

RERA Guidelines Handbook

(FOR PROMOTERS, REAL ESTATE AGENTS AND HOME BUYERS)



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Acknowledgement

Real estate agents, Promoters and Homebuyers play a crucial role in the real estate sector which contributed around 7 % to India's GDP in 2018-19 and its share is expected to grow to around 13% of India's GDP in 2025. Accordingly, this help book has been prepared to provide a thorough knowledge and understanding of the Real Estate (Regulation and Development) Act, 2016 for the stakeholders i.e. Real estate agents, Promoters and Homebuyers.

Real Estate Sector was facing multiple issues and irregularities such as duping of homebuyers by builders through various malpractices , rampant use of black money, diversion of funds and lack of accountability. In the absence of any specific law to regulate this sector, homebuyers were constrained to seek remedy under the laws such as- Indian Contract Act and Consumer Protection Act, involving lengthy litigation process. There was no recourse to any speedy grievance redressal mechanism in case of any genuine problem faced by either the homebuyers or developers.

The Real Estate (Regulation and Development) Act 2016 is a significant piece of legislation that regulates the real estate sector and promotes the development of the industry. It is important for real estate agents to be familiar with the provisions of this Act in order to comply with legal requirements and to effectively serve their clients. This book aims to provide a comprehensive overview of the Act, including its key provisions and their implications for Real estate agents, Promoters and Homebuyers.



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1. INTRODUCTION

1.1 Introduction

The major objective of the Authority is to regulate and promote the real estate sector with the intention to bring transparency in the real estate business by insisting on mandatory disclosure of project details. It also aims to protect the interest of consumers in the real estate sector for speedy dispute redressal. The Act also establishes the Appellate Tribunal to hear appeals from the decisions, directions or orders of the Real Estate Regulatory Authority and the adjudicating officer.

Real Estate Sector is one of the most crucial sectors driving economic growth and providing employment to citizens of India. Yet, it has traditionally been plagued with numerous issues including opaque practices and information asymmetry. Real Estate transactions were lopsided and leaned heavily in favour of developers. Delays were rampant and homebuyers usually did not have a reliable forum to address their grievances. Below are the issues which were adversely impacting the sector:

- Information asymmetry to the citizen
- No Proper Forum for Grievance Redressal for Consumers
- Real Estate Transactions were lopsided and heavily in favor of developers
- Sundry Abuses and Malpractices
- Huge Delays in Real Estate Projects completion

In order to overcome these challenges, the Central Government brought in the Real Estate (Regulation and Development) Act, 2016, (RERA) to be made fully operational with effect from May 1, 2017.

No promoter shall advertise market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act. The Registration of all real estate agents with the Authority is also mandatory under the Act.

1.2. Handbook Objectives –

This handbook is primarily made to impart Knowledge and guidance to real estate sector on following:

- 1) Comprehensive Understanding of RERA Law and its application.
- 2) Understanding of HP RERA and its functions.
- 3) Understanding of all aspects of real estate fundamentals which will provide an overview of the real estate industry to maximize the level of knowledge, which will in return increase competency
- 4) Knowledge of the quantitative concepts associated with the real estate industry



- 5) Ability to perform in a real estate profession once the registration has been successfully completed by conveying legal and ethical considerations that will maximize knowledge of key, components of the real estate industry.
- 6) Real Estate Agents, Promoters and Homebuyers role in Real Estate Sector.

As this handbook is a guide for Real Estate Sector, hence it is necessary to understand Real Estate (Regulation and Development) Act 2016 deeply.

1.3. Introduction to Real Estate (Regulation and Development) Act 2016

This Act lays down the procedures and principles for the registration and regulation of real estate projects, the disclosure requirements for real estate developers, and the establishment of a regulatory Authority and a dispute resolution mechanism for homebuyers.

Some sections of the Act were notified from 1st May 2016 and all the State Governments were given one year to formulate their own Rules and Regulations and set up the Authority, to implement the Act w.e.f. 1st May 2017.

Preamble, Purpose and Objectives -

The second title of any Act contains the purpose and objectives of that Act. The second title of the RERA Act is as under:

“An Act to establish the Real Estate Regulatory Authority for regulation and promotion of the real estate sector and to ensure sale of plot, apartment or building, as the case may be, or sale of real estate project, in an efficient and transparent manner and to protect the interest of consumers in the real estate sector and to establish an adjudicating mechanism for speedy dispute redressal and also to establish the Appellate Tribunal to hear appeals from the decisions, directions or orders of the Real Estate Regulatory Authority and the Adjudicating Officer and for matters connected therewith or incidental thereto.”

A little analysis will make it clear why the Act was made:

- (a) The Act is for establishing an Authority namely Real Estate Regulatory Authority. For any sector to work efficiently, it is necessary to have a regulatory Authority and a set of rules for all the stakeholders. This Act provides the same for Real Estate Sector. The purpose of this Authority is regulation and promotion of real estate sector. It may be noted that if there is regulation then the sector will function in an orderly manner which is necessary for its growth. Hence promotion of a healthy real estate sector is an objective of the Act.
- (b) The Act further states that the purpose of the Authority will be to ensure sale of plot, apartment or building or sale of real estate project in an efficient and transparent manner. Please note that these are the items which the Act covers and aims at ensuring that all dealings in them shall be in efficient and transparent manner.
- (c) The Act aims at protecting the interests of consumers in the sector, which is done by providing a mechanism to redress the disputes. It also provides for an Appellate Tribunal over the decisions of the Authority or its officers.



Therefore, the Act aims at protecting the rights and interests of consumers and promotion of uniformity and standardization of business practices and transactions in the real estate sector. It attempts to balance the interests of allottees, real estate agents and promoters by imposing certain responsibilities on all. It seeks to establish symmetry of information between the promoter and allottee, transparency of contractual conditions, set minimum standards of accountability and a fast-track dispute resolution mechanism.

The Act is applicable across India and its provisions are common to all the States. However, as the subject of regulation over the real estate sector falls under the State List, the scheme of the Act is that every State has its own Real Estate Regulatory Authority. This Authority in every State along with the State Government, makes its own rules and regulations for the working of the Authority and implementation of the provisions of the Act.

Sections of The Act -

The Real Estate (Regulation and Development) Act 2016 has been divided into 10 CHAPTERS and categorized into 92 SECTIONS.

The Act starts with the Preamble, provides title, extent and commencement, registration of real estate projects and real estate agents, functions and duties of promoter, rights and duties of allottees, about Real Estate Regulatory Authority, Central Advisory Council, Real Estate Appellate Tribunal, various offences, penalties, and adjudication, about finances, accounts, audits, and reports and other miscellaneous provisions.

Below is the outline of the Act 2016 in tabular form-

The Real Estate (Regulation and Development) Act, 2016

Chapter No.	Title of the Chapter	Sections Covered
I	Preliminary	1 and 2
II	Registration of Real Estate Project and Real Estate Agents	3 to 10
III	Function and Duties of Promoter	11 to 18
IV	Rights and Duties of Allottees	19
V	The Real Estate Regulatory Authority	20 to 40
VI	Central Advisory Council	41 and 42
VII	The Real Estate Appellate Tribunal	43 to 58
VIII	Offences, Penalties and Adjudication	59 to 72
IX	Finance, Accounts, Audit and Reports	73 to 78
X	Miscellaneous	79 to 92



Key Components of The Act

The key components of Real Estate (Regulation and Development) Act, 2016 are as follows:

1. Real Estate Regulatory Authority and Appellate Tribunal

Under this Act, appropriate government has to establish Real Estate Regulatory Authority for regulation and promotion of the real estate sector in the State / UTs. The Authority shall strive to facilitate the growth and promotion of a healthy, transparent, efficient and competitive real estate sector while protecting the interest of allottees, promoters and real estate agents. The Authority shall also establish an adjudicating mechanism for speedy dispute redressal regarding registered real estate projects. The key responsibilities of the Authority shall be as follows:

- Ensuring Disclosures of Real Estate Projects by Promoters
- Real Estate Projects Registration
- Real Estate Agents Registration
- Complaints Redressal
- Provide recommendations to appropriate Government on in matters relating to the development & promotion of real estate sector

The appropriate Government shall also establish Appellate Tribunal to hear appeals from the decisions, directions or orders of the Real Estate Regulatory Authority. Any person aggrieved by any direction or decision or order made by the Authority or by an adjudicating officer may file an appeal before the Appellate Tribunal and the appeal shall be dealt with by it as expeditiously as possible and endeavor shall be made by it to dispose of the appeal within a period of sixty days.

2. Real Estate Projects Registration

All commercial and residential real estate projects will have to be registered except in projects where -

- area of land proposed to be developed does not exceed five hundred square meters
- number of apartments proposed to be developed does not exceed eight inclusive of all phases
- promoter has received completion certificate for a real estate project prior to commencement of this Act
- 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

No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area within Himachal Pradesh, without registering the real estate project with the Real Estate Regulatory Authority. Promoter of ongoing real estate projects, in which all buildings as per sanctioned plan have not received Completion Certificate, shall also be required



to be registered for such phase of the project which consists of buildings not having occupation or completion certificate.

If any promoter fails to register as per Act, he shall be liable to a penalty which may extend up to ten per cent of the estimated cost of the real estate project. On continued violation, he shall be punishable with imprisonment for a term which may extend up to three years or with fine which may extend up to a further ten per cent of the estimated cost of the real estate project, or with both.

Apart from Registration, the promoters shall be required to provide quarterly updates on the status of the project to the Authority.

3. Real Estate Agents Registration

All Real Estate Agents should register under this Act. No real estate agent shall facilitate the sale or purchase of or Act on behalf of any person to facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a real estate project or part of it, without obtaining registration under this section.

If any real estate agent fails to register, he shall be liable to a penalty of ten thousand rupees for every day during which such default continues, which may cumulatively extend up to five per cent of the cost of plot, apartment or buildings, as the case may be, of the real estate project, for which the sale or purchase has been facilitated

4. Filing of complaints

Any aggrieved person may file a complaint with the Authority or the adjudicating officer, as the case may be, with respect to any registered real estate project, for any violation or contravention of the provisions of this Act or the rules and regulations made there under. The Authority shall establish an adjudicating mechanism for speedy redressal of such complaints.

Any person aggrieved by any direction or decision or order made by Authority or by an adjudicating officer may file an appeal before the Appellate Tribunal

Any person aggrieved by any decision or order of the Appellate Tribunal, may file an appeal to the High Court.



1.4. Himachal Pradesh Real Estate Regulatory Authority (HP RERA)

Government of Himachal Pradesh has established Real Estate Regulatory Authority (RERA) HP for Regulation and promotion of Real Estate Sector in the State of Himachal Pradesh vide notification No. HSG-A(3)-1/2019 dated 16/12/2019 Prior to this the State Govt. Vide Notification No. TCP-A(3)-1/2016, Dated 4 th February, 2017 had nominated the Director, Town and Country Planning as the Designated Officer as required under the Real Estate (Regulation and Development) Act, 2016. The Himachal Pradesh Real Estate Regulatory Authority has started its functioning with effect from January 1, 2020.

The Authority comprises of Chairperson and two Members. The Governor of Himachal Pradesh is pleased to appoint Chairperson and whole time Members of the Real Estate Regulatory Authority for Himachal Pradesh vide Housing Department Notification No. HSG-A(3)-5/2019 dated 16th October, 2019 under sub section (1) of section 20 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016).

The Himachal Pradesh Government conferred the power and jurisdiction upon Real Estate Appellate Tribunal at Karnal to hear appeals preferred against the decisions or orders of Real Estate Regulatory Authority, Himachal Pradesh and the Adjudicating Officer, under the ibid Act of 2016 vide notification No. HSG-A(3)-4/2019 dated October 8, 2020. The Himachal Pradesh Real Estate Regulatory Authority has appointed District and Session Judge Shimla Division as Adjudicating Officers as required under the Act to adjudicate the matters relating to compensation with the prior consultation with the Govt. of H.P. and Hon'ble High Court Himachal Pradesh vide notification No. RERA-(C)5-4/2020-21-59-62 dated March 6, 2020.

Himachal Pradesh Real Estate (Regulation and Development) Rules, 2017 have been notified by The Govt. of H.P. vide the notification No. TCP-A (3)-1/2016-Loose dated 28.9.2017. The Himachal Pradesh Real Estate Authority has notified Regulations No. 1 dated 10/08/2020 laying down the procedure for services of notices for adjudication of complaints, Regulations No. 2 dated 14/08/2020 laying down the procedure for Periodical Progress Report, Regulations No. 3 dated 03/12/2020 laying down the procedure for adjudication of Execution Petition, Regulations No. 4 dated 21/12/2020 laying down the procedure for Periodical Progress Reports and Regulations No. 5 dated 03/03/2021 laying down the procedure for filling of QPRs by Real Estate Agents. The Authority has developed the present website to facilitate the stakeholders with the Active co-ordination of National Informatics Centre, HP, Govt. of H.P. and guidance of Omidyar Network and Praxis Global Alliance.

Objective

The major objective of the Authority is to regulate and promote the real estate sector under the provisions of the Real Estate (Regulation and Development) Act, 2016 and Himachal Pradesh Real Estate (Regulation and Development) Rules, 2017.

