

Differences between Central and State RERA Act

Sl. No.	Particulars	Provisions as per Central Act	Provisions as per West Bengal Draft
1	Documents required for registration under RERA	<p>b) Registered address c) Type of enterprise d) Particulars of registration e) Names and photographs of the promoters</p> <p>2) A Brief detail of projects launched by the promoter : a) In the past 5 years. b) Already completed or being developed. c) Current status of the said projects. d) Any delay in completion. e) Details of cases pending. f) Details of type of land and payments pending.</p> <p>3) An authenticated copy of approvals and commencement certificate from the competent authority a) For Single project if it is a single phase project b) Phasewise approvals if the project is developed in different phases.</p> <p>4) Sanctioned plan, layout plan and specification of project in phasewise or project as a whole.</p> <p>5) Plan of development works & facilities to be executed or provided: a) Fire fighting facilities b) Drinking water facilities c) Emergency evacuation d) Use of renewable energy</p> <p>6) Location details containing : a) Clear demarcation of land dedicated for the project. b) Details of Boundaries alongwith Latitude and longitude of the end points of the project.</p>	<p><u>Apart from requirements of Central Act, following additional information is required</u></p> <p>1) Authenticated copy of PAN Card. 2) Audited Balance Sheet of Promoter for preceeding FY. 3) ITR of promoter for three preceding FY. 4) The number of open parking areas 5) Copy of legal title deed of land in the name of the promoter. 6) If land is owned by others, valid documents with authentication of such title. 7) The details of encumbrances on the land on which development is proposed including any right, title, interest or name of any person in or over such land. 8) Where the promoter is not the owner of the land on which the development is proposed, details of consent of the owner of the land with a copy of collaboration agreement, development Agreement, or joint development agreement and copy of title & other documents supporting the ownership of the land. 9) Such other document as specified by the regulations.</p>
		<p>7) Proforma of : a) Allotment Letter. b) Agreement for Sale. c) Conveyance deed. proposed to be signed with the allottees</p> <p>8) The number, type and the carpet area of apartments for sale in the project</p> <p>9) The area of the exclusive balcony or verandah areas and the exclusive open terrace areas apartment with the apartment, if any</p> <p>10) The number and areas of garage for sale in the project.</p> <p>11) The names and addresses of his real estate agents, if any, for the proposed project</p> <p>12) The names and addresses of the -contractors - architect - structural engineer, if any and other persons concerned with the development of the proposed project.</p> <p>13) A declaration, supported by an affidavit, which shall be signed by the promoter or any person authorised by the promoter, stating : a) That he has a legal title to the land b) That the land is free from all encumbrances and if there are any encumbrances, the details thereof c) The time period within which he undertakes to complete the project d) 70% of the amount received from allottees to be kept in separate bank account to be used for construction and land cost e) Amount set aside in above account to be withdrawn in proportion of the percentage of completion of project f) Certificate of Engineer, Architect and CA in practice required for certifying the withdrawal amount.</p>	<p>1) The declaration as per point 11 of Central Act details in the preceding column shall be as per Form B which shall contain an additional information that the promoter shall not discriminate against any allottee at the time of allotment</p> <p>2) Size of ongoing apartments also to be mentioned in Carpet Area even if earlier sold on any other basis such as super built up or built up and such classification shall not affect the validity of earlier agreements entered</p> <p>3) In case of plotted development, the area of the plot being sold to allottees must be disclosed</p> <p>4) For point 11 (e), construction cost shall be the cost incurred towards the on-site expenditure for the physical development of the project</p> <p>5) Agreement for Sales shall be as per Annexure A</p>

