed with cost (which were not part of the original Estimate of Total Cost)

FORM - 6

CHARTERED ACCOUNTANT'S CERTIFICATE (On Letter Head)

(FOR REGISTRATION OF A PROJECT AND SUBSEQUENT WITHDRAWAL OF MONEY)

Cost of Real Estate Project WBHIRA Registration Number_

Sl. No.	Particulars	Amount (D.
		Amount (Rs.)
1.	(i) Land Cost	Estimated Incurred
	a. Acquisition Cost of Land or Development Rights, lease Premium, lease rent, interest cost incurred or payable on Land Cost and legal cost.	
	b. Amount of Premium payable to obtain development rights, FSI, additional FSI, fungible area, and any other incentive under DCR from Local Authority or State Government or any Statutory Authority.	
	c. Acquisition cost of TDR (if any).	
	d. Amounts payable to State Government or competent authority or any other statutory authority of the State or Central Government, towards stamp duty, transfer charges, registration fees etc; and.	
	e. Land Premium payable as per annual statement of rates (ASR) for redevelopment of land owned by public authorities	
	f. i) Under Rehabilitation scheme: Estimated construction cost of rehab building including site development and infrastructure for the same as certified	
	ii) Actual Cost of construction of rehab building incurred as per the books of accounts as verified by the CA.	12 12
	Note: (for total cost of construction incurred, Minimum of (i) or ii) is to be considered)	
pr	i) Cost towards clearance of land of all or any encumbrances acluding cost of removal of legal/illegal occupants, cost for roviding temporary transit accommodation or rent in lieu of Transit ecommodation, overhead cost,	
au	Cost of ASR linked premium, fees, charges and security deposits maintenance deposit, or any amount whatsoever payable to any thorities towards and in project of rehabilitation	à
Su	b-Total of LAND COST	
	i) Development Cost/ Cost of Construction :	
	a. (i) Estimated Cost of Construction as certified by Engineer.	
	of accounts as verified by the Chartered Accountant	A P
Not of (te: (for adding to total cost of construction incurred, Minimum (i) or (ii) is to be considered)	

Sl. No	Particulars	Amount (Rs.) Estimated Incurred
	 (ii) On-site expenditure for development of entire project excluding cost of construction as per (i) or (ii) above, i.e. salaries, consultants' fees, site overheads, development works, cost of services (including water, electricity, sewerage, drainage, layout roads etc.), cost of machineries and equipment including its hire and maintenance costs, consumables etc. All costs directly incurred to complete the construction of the entire phase of the project registered. b. Payment of Taxes, cess, fees, charges, premiums, interest etc to any statutory Authority. 	Estimated incurred
	c. Principal sum and interest payable to financial institutions, scheduled banks, non- banking financial institution (NBFC) or money lenders on construction funding or money borrowed for construction;	
	Sub-Total of Development Cost	
2.	Total Estimated Cost of the Real Estate Project [1(i)+1(ii)] of Estimated Column	
3.	Total Cost Incurred of the Real Estate Project [1(i) + 1(ii)] of Incurred Column	
4.	% completion of Construction Work (as per Project Architect's Certificate)	<u>%</u>
5.	Proportion of the Cost incurred on Land Cost and Construction Cost to the Total Estimated Cost. (3/2 %)	
6.	Amount which can be withdrawn from the Designated Account Total Estimated Cost * Proportion of cost incurred (Sl. number 2 * Sl. number 5)	
	Less: Amount withdrawn till date of this certificate as per the Books of Accounts and Bank Statement	
7.	Net Amount which can be withdrawn from the Designated Account Designated Bank Account under this certificate	

This certificate is being issued for HIRA compliance for the Company [Promoter's Name] and is based on the records and documents produced before me and explanations provided to me by the management of the Company.

Yours faithfully,

Signature of Char	tered Accountant
(Membership Nun	nber
	-,4
Name (in Bl	ock Letters)

Additional Disclosures by Promoters on the Website and Project site:

In addition to all the details of the proposed Real Estate project, to be uploaded by the promoter on his webpage on the website of the Authority, as required under sub-section (1) of Section 11 of the Act and Rule 3 and Rule 4 of the West Bengal Housing Industry Regulation Rules, 2018, the promoter shall additionally upload the following details:

- a) The annual report on statement of accounts, in the certificate issued in accordance with section 4(2)(1)(d) of the Act duly signed by the chartered accountant who is the statutory auditor of the promoter's enterprise.
- (b) A declaration on a letterhead with signature and seal regarding projects of the promoter of last 5 years and information relating to the said past projects as per section 4(2)(b) of the Act is required to be uploaded by the promoter in the website of the Authority at the time of registration of project.

<u>Explanation 1:</u> The chartered accountant certifying the progress of the registered real estate project for the purpose of withdrawal of amounts from the separate account should be a different entity than the chartered accountant who is the statutory auditor of the promoter's enterprise.

Explanation 2: If the certificate issued by the statutory auditor reveals that any certificate issued by the project architect, engineer or the chartered accountant has false or incorrect information and the amounts collected for a particular project have not been utilized for the project and the withdrawal has not been in compliance with the proportion to the percentage of completion of the project, the Authority, in addition to taking penal actions as contemplated in the Act and the Rules, shall also take up the matter with the concerned regulatory body of the said professionals of the architect, engineer or chartered accountant, for necessary penal action against them, including cancellation/rejection of his membership.

Sd/-[SANDIPAN MUKHERJEE] Chairperson, West Bengal Housing Industry Regulatory Authority