Our Vision

Our vision is to make State of Himachal Pradesh the premier destination of Real Estate investment by having consumer and eco-friendly atmosphere. The interest of the consumers and developer in the Real Estate Sector will be ensured through effective and fair regulations. The



Real Estate Sector will be regulated by transparent mechanism for fair dealings between the Real Estate Promoters and home buyers for its harmonious growth and development.

Our Mission

Our mission is to provide robust, secure, transparent and sustainable real estate regulatory environment in the state of H.P. which will increase investment opportunities to the promoters for eco-friendly projects. The consumers rights of all the stakeholders in the State will be protected in an efficacious manner. We will achieve this through:

- Ensuring accountability towards allottees and protect their interests.
- Exemplary service delivery by professional staff.
- Imposing responsibilities on both promoters and allottees.
- Establishing fast track dispute resolution mechanism.
- Ensuring the completion of real estate projects within prescribed time frame.
- Excellent communications with all our stakeholders.
- Innovative consumers focused solutions.



2. Understanding of HP RERA Portal

Himachal Pradesh Real Estate Regulatory Authority (HP RERA) has operationalized a web-based online system for the entire operations of HP RERA. Accordingly, a web-based online system is established and HP RERA is completely digital. The portal of the HP RERA is <https://HP RERA.nic.in/>.

Here are some of the features of the RERA portal for every stakeholder

1. Key Services for Promoters on HP RERA Portal
 - Project Registration
 - Project Updates
 - Project Corrections
 - Project Extension
 - Major Modifications
 - Make a Complaint
 - Search Orders / Judgements
 - Download Forms & Formats
 - And so on

2. Key Services for Real Estate Agent on HP RERA Portal
 - Real Estate Agent Registration
 - Real Estate Agent Renewal
 - View Real Estate Project Details
 - Make a Complaint
 - Search Orders / Judgments of Authority
 - Search Projects / Agents
 - And so on

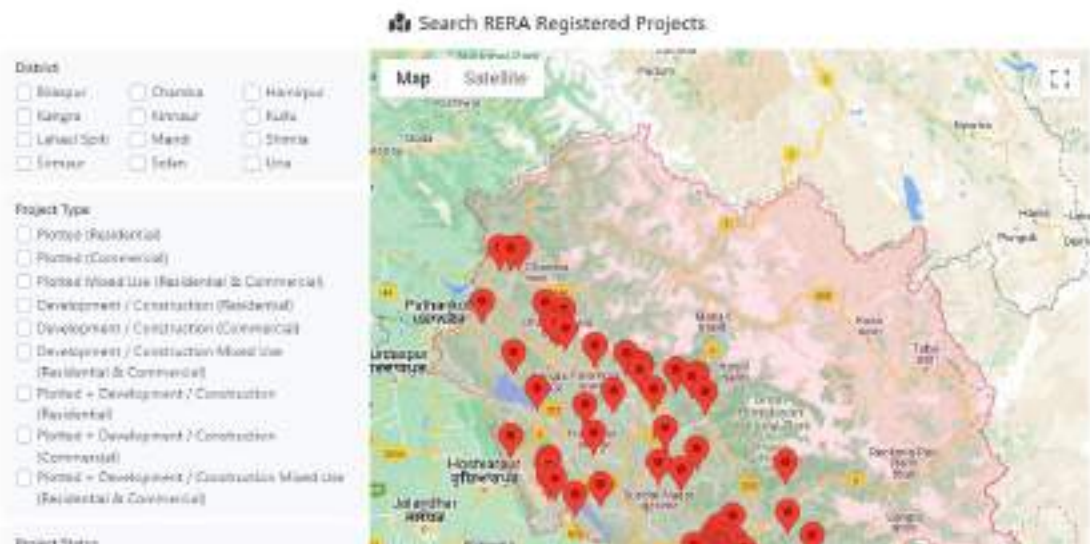
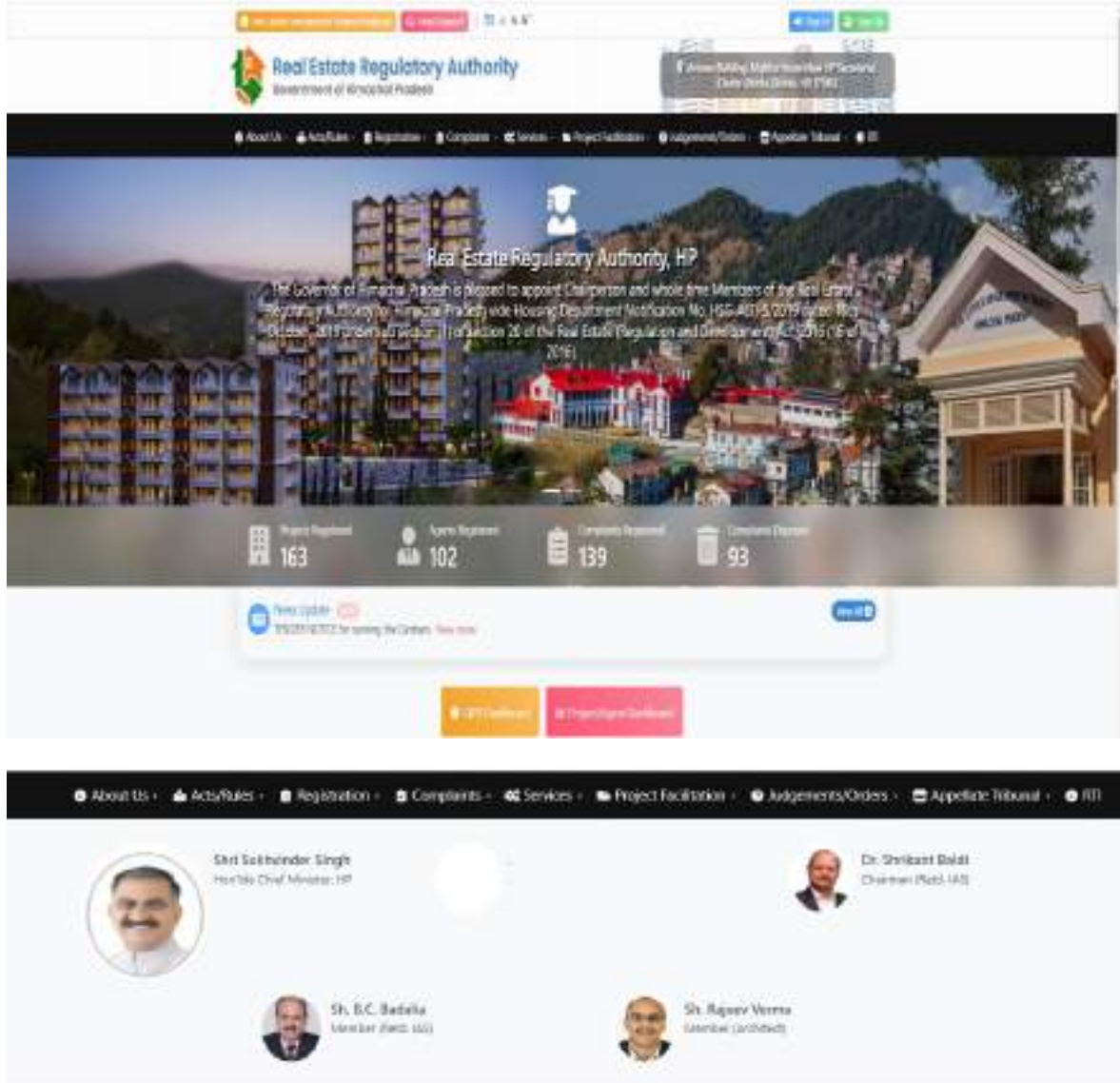
3. Key Services for Allottees on HP RERA Portal
 - View Details of All Real estate Registered Projects
 - Make a Complaint
 - Search Orders / Judgments
 - Search Projects / Agents / Complaints
 - View Cause list
 - Complaints against Non-registered Project
 - View Projects on Google Map
 - And so on



2.1. Virtual Tour of The Portal

Let’s look at the web portal’s home page or the landing page. A landing page is any web page that a visitor can land on that serves a single and focused purpose to let someone, know more about the organization and understand its services.

Here is the landing page of the HP RERA web portal. By default, it’s in English.





Landing pages could be read in the 2 pages by rolling down the scroll bar to show other parts of the landing page and its content. First it shows the Menu and the dashboard. A dashboard is a type of graphical user interface that often provides at-a-glance views of key performance indicators (KPIs). In another usage, “dashboard” is another name for “progress report” or “report” and is considered a form of data visualization. The Menu bar showing various options to look for the desired information is also visible in the above images. We will be looking at each option thoroughly with all the submenu options under each Menu head. Media Gallery: A photo gallery is also provided in the last of the landing page which shows the photos and images of various important milestones of HP RERA.

2.2. HP RERA Menu Bar And Sub Menus

Now let’s explore the Menu bar. The Menu bar of HP RERA portal consists of nine modules i.e. About us, Acts/Rules, Registration, Complaints, Services, Project Facilitation, Judgments/Orders, Appellate Tribunal and RTI.

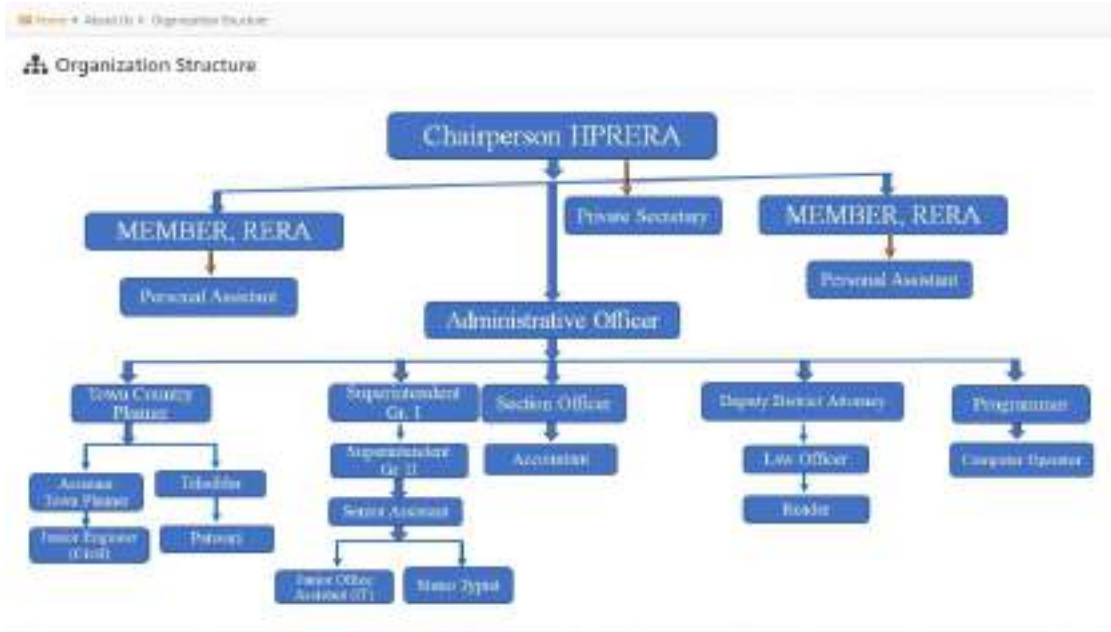
We have seen the home page of web portal of HP RERA and now we will start seeing what is under each menu and sub-menu of the HP RERA Portal:

A. ABOUT US



The first tab in the menu bar is About Us which further consists of seven sub modules. All of these modules are discussed in detail in the section below:

- Introduction Submenu provides brief background on HP RERA, its establishment and key responsibilities.
- Vision and Mission Submenu gives the vision and mission of HP RERA.
- Organization Structure: This submenu provides the organization structure of HP RERA as follows:



- Who is Who: provides the information about the organizational body of HP RERA along with the contact details. It also includes HP RERA Leadership like Chairman, HP RERA, Members HP RERA
- Chairperson Message: provides the message of the Honorable Chairperson of HP RERA.
- Members: gives the information about the members of the HP RERA.
- Contact us: provides the contact details of HP RERA offices including helpdesk numbers and email ids.

B. ACT/RULES

Acts/Rules is another tab of the portal listing Real Estate (Regulatory & Development) Act 2016, Himachal Pradesh Real Estate (Regulatory & Development) Rules, Regulations, all office circulars and notifications available for downloads.





The Acts/Rules Menu contains five submenus as detailed below:

1. Real Estate (Regulatory & Development) Act, 2016

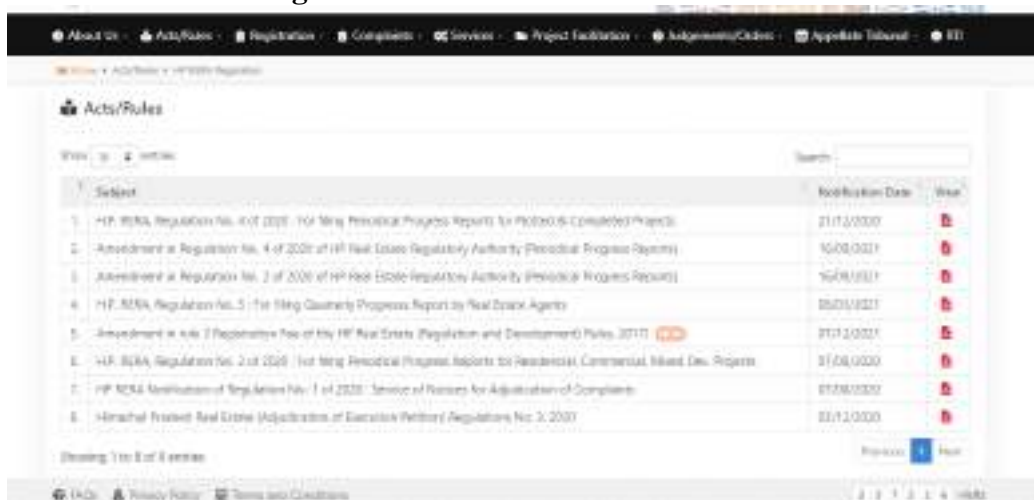
This submenu contains five documents as shown on the above image and they can be downloaded in PDF format. These documents give the detailed information like notification regarding commencement of Real Estate (Regulation and Development) Act, 2016, Corrigenda - Real Estate Act, 2016, The Constitution (Seventy-Fourth Amendment) Act, 1992, Real Estate (Regulation and Development) ACT, 2016, Notification regarding commencement of remaining Sections of RERA.