		12) Accounts to be audited within 6 months of end of the FY and utilization of funds for the project and withdrawal in proportion to completion to be certified by CA	<u>Same provisions apply for state act</u>
2	Online system of registration	A web based online system for submitting application for registration of projects within a period of one year from the date of its establishment	Application in writing in Form A in triplicate until web based procedure is introduced
3	Registration Fee	Not Mentioned	Registration Fee in Demand Draft : 1) Residential Projects : a) If area of Land to be developed does not exceed 1,000 square metres - Rs 10 per Square meter b) If area of Land to be developed exceeds 1,000 square metres - Rs 20 per Square meter 2) Other Projects : a) If area of Land to be developed does not exceed 1,000 square metres - Rs 50 per Square meter b) If area of Land to be developed exceeds 1,000 square metres - Rs 100 per Square meter
4	Granting of Registration	1) The authority shall within a period of 30 days from the date of receipt of the application : a) Grant registration and provide registration number, Login ID and Password b) Reject the application with reasons in writing after providing an opportunity of being heard to the applicant 2) If authority fails to grant registration within 30 days: a) The project shall be deemed to be registered b) Within 7 days from expiry of above 30 days, provide registration number, login ID and Password 3) The registration shall be valid till the date declared by the promoter for completion of the project 4) Registration may be extended : a) on application made by promoter due to force majeure (natural calamities) b) By authority in reasonable circumstances without default on the part of the promoter based on the facts of each case which shall in aggregate not exceed a period of one year c) Rejection of application of extension shall be after giving opportunity of being heard	<u>Apart from the points mentioned in Central Act:</u> 1) In case of withdrawal of application of registration by promoter before expiry of 30 days : a) Registration Fee to the extent of 10% of amount paid or Rs 50,000 whichever ever is more shall be retained as processing fee b) Remaining amount shall be refunded within 30 days from the date of such withdrawal 2) Registration shall be granted in Form C 3) Rejection of application shall be informed in Form D 4) a) Form for extension application is Form E which shall be submitted before 3 months of expiry of registration b) Extension Fee shall be twice the registration fee and should be in a demand draft c) Extension application must be accompanied by an explanatory note setting out the reasons for delay d) In case of natural calamity or reasons beyond control of promoter, fee may be waived e) Extension may not be beyond the period provided as per local laws for completion of the project e) Extension should be informed in Form F and rejection in Form D f) Revocation of registration shall also be informed in Form D
5	Requirement of Registration	1) No promoter shall advertise, market, book, sell or offer for sale any project without registration under this Act 2) Ongoing projects which have not yet received completion certificate are required to be registered within 3 months of commencement of this Act 3) Projects developed beyond planned area may be granted approval after considering the interests of the allottees 4) No Registration required a) Where the area of land proposed to be developed does not exceed five hundred square meters or the number of apartments proposed to be developed does not exceed eight inclusive of all phases b) Where the promoter has received completion certificate for a real estate project prior to commencement of this Act c) For the purpose of renovation or repair or re-development which does not involve marketing, advertising selling or new allotment of any apartment plot or building, as the case may be under the real estate project 5) Above threshold limit as per point 4 may be reduced by appropriate government	<u>Same points also apply for state act</u>

6	Real Estate Agent	<p>1) Registration made mandatory for Real Estate Agents</p> <p>2) An agent should not involve in any unfair trade practice</p> <p>a) Falsely represents that the services are of a particular standard or grade</p> <p>b) Represents that the promoter or himself has approval or affiliation which such promoter or himself does not have</p> <p>c) Makes a false or misleading representation concerning the services</p> <p>3) Permitting the publication of any advertisement whether in any newspaper or otherwise of services that are not intended to be offered</p>	<p>1) Application for Registration by Real Estate Agent in Form G</p> <p>2) Documents Required :</p> <p>a) Details of Enterprise with Name, Registered address and type</p> <p>b) Memorandum, Articles, Partnership Deed etc</p> <p>c) Photographs of Partners, Directors and individuals</p> <p>d) Authenticated copy of PAN Card</p> <p>e) ITR for 3 FY preceding the application</p> <p>f) If Income within threshold limit, a declaration for the same</p> <p>g) Authenticated copy of address proof</p> <p>h) Grant of registration in Form H</p> <p>i) Rejection of application in Form I</p> <p>j) Registration valid for 5 years</p> <p>k) Renewal application for registration to be made in Form J by agent not more than 3 months prior to expiry of old registration</p> <p>l) Updated documents required</p> <p>m) Renewal of application shall be informed in Form K and rejection of renewal shall be informed in Form I</p> <p>n) Renewal shall be valid for 5 years</p> <p>o) Books of accounts to be maintained as per Income Tax Act</p>
7	Registration fee of Real Estate Agent	Not Mentioned	<p>1) Registration Fee for Agents :</p> <p>a) For Individuals - Rs 25,000</p> <p>b) For others - Rs 250,000</p> <p>2) Renewal Fee :</p> <p>a) For Individuals - Rs 5,000</p> <p>b) For Others - Rs 50,000</p>
8	Details to be published by the authority on website of Authority related to Promoter	<p><u>General requirements like details of promoter and project mentioned but specific requirements mentioned only in state act</u></p>	<p>1) Details of the promoter :</p> <p>a) Developer or group profile</p> <p>b) Background of the promoter</p> <p>c) Track record of the promoter</p> <p>d) Litigations</p> <p>e) Website</p> <p>2) Details of the project</p> <p>a) Compliance and Registration</p> <p>b) Apartment and Garage related details</p> <p>c) Registered Agents</p> <p>d) Consultants</p> <p>e) Location</p> <p>f) Development Plan</p> <p>3) Financials of the promoter</p> <p>a) PAN card of the promoter</p> <p>b) Audited Balance sheet of the promoter</p> <p>4) Quarterly updation within 7 days of end of quarter</p> <p>a) List of apartments booked</p> <p>b) List of garages booked</p> <p>c) Status of construction with photographs</p> <p>d) Status of approvals</p> <p>5) Downloadable format :</p> <p>a) Approvals</p> <p>b) Legal documents</p>

