

नया रायपुर, दिनांक 26 अप्रैल 2017

क्रमांक एफ 8-41/2016/32. — भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में इस विभाग की समसंख्यक अधिसूचना दिनांक 26-04-2017 का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है।

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
रेजीना टोप्पो, संयुक्त सचिव.

Naya Raipur, the 26th April 2017

NOTIFICATION

No. F 8-41/2016/32. — In exercise of the powers conferred by Section 84 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016), State Government, hereby, makes the following rules for regulation and development of real estate in the State of Chhattisgarh, namely :-

RULES

CHAPTER I PRELIMINARY

1. **Short title, extent and commencement.**- (1) These rules may be called the Chhattisgarh Real Estate (Regulation and Development) Rules, 2017.
 (2) These rules shall extend to the Whole State of Chhattisgarh.
 (3) These rules shall come into force from the date of its publication in the Official Gazette.
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 annexure appended to these rules;

- (c) **“Appropriate Government”** means the Government of Chhattisgarh;
 - (d) **“Authenticated Copy”** shall mean a self-attested copy of any document required to be provided by any person under these rules;
 - (e) **“Form”** means form appended to these rules;
 - (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) **“Ongoing Project”** means a project where development is going on and for which completion certificate has not been issued but excludes such projects which fulfill any of the following criteria on the date of notification of these rules,-
 - (i) where services have been handed over to the Local Authority for maintenance;
 - (ii) where common area and facilities have been handed over to the Association or the Residents' Welfare Association/Society for maintenance;
 - (iii) where all development work have been completed and sale/lease deeds of sixty percent of the apartments/houses/plots have been executed; or
 - (iv) where all development works have been completed and application has been filed with the Competent Authority for issue of completion certificate.
 - (h) **“Project Land”** means any parcel of land on which the project is developed and constructed by a promoter;
 - (i) **“Section”** means section of the Act.
- (2) Words and expressions used herein and not defined, but defined in the Act, shall have the same meaning as 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 Real Estate 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 detail;
- (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 the 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/bankers cheque drawn in a Scheduled Bank or through online payment mode, as the case may be, for a sum calculated at the rate of,-
- (a) in case of group housing project,- five rupees per square meter for projects, where the area of land proposed to be developed does not exceed one thousand square meters; or rupees ten per square meter for the project, where the area of the land proposed to be developed exceeds one thousand square meters, but shall not be more than five lakhs rupees;
 - (b) in case of mixed development (residential and commercial) project,- ten rupees per square meter for project where the area of the land proposed to be developed does not exceed one thousand square meters; or fifteen rupees per square meter for project where the area of land proposed to be developed exceeds one thousand square meters, but shall not be more than seven lakhs rupees;
 - (c) in case of commercial project,- twenty rupees per square meter for projects where the area of land proposed to be developed does not exceed one thousand square meters; or twenty five rupees per square meter of project where the area of land proposed to be developed exceed one thousand square meters, but shall not be more than ten lakh rupees;
 - (d) in case of plotted development projects,- five rupees per square meter, but shall not be more than two lakhs rupees.
- (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-rule (3) above, or rupees fifty thousand, whichever is more, shall be retained as processing fee by the Real Estate 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 Real Estate Regulatory Authority in the form and manner provided in sub-section (1) of Section 4.

(2) The promoter shall disclose all project details as required under the Act and the rules and regulations made there under, 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, 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 for registration of the project.**- (1) Upon the registration of a project as per Section 5 read with rule 3, the Real Estate Regulatory Authority shall issue a registration certificate with a registration number in **Form-C** to the promoter.

(2) In case of rejection of the application as per Section 5, the Real Estate Regulatory Authority shall inform the applicant in **Form-D**.

7. **Extension of registration of the project.**- (1) The registration granted under the Act, may be extended by the Authority, on an application made by the promoter in **Form-E**, in triplicate, until the application procedure is made web based, within three months prior to the expiry of the registration granted.

(2) The application for extension of registration shall be accompanied with a demand draft or a bankers cheque drawn on any Scheduled Bank or through online payment mode, as the case may be, for an amount equivalent to half the registration fee as prescribed under sub-rule (3) of rule 3 alongwith an explanatory note setting out the reasons for delay in completion of the project and the need for extension of registration for the project, alongwith documents supporting such reasons:

Provided that where the promoter applies for extension of registration of the project due to force majeure he shall not be liable to pay any fee.

(3) The 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 Authority shall inform the promoter about such extension in **Form-F** and in case of rejection of the application for extension of registration

the Authority shall inform the promoter about such rejection in

Form-D:

Provided that the Authority may grant an opportunity to the promoter to rectify the defects in application within such time period as may be specified by it.

8. Revocation of Registration of the project.- Upon the revocation of registration of a project as per Section 7 of the Act, the Real Estate Regulatory Authority shall inform the promoter about such revocation in **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 Real Estate Regulatory Authority in **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.);