2. HP Real Estate (Regulatory & Development) Rules



The Government of Himachal Pradesh Rules and amendments issued w.r.t Real Estate (Regulation and Development) Act 2016 is listed in this section. It contains five documents as shown in the image above. It contains information like Amendment in rule 22 Regarding Recovery of Interest, Penalty and Compensation of Real Estate (Regulation and Development) Rules, 2017), Himachal Pradesh Real Estate (Regulation & Development) Amendment Rules, 2021, Himachal Pradesh Real Estate (Regulation and Development) Rules, 2017 (English), Himachal Pradesh Real Estate (Regulation and Development) Rules, 2017 (Hindi), Himachal Pradesh Real Estate (Regulation & Development) 1st Amendment Rules, 2022 in Agreement for Sale Form-L.

3. HP RERA Regulation



This submenu contains various HP RERA regulations like regulation no.1 regarding service of notices for adjudication of complaints, regulation no.2 for filing periodic progress reports for residential, commercial, mixed dev. Projects, regulation no.3 regarding HP Real Estate (Adjudication of execution petition), regulation no. 4 of 2020 for filling periodic progress reports



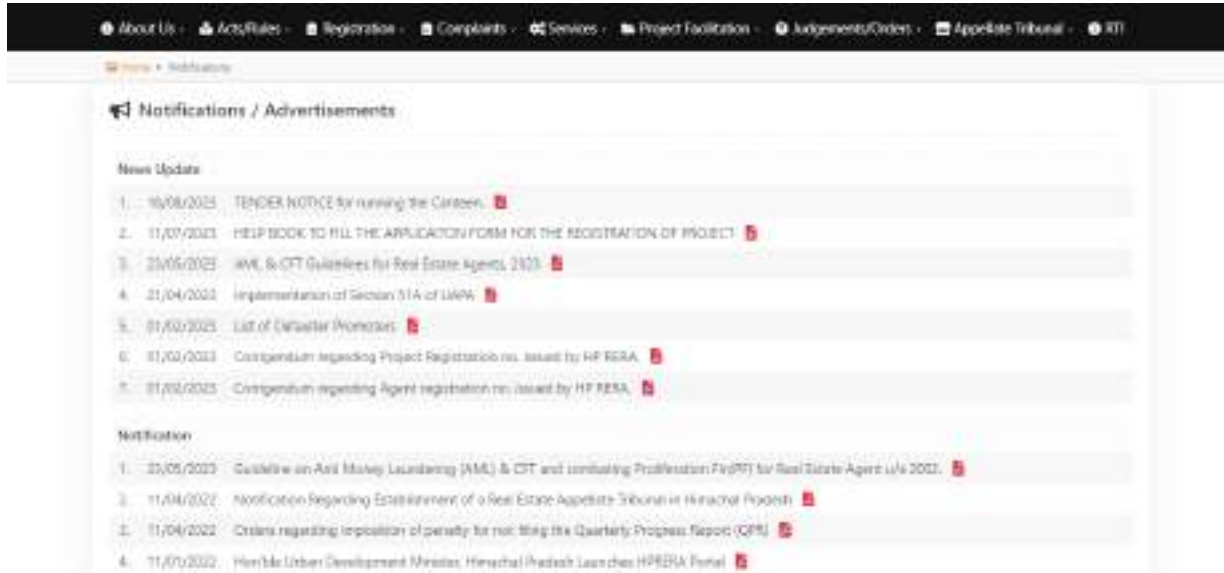
for plotted & completed projects and its amendments and regulation no. 5 for filing quarterly progress reports.

4. Office Circulars



Various Office circulars of HP RERA are available for download in this submenu of Acts/Rules. This submenu shows different circulars passed by the HP RERA on time to time basis.

5. Notifications



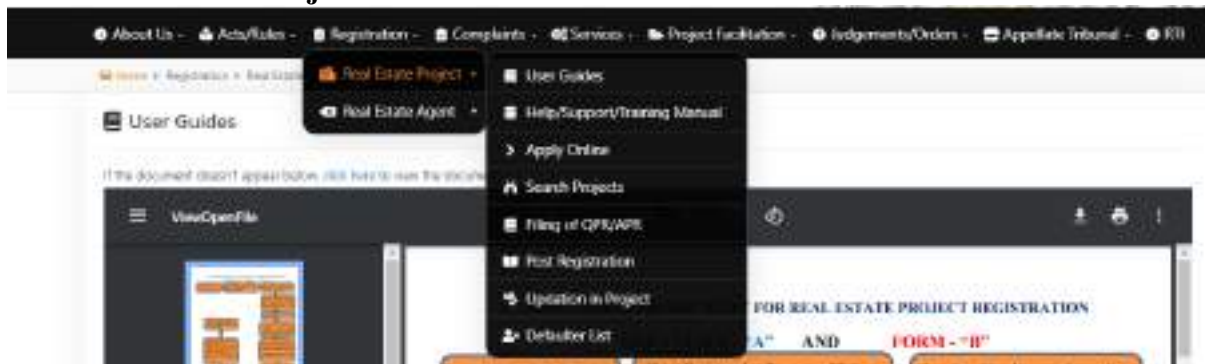
This submenu contains different notifications and news updates of HP RERA which includes handbooks, tenders, guidelines, help books and other notices etc.

C. REGISTRATION

The registration tab contains two sub menus i.e. Real Estate Project and Real Estate Agent. These submenus further include some options which are discussed below in detail.



1. Real Estate Project



This sub menu contains various options shown above which helps promoters to register their projects under HP RERA.

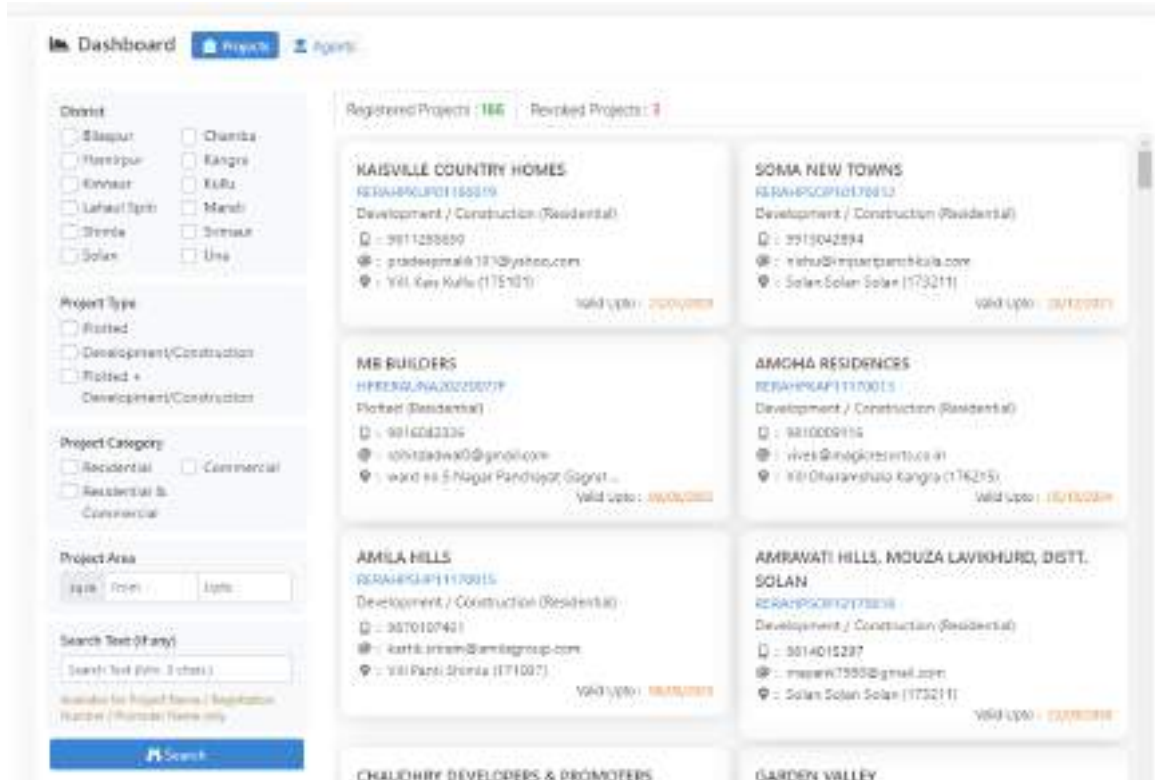
There is a user guide available which guides about the real estate registration procedure for a project.

A help/ support/ training manual is also available which provides information about how to fill the application form for the registration of real estate project and How to Register a Project as Promoter on HP RERA web Portal.

The apply online option shown above helps the promoters to apply online for registration of project under HP RERA. It allows promoters to create an account with HP RERA using which further various Activities can be performed like filling of QPR/APR, submission of fees/ penalty, updation of project etc.

Search Projects option helps in searching the projects registered with HP RERA. Different search criteria's are available to search the specific projects as per the image shown below.

Filing of QPR/APR option allows the promoter to fill the quarterly progress report and annual progress report after logging in into their user accounts already created during registration.



Post registration module allows the promoter to perform Activities like project extension, updation etc. after getting registered with HP RERA.

Updation in project module allows the promoter to update the project details after getting the registration certificate from HP RERA.

Defaulter list module shows the list of defaulter projects.

2. Real Estate Agent



The real estate agent module contains various sub modules shown in the image above.

User guide is available for the agents to help them register with HP RERA by providing them the procedure and checklist for registration.

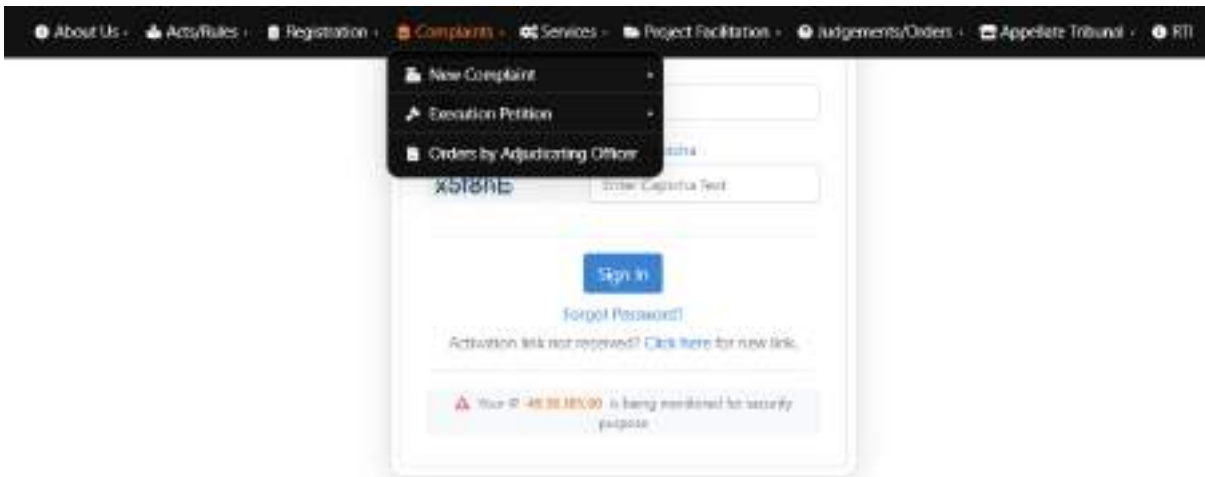
Apply online module allows the agents to create an account with HP RERA and apply for HP RERA registration.

Search agents module helps in searching the agents registered with HP RERA. It also provides the list of revoked agents by HP RERA. The agents can be searched based on different search criteria like office district, agent type, agent name or registration only.

Post registration module allows agents to perform various post registration Activities like renewal of registration.