9	Details to be published by the authority on website of Authority related to Agent	General requirements mentioned but specific requirements mentioned in state act	1) Registration number and period of validity 2) Brief details of his enterprise 3) Releted documents - Memorandum, Articles etc 4) Photographs 5) PAN Card 6) Income Tax Returns 7) Address Proof 8) Similar details are required for Agents whose registration has been revoked
10	Rate of interest payable by promoter and allottee	Nothing mentioned about Interest rate	Interest payable by promoter to allottee or vice versa shall be SBI PLR + 2%
11	Timelines of refund by promoter	Nothing mentioned about timeline of payment	Within 45 days from the date on which such amount along with interest becomes due
12	Recovery by Authority of any Interest, Penalty or Compensation	The amounts recoverable shall be recovered as arrears of land revenue	The amounts recoverable shall be recovered as arrears of land revenue
13	Offences and Penalties on Promoters	1) For not complying with requirements of Serial Number 5, maximum penalty upto 10% of the estimated cost of the project may be imposed 2) For continued non-compliance, imprisonment upto 3 years or Fine of further 10% of cost of the project or both may be imposed 3) False information provided by promoter - Penalty upto 5% of estimated cost of the project 4) Apart from contravention of Section 3 and 4, any other contravention of the Act will be punishable with a penalty of maximum 5% of estimated cost of the project 5) For contravention of any of the orders or directions of the authority by the Promoter, a penalty may be imposed every day which may extend maximum upto 5% of the cost of the project 6) For contravention of any of the orders or directions of the Appellelate Tribunal by the Promoter, a penalty may be imposed every day which may extend maximum upto 10% of the cost of the project or imprisonment upto 3 years or both	Offences eligible for compounding under West Bengal Act: Sl. No. 2 - 10% of the estimated cost of the Project Sl. No. 6 - 10% of the estimated cost of the Project After compounding, the order of the authority or the tribunal is required to be complied within 30 days of compounding
14	Offences and Penalties on Agents	1) For Real Estate Agents, non compliance of any provisions will attract penalty of Rs 10,000 per day until the default continues upto a maximum of 5% of the project 2) For contravention of any of the orders or directions of the authority by the Agent, a penalty may be imposed every day which may extend maximum upto 5% of the cost of the project 3) For contravention of any of the orders or directions of the Appellelate Tribunal by the Agent, a penalty may be imposed every day which may extend maximum upto 10% of the cost of the project or imprisonment upto 1 year or both	Offences eligible for compounding under West Bengal Act: Sl. No. 3 - 10% of the estimated cost of the Project After compounding, the order of the authority or the tribunal is required to be complied within 30 days of compounding
15	Offences and Penalties on Company	1) Where an Offence under this Act has been committed by a company, every person who, at the time, the offence was committed was in charge of, or was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly 2) Any director, manager, secretary or other officer of the company who is found guilty shall also be liable	Nothing mentioned in West Bengal act regarding compounding of offence of Directors or officers of the company