D. COMPLAINTS

This module helps the complainants to register their complaints with HP RERA. The complaints tab contains three sub modules shown in the image below

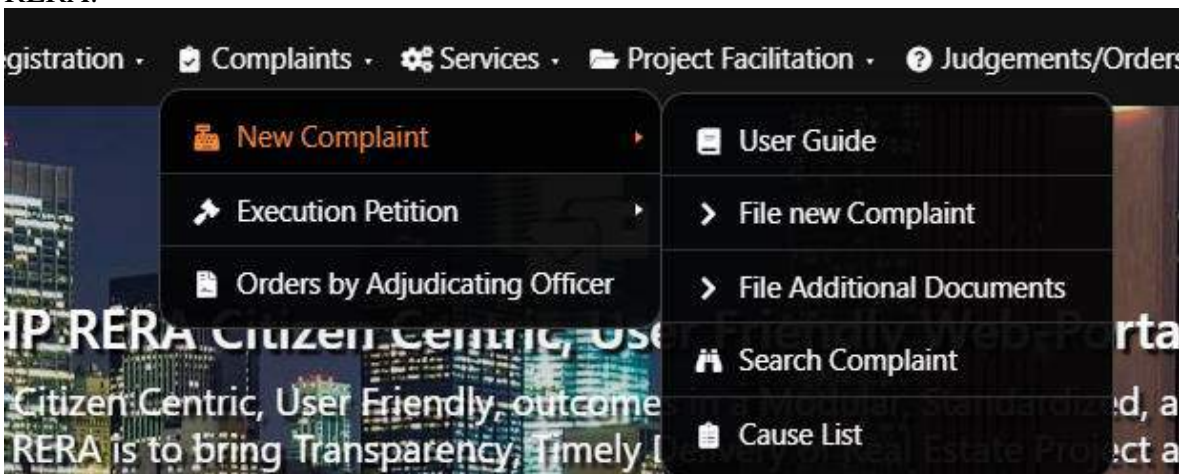


New complaint, execution petition and orders by adjudicating officer are the three sub modules under complaints section.

1. New Complaint

The New Complaint module further consists of few options shown in the image below

The user guide helps the users by providing the guidelines for filing the complaint online in HP RERA.



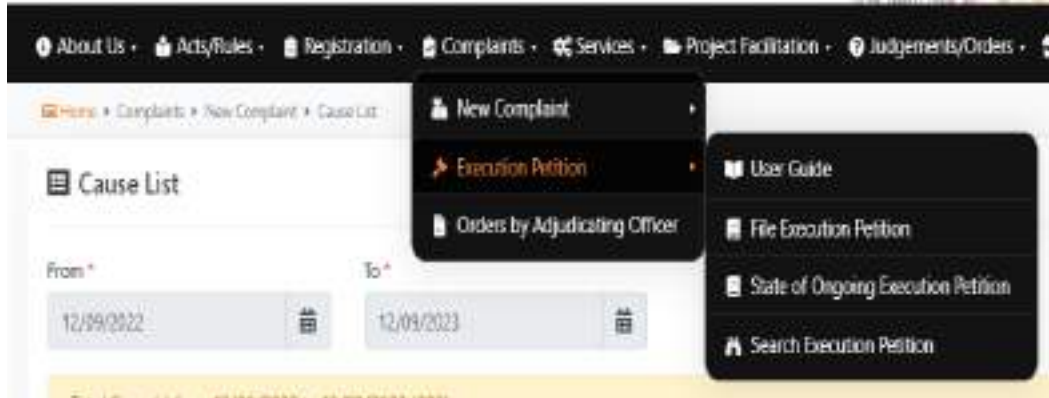
The file new complaint option allows the users to create an account with HP RERA so as to file a new complaint.

The search complaint option allows everyone to search the complaints. It also shows the status of the complaint along with the name of the applicant and its contact details.

The cause list shows the list of complaints along with the name of complainant and respondent and also the current status of the complaints.

2. Execution Petition

The execution petition module provides the facility to file execution petition in HP RERA.



The user guide is available which provides the guidelines to file the execution petition in HP RERA.

The file execution petition enables the users to create an account on the portal of HP RERA and file the execution petition.

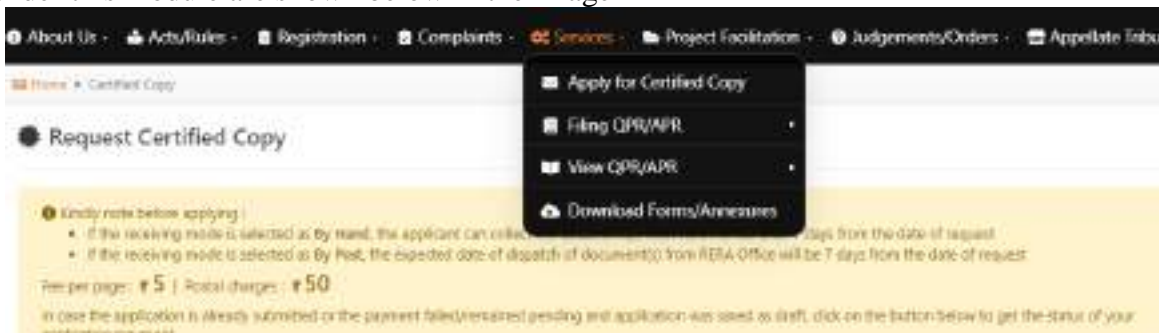
The search execution petition provides the facility to search the execution petition filed in HP RERA. Applicant’s name, contact detail, complaint ref no., complaint subject, execution petition stage are the various information available on this module.

3. Orders by Adjudicating Officer

This module shows the orders passed or judgments passed by the adjudicating officer in reference to execution petition filed in HP RERA.

E. SERVICES

This module provides different services to the users of HP RERA portal. Various sub menus under this module are shown below in the image



The apply for certified copy option provides the facility to the applicant to request for the certified copy of documents like final judgement order, interim order, zimni order, complaint copy, reply, rejoinder etc.

Filing of QPR/APR option allows the promoter and the agent to file the quarterly progress reports and annual progress reports online after logging in into their accounts.

View QPR/APR option allows the user to view the quarterly and annual progress reports of projects as well as of agents.

Download forms/annexures facilitates the user for downloading the various documents like certificates, undertaking, agreements, formats, hand books etc related to the facilities provided by the HP RERA.

F. PROJECT FACILITATION



This module helps the promoters in facilitating their projects with the help of HP RERA. Two major services provided by the HP RERA for project facilitation are raising the pending issues with the various Govt. departments of HP and login for permission under Section 118 of HP Tenancy and Land Reforms Act, 1972.



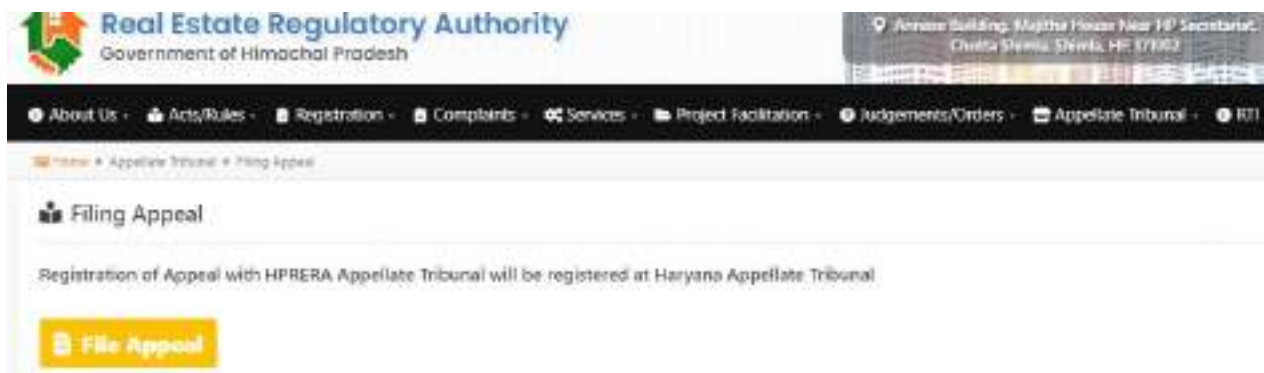
G. JUDGEMENT/ORDERS

This module allows the users to search the judgments or orders passed by the HP RERA. This module shows the order date and description of the judgement. It also provides a search tab to allow users to enter the values to be searched.



H. Appellate Tribunal

This module allows the users to file appeal with HP RERA Appellate Tribunal which is presently handled by the Haryana Appellate Tribunal. The users have to register themselves with the Haryana Appellate Tribunal in order to file a case there, so the tab File Appeal given below takes the user to an external website of Haryana tribunal.



I. RTI

The details of Public Information Officer (PIOs) and Appellate Authorities (AAs) at HP RERA are mentioned in this option. It also lists the RTI published from time to time. Refer to the image below to see the RTI.



Real Estate Regulatory Authority
Government of Himachal Pradesh

Address Building, Majitha House Near HP Secretariat,
Chowk Shimla, Shimla, HP, 177002

- [About Us](#) - [Acts/Rules](#) - [Registration](#) - [Complaints](#) - [Services](#) - [Project Facilitation](#) - [Judgements/Orders](#) - [Appellate Tribunal](#) - [RTI](#)

Home > RTI

RTI

Authority	Name	Designation	Contact No.	Email ID	Address
Public Information Officer (PIO) under RTI Act.		Superintendent Grid-1			HP Real Estate Regulatory Authority, Majitha House Chowk Shimla-2
Assistant Public Information Officer (APO) under RTI Act.		Assistant Controller			HP Real Estate Regulatory Authority, Majitha House Chowk Shimla-2
1 st Appellate Authority under RTI Act.		Assistant District Attorney			HP Real Estate Regulatory Authority, Majitha House Chowk Shimla-2
2 nd Appellate Authority under RTI Act.		State Chief Information Commissioner			Sectorial Commercial Complex, Shimla, Shimla-2



3. Real Estate Agent Registration and Responsibilities

Real Estate Agents are essential elements of Real Estate Sector, who connects Allottees and Promoters and facilitates most of the real estate transactions. Recognizing their importance, Real Estate (Regulation and Development) Act, 2016 recognizes them as one of the key stakeholders along with Home buyers and Promoters. Accordingly, every real estate agent is required to be registered with HP RERA for engaging in any Activity relating to marketing, advertising, sale or purchase of any apartments.

Real Estate Agents are the important stakeholders for the allottees and hence should have comprehensive understanding of the real estate transaction in order to guide the allottees and prevent disputes.

3.1. Who is Real Estate Agent as per RERA?

As per the Section 2 (zm) of the Act, “real estate agent” means any person, who negotiates or Acts on behalf of one person in a transaction of transfer of his plot, apartment or building, as the case may be, in a real estate project, by way of sale, with another person or transfer of plot, apartment or building, as the case may be, of any other person to him and receives remuneration or fees or any other charges for his services whether as a commission or otherwise and includes a person who introduces, through any medium, prospective buyers and sellers to each other for negotiation for sale or purchase of plot, apartment or building, as the case may be, and includes property dealers, brokers, middlemen by whatever name called.

Therefore, any person juristic or otherwise who fits in the above definition is considered to be a Real Estate Agent under RERA Act, 2016 and accordingly has to be registered with the Authority.

3.2. Registration of Real Estate Agents as per Section 9 of the Act

Section 9 of the Act, details registration requirements and process for Real Estate Agent. The provisions under Section 9 are:

“9(1) No real estate agent shall facilitate the sale or purchase of or Act on behalf of any person to facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a real estate project or part of it, being the part of the real estate project registered under section 3, being sold by the promoter in any planning area, without obtaining registration under this section.”

This is a strict stipulation that an agent should not be involved in any sale or purchase either directly or indirectly with any project (plot or building or apartment) unless the agent has been registered with concerned RERA.

“9(2) Every real estate agent shall make an application to the Authority for registration in such form, manner, within such time and accompanied by such fee and documents as may be prescribed.”

In order to register with RERA, Real Estate Agents should apply as per the Form G under Rule 8 of the HP Real Estate (Regulation and Development) Rules, 2017, submit all required documents and pay fees as prescribed.

“9(3) The Authority shall, within such period, in such manner and upon satisfying itself of the fulfilment of such conditions, as may be prescribed:



- a. grant a single registration to the real estate agent for the entire State or Union territory, as the case may be;
- b. reject the application for reasons to be recorded in writing, if such application does not conform to the provisions of this Act or the rules or regulations made thereunder.”

Once the application is received, the Authority will verify and confirm that the agent is bonafide and then issue a registration number as applicable. This registration will enable the agent to transAct within the entire State of Himachal Pradesh. In case the application is rejected, the reason for rejecting will be provided in writing to the agent by the Authority.

“Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard in the matter.”

Before the application is rejected, the agent will be given a chance to explain any non - conformance.

“9(4) Whereon the completion of the period specified under sub-section (3), if the applicant does not receive any communication about the deficiencies in his application or the rejection of his application, he shall be deemed to have been registered.”

In case the agent does not receive any intimation of deficiencies or rejection within the time period as prescribed under rules 3 , then he shall be deemed to have been registered as real estate agent. .

“9(5) Every real estate agent who is registered as per the provisions of this Act or the rules and regulations made thereunder, shall be granted a registration number by the Authority, which shall be quoted by the real estate agent in every sale facilitated by him under this Act.”

Every successful application is given a unique registration number. The agent has to quote this registration number in every transaction .

“9(6) Every registration shall be valid for such period as may be prescribed and shall be renewable for a period in such manner and on payment of such fee as may be prescribed.”

The agent registrations have a time validity of five years and should be renewed.

“9(7) Where any real estate agent who has been granted registration under this Act commits breach of any of the conditions thereof or any other terms and conditions specified under this Act or any rules or regulations made thereunder, or where the Authority is satisfied that such registration has been secured by the real estate agent through misrepresentation or fraud, the Authority may, without prejudice to any other provisions under this Act, revoke the registration or suspend the same for such period as it thinks fit:

Provided that no such revocation or suspension shall be made by the Authority unless an opportunity of being heard has been given to the real estate agent.

Post the successful agent registration and in case it is discovered that the agent commits a breach of any of the conditions of the registration certificate granted or RERD Act, 2017 rules and regulation made thereunder or if such registration has been secured by the real estate agent through misrepresentation or fraud then the agent’s registration can be revoked or suspended by the Authority. Real estate agents are entitled to a hearing before the Authority revokes or suspends their license.

3.3. Type of Real Estate Agents

HP RERA has identified two categories of Real Estate Agents, mainly for Registration perspective:



- Individuals
- Other than Individuals (Company, Partnership, Proprietorship, Society, Others)

Who is an individual real estate agent?

1. A person carrying out the business of Real Estate Agent in his own name and having no employee.
2. This individual is responsible for the real estate transaction right from sourcing leads, prospecting, viewing, closing deals and finally obtaining the brokerage.
3. This individual has registered with his name appearing on his legal documentation
4. Certificate of Registration issued by HP RERA will be on his personal name, as shown in the documents.

Who is a non-Individual real estate agent?

1. Person/s carrying out business in his/her organization name be it any kind - Proprietorship, Partnership, Company, Society, Others.
2. The business is registered under the name of the organization.
3. There may be one employee or more working in different roles taking care of the marketing, sales, viewing, legal documentation, accounts etc.
4. Certificate of Registration issued by HP RERA will be on the name of the organization. Why is this differentiation important?

All communication from the organization's employees to any clients have to carry the HP RERA Registration number clearly.

3.4. Registration Application and Process

Rule 8 and 9 of Himachal Pradesh Real Estate (Regulation and Development) Rules, 2017 detail out the process for application for Registration by the real estate agent and grant of registration to the real estate agent. It is as follows:

“8(1) Every real estate agent required to register as per sub-section (2) of section 9 shall make an application in writing, to the Authority in Form- ‘G’ until the application procedure is made web based, along with the following documents namely: -

- a) The brief details of his enterprise including its name, registered address, type of enterprise (proprietorship, societies, partnership, company etc.);
- b) The particulars of registration (whether as a proprietorship, partnership, company, society etc.) including the Bye-laws, Memorandum of Association (MOA) and Articles Of Association (AOA) etc. as the case may be;
- c) Name, address, contact details and photographs of the real estate agent, if it is an individual and the name, address, contact details and photograph of the partners, directors etc. in case of other entities;
- d) The authenticated copy of the PAN card of the real estate agent;
- e) The authenticated copy of the address proof of the place of business.

This Rule details the various information to be provided by the Real Estate Agent in the application along with supporting documents.

“8(2) the real estate agent shall pay a registration fee at the time of application for registration by way of a demand draft or through online payment, as the case may be, for a sum of five thousand rupees in case of the applicant being an individual or twenty thousand rupees in case of



the applicant other than an individual.

Provided that the State Government may levy e-charges on the real estate agent by notification for online services.

“9(1) on receipt of the application under rule 8, the Authority shall within a period of thirty days either grant registration to the real estate agent or reject the application, as the case may be:

Provided that the Authority may grant an opportunity to the real estate agent to remove the deficiencies in the application within such time period as may be specified by it.

“9(2), upon the registration of a real estate agent, the Authority shall issue a registration certificate with a registration number in Form ‘H’ to the real estate agent.

“9(3), In case of rejection of the application, the Authority shall inform the applicant in Form ‘I’

“9(4), the registration granted under this rule shall be valid for a period of five years.

The validity of Registration for Real Estate Agents is five years. Agents are required to renew their registration on completion of this period.

“Explanation. - The public authorities established under Special Local Laws which may sell Apartments or Buildings or Plot under any real estate project through Public Lottery as per their Rules or Regulations shall not be required to be registered as real estate agent, under these rules.”

This clause exempts public authorities from registration as real estate agent.

3.5. Renewal of Registration of Real Estate Agents

The Rules referred above stipulate that the validity of registration of Real Estate Agents is five years. The agents are required to renew their registration on completion of this period. The process for renewal of Registration of Real Estate Agent is detailed in Rule 10 of Himachal Pradesh Real Estate (Regulation and Development) Rules, 2017.

“10 (1) A real estate agent to whom registration has been granted to a real estate agent, may be renewed, on an application made by in Form ‘J’ which shall not be less than three months prior to expiry of registration granted.

This section highlights that the process for renewal of real estate agent registration may commence, three months prior to expiry of registration. The renewal application and fees shall be as prescribed.

“10 (2) The application for renewal of registration shall be accompanied with a demand draft or through online payment, as the case may be, for a sum of rupees two thousand and five hundred in case of the real estate agent being an individual or rupees ten thousand in case of the real estate agent other than an individual.

“10 (3) The real estate agent shall also submit all the updated documents set out in clauses (a) to (e) of sub-rule (1) of rule 8 at the time of application for renewal.

“10 (4) In case of renewal of registration, the Authority shall inform the real estate agent about the same in Form ‘K’ and in case of rejection of the application for renewal of registration the Authority, shall inform the real estate agent in Form ‘I’:

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

Provided further that the Authority may grant an opportunity to the real estate agent to remove the deficiencies in the application within such time period as may be specified by it.



This section details the required documents to be submitted for renewal. On successful scrutiny, Renewal certificate shall be issued by Authority to Real Estate Agent. In case of rejection, Agent shall be given an opportunity to be heard before final rejection.

“10 (5) The renewal granted under this rule shall be valid for a period of five years.

The agent registration once renewed will be valid for 5 years from the date of renewal.

3.6. Functions of Real Estate Agents

As Real Estate Agents are important stakeholders, the Act and the rules list important functions and obligations of Real Estate Agents, which every agent has to comply with.

(i) Functions of the Real Estate Agents as per Section 10 of the Act:

“10 Every real estate agent registered under section 9 shall—

(a) not facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a real estate project or part of it, being sold by the promoter in any planning area, which is not registered with the Authority;”

Every Real Estate Agent has to ensure that they facilitate sale / marketing / advertisement of only those projects that are registered with HP RERA.

(b) maintain and preserve such books of account, records and documents as may prescribed;”

Every Real Estate agent has to maintain books of account and record of all transaction facilitated for individual projects separately.

(c) not involve himself in any unfair trade practices , namely: —

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

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

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

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

(ii) permitting the publication of any advertisement whether in any newspaper or otherwise of services that are not intended to be offered.”

Every Real Estate Agent should ensure that they are not involved in unfair trade practices including any kind of misrepresentation in oral or written form. They shouldn't falsely represent or advertise services that are not offered by the promoter.

(d) facilitate the possession of all the information and documents, as the allottee, is entitled to, at the time of booking of any plot, apartment or building, as the case may be;”

Real Estate Agent should ensure that Allottee has all the concerned information and documents, for informed decision making, at the time of booking.

(e) discharge such other functions as may be prescribed.”

Real Estate Agents should discharge all such functions and obligations as prescribed by the Authority.

(ii) Maintenance and preservation and production of books of accounts, records and documents as per Rule 12

Rule 12 of Himachal Pradesh Real Estate (Regulation and Development Rules, 2017 states that:

“12. Every registered real estate agent shall maintain and preserve such books of accounts,



records and documents as he may be required in accordance with the provisions of the Income Tax Act, 1961 (43 of 1961) and the rules made thereunder.

It is important for the agents to keep all financial and legal records of transactions diligently. These records may be called for inspection by Authority during renewal on enquiry.

(iii) Other functions of a real estate agent as per Rule 13

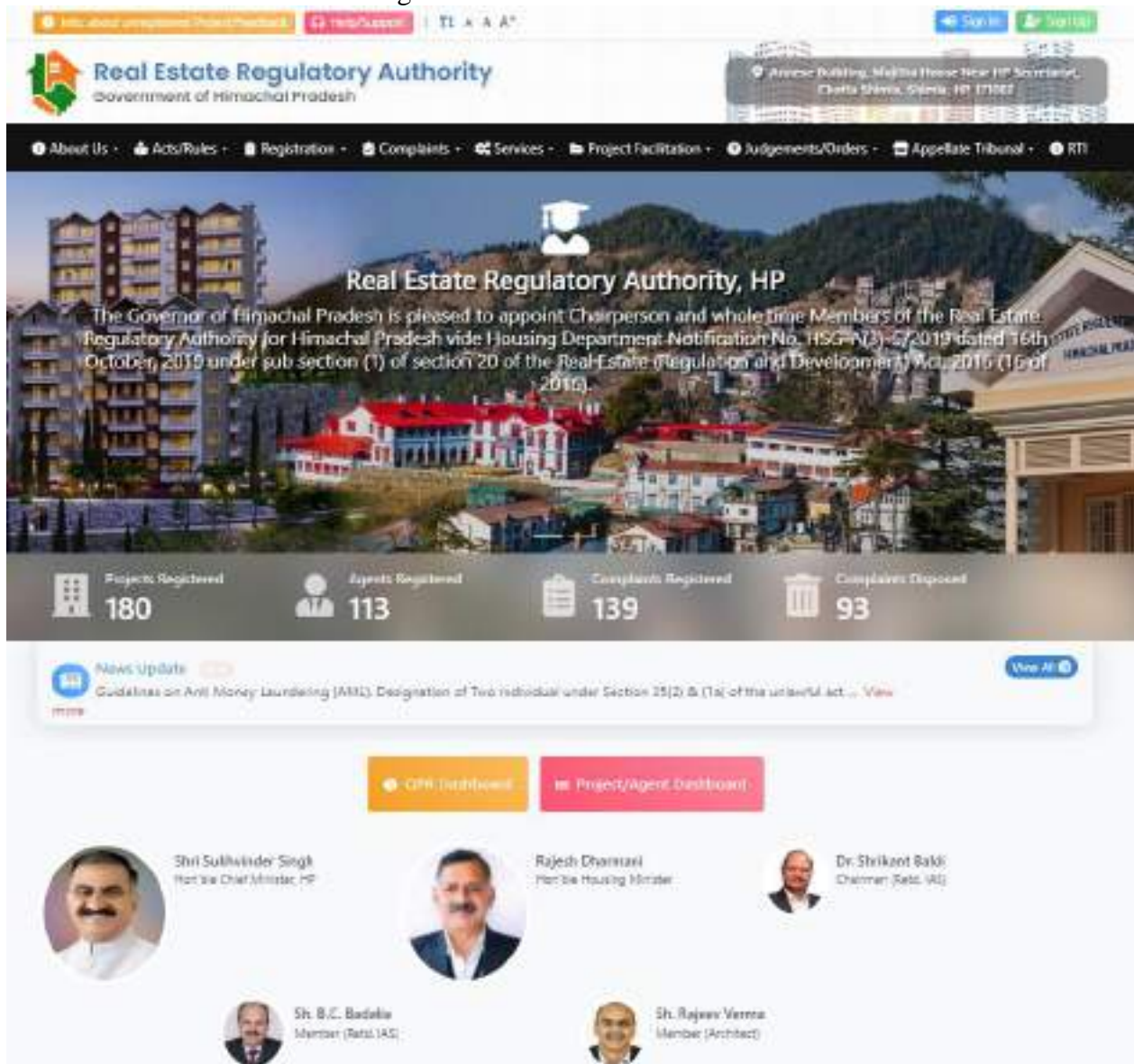
Rule 13 of Himachal Pradesh Real Estate (Regulation and Development) Rules, 2017 states that:

“13. The real estate agent shall provide assistance to enable the allottee and promoter of each real estate project, to exercise their respective rights and fulfil their respective obligations at the time of marketing and selling, purchase and sale of any plot, apartment or building, as the case may be.

3.7. Step-by-Step Guidance for Agent Registration on HP RERA Web Portal

Home Page

1. Shown below is the Home Page of the **HP RERA** Portal.





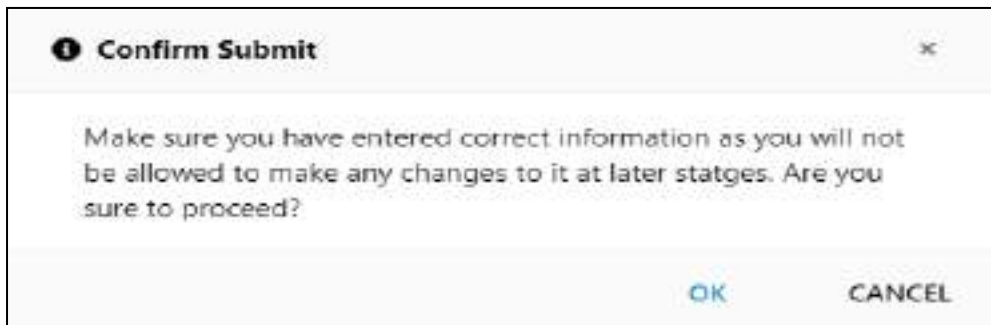
Registration and sign-up

2. On clicking sign up button on the home page user will be directed to the page shown below. Here user will have to select the role for which he/she is registering and then fill all the details shown below (in this case agent role).

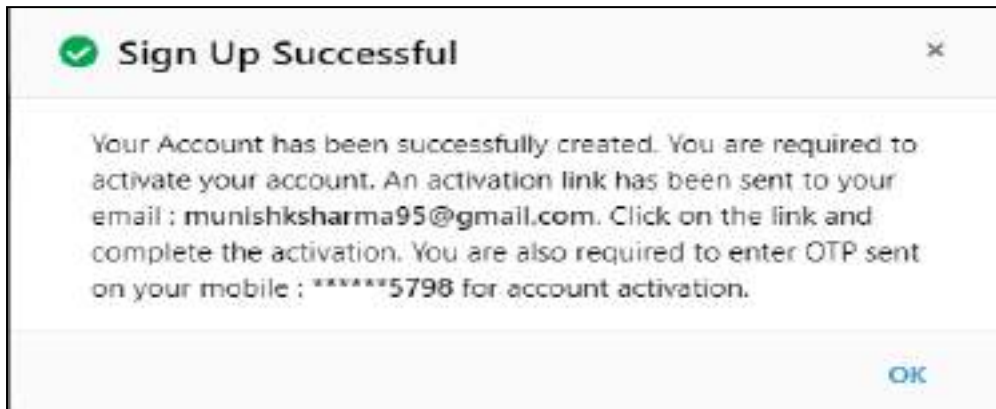
The screenshot displays the 'Sign Up' page on the Real Estate Regulatory Authority Himachal Pradesh website. The page title is 'Sign Up' with the subtitle 'Already have an account? Sign in instead'. A yellow warning box states: 'Note: The Sign up is available for Business, Agents and Companies only. Companies can also visit The Regulatory Authority and apply for license via our online portal from different departments of Govt of Himachal Pradesh before registering a project on this portal.' Below this, there are tabs for 'Sign as an', 'Broker', 'Agent', and 'Company', with 'Agent' selected. The form includes fields for 'Agent Type' (Individual or Non-individual), 'Agent Name', 'Email ID', 'Mobile No.', 'Password', 'Confirm Password', 'Security Question', and 'Answer'. A CAPTCHA field is also present with the value 'h4e956'. At the bottom, there is a 'Sign Up' button and a link to 'Enter Captcha Text'.



3. On clicking sign up button user will be directed to page shown below here if sure about information filled user needs to click the OK button.



4. After clicking OK button Pop-up message shown below will appear.





5. User will also get an OTP on the registered mobile number. After clicking the Activation link sent on the registered e-mail ID user needs to fill the OTP he/she got on the registered mobile number and click Activate to Activate his/her account.

6. Then user needs to fill his sign in details.



Dashboard

7. Upon sign in user will reach the Agent Dashboard page, screen shown below.



8. On clicking apply button in the last screen user will reach the page shown below here user needs to click proceed button for agent registration.

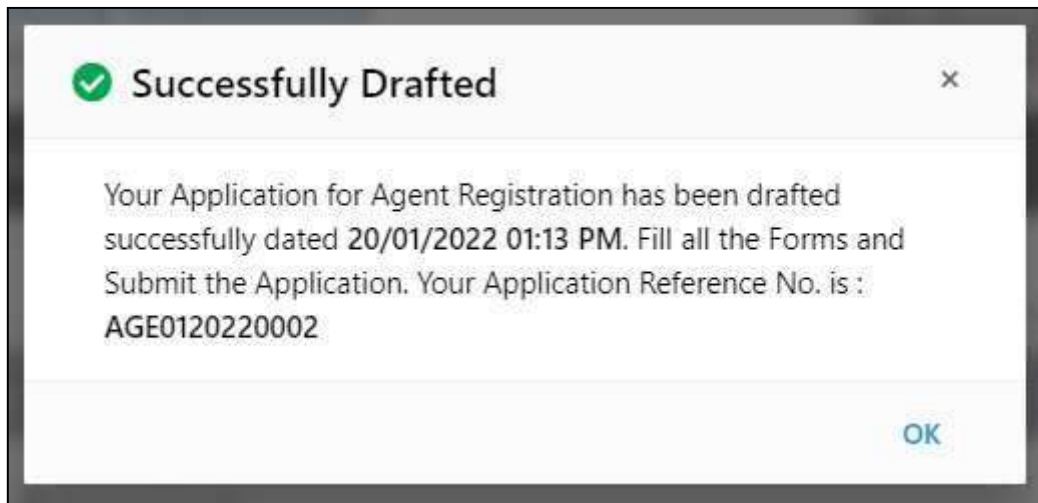


9. For agent registration part user needs to fill the mandatory details shown on the page

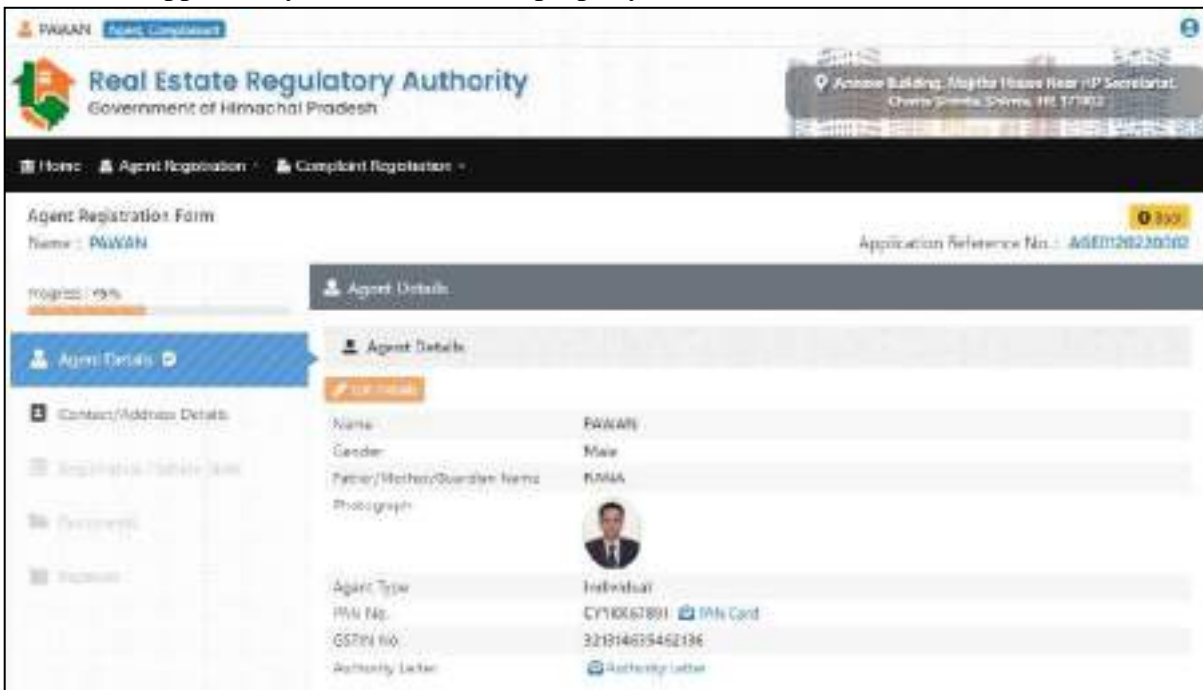
below and then click proceed.



10. Then user will get the pop-up message of application for agent registration successfully drafted. User needs to click Ok.



11. After that user needs to fill all the forms shown on the left side of the screen. Next form will appear only if the last form is properly filled.





12. After agent details form user needs to fill the contact/address details form. And fill all the mandatory details asked in the form shown below.

Real Estate Regulatory Authority
Government of Himachal Pradesh

Address: Building, Rajtha House Near HP Secretariat, Chotla Shamba, Shimla, HP 171000

Home | Agent Registration | Complaint Registration

Agent Registration Form
Name: RWAN
Application Reference No.: AGSR190220002

Progress: 45%

Agent Details (Completed)

Contact/Address Details

Registration Guidelines Step

Documents

Payment

Contact Details

Alternate Mobile No.

Alternate Email

Mobile No.

Email

Address Details

Address Line 1*

Address Line 2*

State*

City/District*

Pin Code*

Address Proof*

Address Details of Office in Himachal

Address Line 1*

Address Line 2*

State*

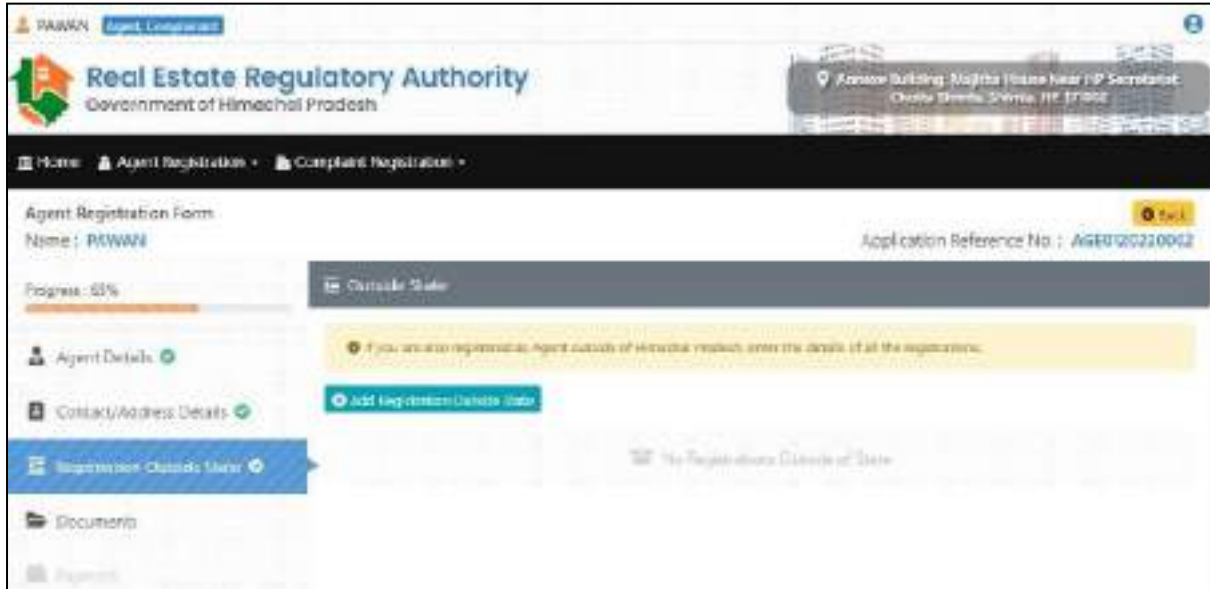
City/District*

Pin Code*

Address Proof*



13. After that user needs to fill the registration outside state form on clicking this form user will reach the screen shown below here user needs to click on the +add registration outside state. After that another form will appear on the screen user needs to fill this form and click save draft.

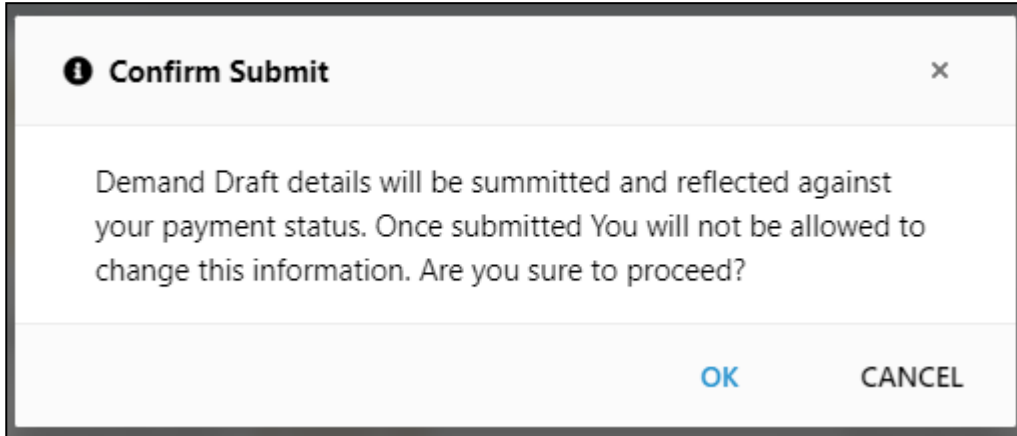


14. After that user needs to upload the mandatory documents. User can also add other relevant documents.

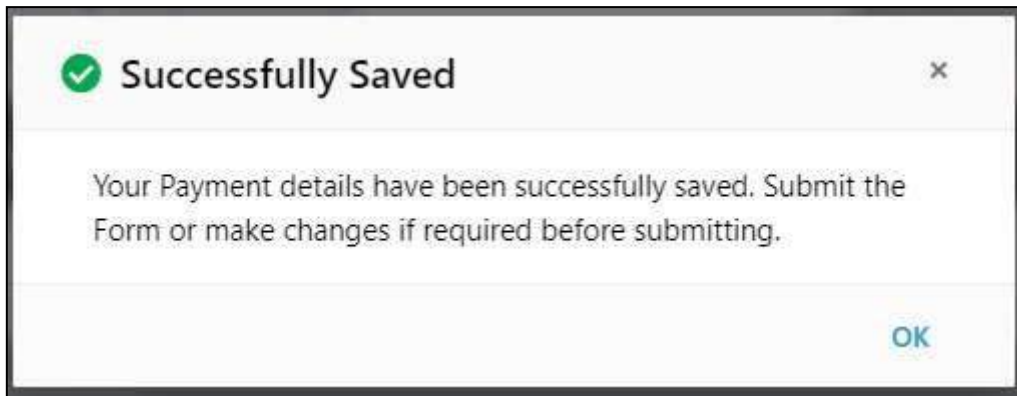


15. After this comes payment form here user has option to pay in online mode or offline mode. In case of offline payment user needs to physically submit the demand draft in the rera office. Here user needs to pay registration fees and E-charges separately.

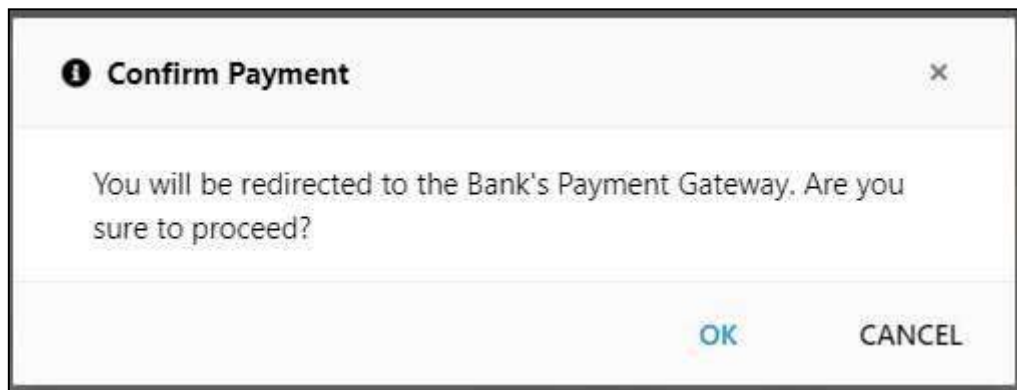
16. In case user selects offline mode of payment pop-up message shown below will appear. If user is unsure about the details filled he/she needs to click OK.



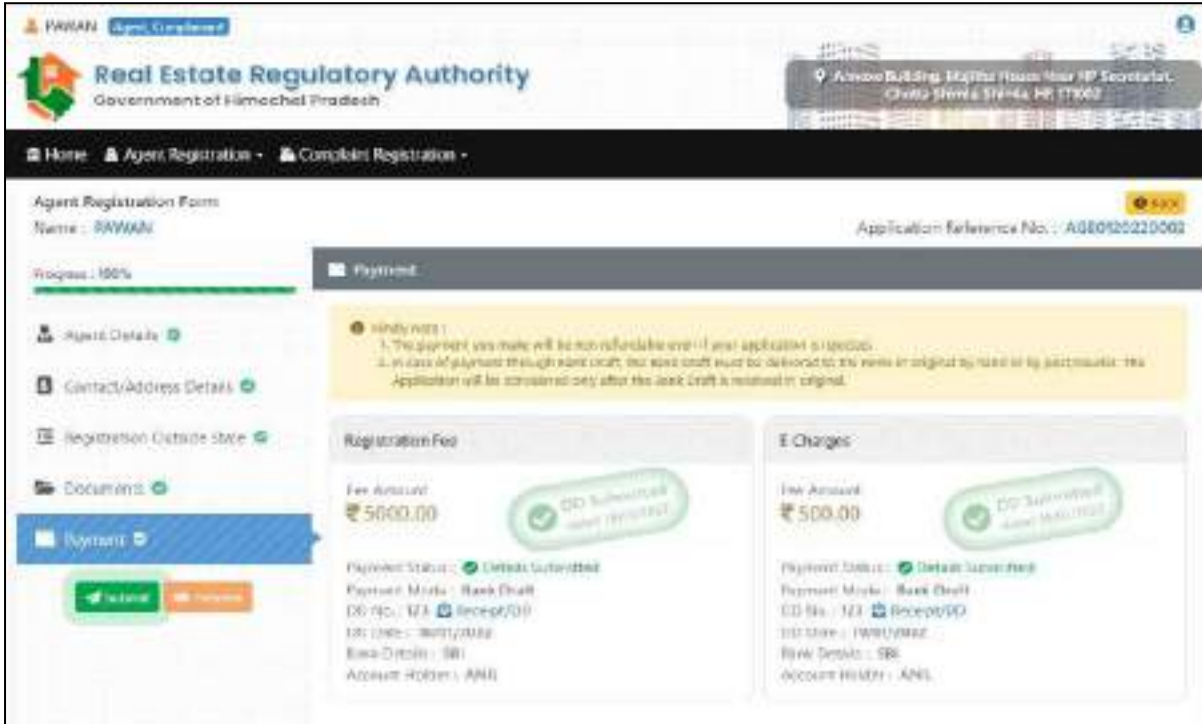
17. After that a message confirming successfully saved will appear on the screen.



18. In case user selects online payment mode message shown below will appear on the screen user needs to click OK. After that user will be directed to the payment gateway.



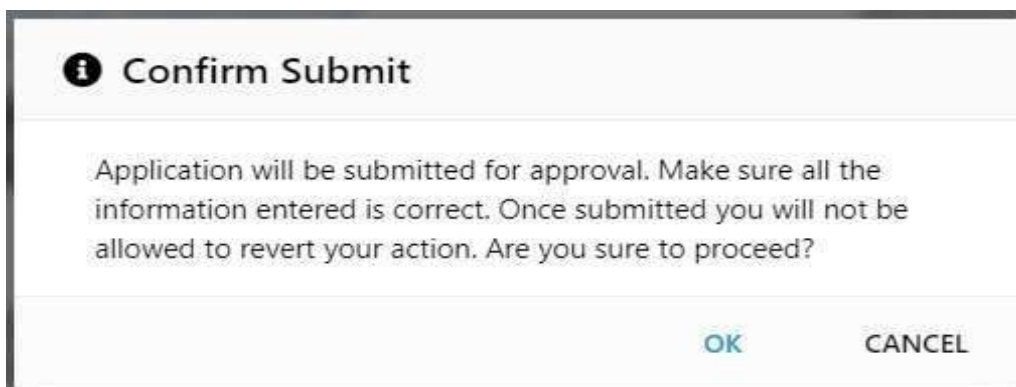
19. On successful payment of fees screen shown below will appear. Here along with the option of submit user also gets option to preview the entire form as shown on the next screen.



20. Shown below is the application preview page here user can preview all the forms.



21. On clicking submit button pop-up message shown below will appear here user needs to click on the OK button.



23. Then pop-up message confirming the application submission will appear.



✔
Successfully Submitted
✕

Your Application for Agent Registration has been successfully submitted dated 21/01/22 11:37 AM and is in process. Your Application Reference No. is : AGE0120220002

OK

24. After that user will reach the screen shown below here user can view and print his application form and can also see the approval history (as shown in the screen below).

The screenshot shows the website interface for the Real Estate Regulatory Authority Himachal Pradesh. The header includes the logo and name of the authority, along with a location address: "Alvora Building, 15/16th Floor Near IIT, Shimla, District Shimla, Himachal Pradesh". The navigation menu includes "Home", "Agent Registration", and "Complaint Registrations". The main content area is titled "My Registration" and displays a card for an "Agent Registration Application".

Agent Registration Application	
Application Ref. No.	AGE0120220002
Application Status	✔ Submitted for Review
Submitted On	21/01/2022 11:37 AM
Agent Name	PAMON
Agent Type	Individual

At the bottom of the card, there are three icons: "View", "Print", and "History".



4. Real Estate Project Registration and Promoter Responsibilities

Promoter is defined as per Section 2 (zk) of the Act as follows:

“(zk) “promoter” means, —

- (i) a person who constructs or causes to be constructed an independent building or a building consisting of apartments, or converts an existing building or a part thereof into apartments, for the purpose of selling all or some of the apartments to other persons and includes his assignees; or
- (ii) a person who develops land into a project, whether or not the person also constructs structures on any of the plots, for the purpose of selling to other persons all or some of the plots in the said project, whether with or without structures thereon; or
- (iii) any development Authority or any other public body in respect of allottees of—
 - (a) buildings or apartments, as the case may be, constructed by such Authority or body on lands owned by them or placed at their disposal by the Government; or
 - (b) plots owned by such Authority or body or placed at their disposal by the Government, for the purpose of selling all or some of the apartments or plots; or
- (iv) an apex State level co-operative housing finance society and a primary co-operative housing society which constructs apartments or buildings for its Members or in respect of the allottees of such apartments or buildings; or
- (v) any other person who Acts himself as a builder, coloniser, contractor, developer, estate developer or by any other name or claims to be Acting as the holder of a power of attorney from the owner of the land on which the building or apartment is constructed or plot is developed for sale; or
- (vi) such other person who constructs any building or apartment for sale to the general public.

Explanation.—For the purposes of this clause, where the person who constructs or converts a building into apartments or develops a plot for sale and the persons who sells apartments or plots are different persons, both of them shall be deemed to be the promoters and shall be jointly liable as such for the functions and responsibilities specified, under this Act or the rules and regulations made thereunder;”

Therefore, Promoter includes builder, coloniser, contractor, developer, estate developer etc. who are responsible for developing and selling real estate project.

Real Estate Project is defined as per Section 2 (zn) of the Act as follows:

“(zn) “real estate project” means the development of a building or a building consisting of apartments, or converting an existing building or a part thereof into apartments, or the development of land into plots or apartment, as the case may be, for the purpose of selling all or some of the said apartments or plots or building, as the case may be, and includes the common areas, the development works, all improvements and structures thereon, and all easement, rights and appurtenances belonging thereto;”



The terms “apartment” and “building” as used in the aforesaid definition which is defined under the Act not only covers residential projects but also covers commercial projects.

This Act lays down various provisions for ensuring sale of plot, apartment or building, as the case may be, or sale of real estate project, in an efficient and transparent manner and to protect the interest of consumers in the real estate sector.

4.1. Registration of Real Estate Projects

One of the key foundation of the Act is Registration of Real Estate Projects. Promoters cannot book or offer these projects for sale without registering them.

Section 3 of the Act provides details on Project Registration as follows:

“3. (1) No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act:

Provided that projects that are ongoing on the date of commencement of this Act and for which the completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the said project within a period of three months from the date of commencement of this Act:

Provided further that if the Authority thinks necessary, in the interest of allottees, for projects which are developed beyond the planning area but with the requisite permission of the local Authority, it may, by order, direct the promoter of such project to register with the Authority, and the provisions of this Act or the rules and regulations made thereunder, shall apply to such projects from that stage of registration.

Notwithstanding anything contained in sub-section (1), no registration of the real estate project shall be required

—
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:

Provided that, if the appropriate Government considers it necessary, it may, reduce the threshold below five hundred square meters or eight apartments, as the case may be, inclusive of all phases, for exemption from registration under this Act;

where the promoter has received completion certificate for a real estate project prior to commencement of this Act;

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.

Explanation - For the purpose of this section, where the real estate project is to be developed in



phases, every such phase shall be considered a stand alone real estate project, and the promoter shall obtain registration under this Act for each phase separately.”

Therefore, As per Section 3 of the Act, All commercial and residential real estate projects including plotted development shall have to be registered with HP RERA, except in projects where:

- Area of land proposed to be developed does not exceed five hundred square meters Or
- Number of apartments proposed to be developed does not exceed eight inclusive of all phases Or
- Promoter has received completion Certificate for a real estate project prior to commencement of this Act.

Further, in State of Himachal Pradesh apart from planning area there is a concept of deemed planning area under Section 1 (3A) of H.P. Town and Country Planning Act, where in it has been laid down that if the area proposed to be developed is more than 2500 M2 for plotting or plotting and construction of apartment or any building or buildings having more than eight apartments for the purpose of selling outside the notified planning areas or special areas constituted under the TCP Act and such areas shall be deemed to be planning and therefore the projects developed there in are real estate project and are liable to be registered under the RERD Act, 2016 with HP RERA as per section 3 of the RERD Act, 2016.

No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area or deemed planning area within Himachal Pradesh, without registering the real estate project with HP RERA

4.2. Registration Application and Process

The entire Project Registration process is completely digital and HP RERA commenced online registration process from 1st May 2017.

The details of Application Form and supporting documents are listed in Section 4 of the Act as follows:

“ 4. (1) Every promoter shall make an application to the Authority for registration of the real estate project in such form, manner, within such time and accompanied by such fee as may be specified by the regulations made by the Authority.

- (2) The promoter shall enclose the following documents along with the application referred to in sub-section (1), namely:—
- (a) a brief detail of his enterprise including its name, registered address, type of enterprise (proprietorship, societies, partnership, companies, competent Authority), and the particulars of registration, and the names and photographs of the promoter;
 - (b) a brief detail of the projects launched by him, in the past five years, whether already completed or being developed, as the case may be, including the current status of the said projects, any delay in its completion, details of cases pending, details of type of land and payments pending;
 - (c) an authenticated copy of the approvals and commencement certificate from the competent Authority obtained in accordance with the laws as may be applicable for the real estate project mentioned in the application, and where the project is proposed to be developed in phases, an authenticated copy of the approvals and commencement certificate from the competent Authority for each of such phases;
 - (d) the sanctioned plan, layout plan and specifications of the proposed project or the phase thereof,



and the whole project as sanctioned by the competent Authority;

- (e) the plan of development works to be executed in the proposed project and the proposed facilities to be provided thereof including fire fighting facilities, drinking water facilities, emergency evacuation services, use of renewable energy;
- (f) the location details of the project, with clear demarcation of land dedicated for the project along with its boundaries including the latitude and longitude of the end points of the project;
- (g) proforma of the allotment letter, agreement for sale, and the conveyance deed proposed to be signed with the allottees;
- (h) the number, type and the carpet area of [appurtenant] for sale in the project along with the area of the exclusive balcony or verandah areas and the exclusive open terrace areas apartment with the apartment, if any;
- (i) the number and areas of garage for sale in the project;
- (j) the names and addresses of his real estate agents, if any, for the proposed project;
- (k) the names and addresses of the contractors, architect, structural engineer, if any and other persons concerned with the development of the proposed project;
- (l) 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 on which the development is proposed along with legally valid documents with authentication of such title, if such land is owned by another person;
 - (B) that the land is free from all encumbrances, or as the case may be details of the encumbrances on such land including any rights, title, interest or name of any party in or over such land along with details;
 - (C) the time period within which he undertakes to complete the project or phase thereof, as the case may be;
 - (D) that seventy per cent. of the amounts realised for the real estate project from the allottees, from time to time, 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:

Provided that the promoter shall withdraw the amounts from the separate account, to cover the cost of the project, in proportion to the percentage of completion of the project:

Provided further that the amounts from the separate account shall be withdrawn by the promoter after it is certified by an engineer, an architect and a chartered accountant in practice that the withdrawal is in proportion to the percentage of completion of the project:

Provided also that the promoter shall get his accounts audited within six months after the end of every financial year by a chartered accountant in practice, and shall produce a statement of accounts duly certified and signed by such chartered accountant and it shall be verified during the audit that the amounts collected for a particular project have been utilised for that project and the withdrawal has been in compliance with the proportion to the percentage of completion of the project.

Explanation.— For the purpose of this clause, the term “schedule bank” means a bank included in the



Second Scheduled to the Reserve Bank of India Act, 1934;

- (E) that he shall take all the pending approvals on time, from the competent authorities;
- (F) that he has furnished such other documents as may be prescribed by the rules or regulations made under this Act; and
- (m) such other information and documents as may be prescribed.

(3) The Authority shall operationalise a web based online system for submitting applications for registration of projects within a period of one year from the date of its establishment.”

This section lists all the documents and information to be submitted by the Promoter for Registration of Project. In addition, he documents have also been prescribed in Rules 14 of the HP Real Estate (Regulation and Development) Rules, 2017 HP RERA makes available all this information (apart from personal information of Promoters like PAN Number etc.) for public viewing through their portal so that homebuyers can make informed decision making. In earlier chapter, the procedure to view these details on HP RERA web portal was listed in detail.

Another important information to be submitted by Promoter is as per Section 4 (2) (j), wherein promoter has to provide list of Real Estate Agents allowed to facilitate booking or sale of the apartments in the projects. Only those Real Estate Agents listed by Promoter in this section are authorized to market, advertise or facilitate sale in the real estate project. The promoter can update this list on regular basis.

On submission of Application for Project Registration, the Authority follows the procedure as listed in Section 5 of the Act for granting registration.

“5. (1) On receipt of the application under sub-section (1) of section 4, the Authority shall within a period of thirty days.

- (a) grant registration subject to the provisions of this Act and the rules and regulations made thereunder, and provide a registration number, including a Login Id and password to the applicant for accessing the website of the Authority and to create his web page and to fill therein the details of the proposed project; or
- (b) reject the application for reasons to be recorded in writing, if such application does not conform to the provisions of this Act or the rules or regulations made thereunder:

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

- (2) If the Authority fails to grant the registration or reject the application, as the case may be, as provided under sub-section (1), the project shall be deemed to have been registered, and the Authority shall within a period of seven days of the expiry of the said period of thirty days specified under sub-section (1), provide a registration number and a Login Id and password to the promoter for accessing the website of the Authority and to create his web page and to fill therein the details of the proposed project.
- (3) The registration granted under this section shall be valid for a period declared by the promoter under sub-clause (C) of clause (1) of sub-section (2) of section 4 for completion of the project or phase thereof, as the case may be.”

On receiving the application, the Authority scrutinizes the application as per checklist and grants Project Registration on satisfaction of all terms and conditions. The registration is valid from date of issuance of



Registration Certificate to Date of Completion of Project as provided by Promoter during the Registration Application. The Authority in one of its meeting has changed the concept and decided that period of registration may be as approved by the Authority and can be different from the dates filled by the promoter at the time of seeking registration.

4.3. Extension of Registration

HP RERA allows for extension of validity of Project Registrations as per provisions of Section 6 of the Act.

“6. 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 as may be prescribed:

Provided that the 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 one 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.

Explanation. — For the purpose of this section, the expression “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.”

Due to grounds beyond the control of the promoter and also Force Majeure reasons, Promoter can apply for extension of validity of Project Registration with such supporting documents and fees as prescribed by Authority.

4.4. Revocation of Registration

In case a promoter is non-compliant with the provisions of the Act, Rules and Regulations made thereunder or violates the terms and conditions of the approvals given by the competent Authority or indulges in any unfair trade practice, then the Authority can revoke the project registration. Subsequent to revocation, the promoter will not be able to market, advertise or sell his project. The Bank Account of the Project may be frozen by the Authority and the promoter shall be listed on the website as a defaulter.

The Revocation procedure is as per Section 7 of the Act:

“7 (1)The Authority may, 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.

Explanation.—For the purposes of this clause, the term “unfair practice means” a practice which, for the purpose of promoting the sale or development of any real estate project adopts any unfair method or unfair or deceptive practice including any of the following practices , namely:—

- (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 .”

Revocation proceedings can be initiated by Authority on its own or on receipt of any complaint.

Any deceptive practice used to carry forward the sale or development of the real estate project maybe a ground for revocation of the registration for such a project including-

- false representation of the availability of services of certain standards made through advertisements, hoardings, brochures etc.
- false representation made by the promoter of having any approvals or affiliations which he does not have.
- indulging in any fraudulent practice.
- publication of such services which are not intended to be offered.

“7(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 thirty 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.”

The project registration shall not be revoked until the complete procedure has been followed. Authority shall give thirty days notice to the promoter and heard the submissions of the promoter, if any.

“7 (3) The Authority may, instead of revoking the registration under sub-section (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.”

Further, the Authority may instead of revoking the registration, permit the project registration to remain in force and impose specific terms and conditions in interest of allottees and completion of project. Such additional terms and conditions are binding on the promoter and have to be followed diligently.

“ 7 (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 back account, specified under subclause (D) of clause (I) of sub-section (2) of section 4, 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 in accordance with the provisions of section 8;

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

Upon revocation of registration of the real estate project following shall be consequences:

- the promoter will not be allowed to market, advertise or sell the concerned real estate project
- The promoter will not be allowed to access the project on the HP RERA website
- The Promoter will be listed as a defaulter on the HP RERA website and his name and photograph shall be displayed prominently. Further the list of defaulting promoters shall be shared to all RERAs across India.
- The Authority shall freeze projects bank account and promoter shall not have access to any of the funds.

The Authority will inform and consult with the State government regarding the project whose registration has been revoked, and then determine whether the project can be completed by an appropriate Authority or the allottees association. The allottees will be asked if they wish to self-develop the project, and only if they decline will the Authority, in accordance with section 8 of the Act, transfer completion responsibility to another competent Authority.

“8. Upon lapse of the registration or on revocation of the registration under this Act, the Authority, may consult the appropriate Government to take such Action as it may deem fit including the carrying out of the remaining development works by competent Authority or by the association of allottees or in any other manner, as may be determined by the Authority:

Provided that no direction, decision or order of the Authority under this section shall take effect until the expiry of the period of appeal provided under the provisions of this Act:

Provided further that in case of revocation of registration of a project under this Act, the association of allottees shall have the first right of refusal for carrying out of the remaining development works”

The appropriate Government will be consulted by Authority to take such Action which will also include carrying out of the balance work by the Competent Authority / Association of Allottees as in any other manner. The Action as above shall have to be taken by the Authority by passing an order / direction and such order of the Authority shall take effect after 60 days which is the time period within which an appeal is required to be filed. Further, the Association of Allottees has the first right of refusal for carrying out of the remaining development work.

4.5. Functions and Duties of Promoter

The Act emphasizes on accountability and therefore, provides list of responsibilities for all stakeholders. Various Functions and Duties of Promoters are detailed in section 11, 12, 13, 14, 15, 17 and 18 of the Act. In this section, we shall list various functions and duties of Promoters.

- (i) Ensuring Quarterly update of progress of the Project

“11. (1) The promoter shall, upon receiving his Login Id and password under clause (a) of sub-section (1) or under sub-section (2) of section 5, as the case may be, create his web page on the website of the Authority and enter all details of the proposed project as provided under sub-section (2) of section 4, in all the fields as provided, for public viewing, including—

- (a) details of the registration granted by the Authority;
- (b) quarterly up-to-date the list of number and types of apartments or plots, as the case may be,



booked;

- (c) quarterly up-to-date the list of number of garages booked;
- (d) quarterly up-to-date the list of approvals taken and the approvals which are pending subsequent to commencement certificate;
- (e) quarterly up-to-date status of the project; and
- (f) such other information and documents as may be specified by the regulations made by the Authority”

In order to ensure that homebuyers can track the progress of the project online, promoter has to keep updating the progress of the project on quarterly basis. Upon receiving registration certificate, the promoter has to ensure quarterly updates of various details of project including

- list of number and types of apartments or plots, as the case may be, booked;
- list of number of garages booked;
- list of approvals taken and the approvals which are pending subsequent to commencement certificate;
- Financial and Physical status of the project
- Other updates in the project
- such other information and documents as may be specified by the regulations made by the Authority

(ii) Veracity of Advertisements or Prospectus

“11(2) The advertisement or prospectus issued or published by the promoter shall mention prominently the website address of the Authority, wherein all details of the registered project have been entered and include the registration number obtained from the Authority and such other matters incidental thereto”

All the marketing collaterals of the Promoter should prominently mention the HP RERA Project Registration number so that Allottee can easily verify the details of the project online.

“11(3) The promoter at the time of the booking and issue of allotment letter shall be responsible to make available to the allottee, the following information, namely:—

- (a) sanctioned plans, layout plans, along with specifications, approved by the competent Authority, by display at the site or such other place as may be specified by the regulations made by the Authority;
- (b) the stage wise time schedule of completion of the project, including the provisions for civic infrastructure like water, sanitation and electricity.

11(4) The promoter shall—

- (a) be responsible for all obligations, responsibilities and functions under the provisions of this Act or the rules and regulations made thereunder or to the allottees as per the agreement for sale, or to the association of allottees, as the case may be, till the conveyance of all the apartments, plots or buildings, as the case may be, to the allottees, or the common areas to the association of allottees or the competent Authority, as the case may be:

Provided that the responsibility of the promoter, with respect to the structural defect or any other defect for such period as is referred to in sub-section (3) of section 14, shall continue even after the conveyance deed of all the apartments, plots or buildings, as the case may be, to the allottees are



executed.

(b) be responsible to obtain the completion certificate or the occupancy certificate, or both, as applicable, from the relevant competent Authority as per local laws or other laws for the time being in force and to make it available to the allottees individually or to the association of allottees, as the case may be;

(c) be responsible to obtain the lease certificate, where the real estate project is developed on a leasehold land, specifying the period of lease, and certifying that all dues and charges in regard to the leasehold land has been paid, and to make the lease certificate available to the association of allottees;

(d) be responsible for providing and maintaining the essential services, on reasonable charges, till the taking over of the maintenance of the project by the association of the allottees;

(e) enable the formation of an association or society or co-operative society, as the case may be, of the allottees, or a federation of the same, under the laws applicable:

Provided that in the absence of local laws, the association of allottees, by whatever name called, shall be formed within a period of three months of the majority of allottees having booked their plot or apartment or building, as the case may be, in the project;

(f)) execute a registered conveyance deed of the apartment, plot or building, as the case may be, in favour of the allottee along with the undivided proportionate title in the common areas to the association of allottees or competent Authority, as the case may be, as provided under section 17 of this Act;

(g) pay all outgoings until he transfers the physical possession of the real estate project to the allottee or the associations of allottees, as the case may be, which he has collected from the allottees, for the payment of outgoings (including land cost, ground rent, municipal or other local taxes, charges for water or electricity, maintenance charges, including mortgage loan and interest on mortgages or other encumbrances and such other liabilities payable to competent authorities, banks and financial institutions, which are related to the project):

Provided that where any promoter fails to pay all or any of the outgoings collected by him from the allottees or any liability, mortgage loan and interest thereon before transferring the real estate project to such allottees, or the association of the allottees, as the case may be, the promoter shall continue to be liable, even after the transfer of the property, to pay such outgoings and penal charges, if any, to the Authority or person to whom they are payable and be liable for the cost of any legal proceedings which may be taken therefor by such Authority or person;

(h) after he executes an agreement for sale for any apartment, plot or building, as the case may be, not mortgage or create a charge on such apartment, plot or building, as the case may be, and if any such mortgage or charge is made or created then notwithstanding anything contained in any other law for the time being in force, it shall not affect the right and interest of the allottee who has taken or agreed to take such apartment, plot or building, as the case may be;”

The promoter has to fulfil obligations, responsibilities, and functions under this Act and deliver apartments, plots, buildings and common areas to allottees, their associations, or the competent authorities. The promoter is responsible for structural or other problems for the period specified in section 14(3) after allottees get their apartments, plots, or buildings. The promoter must get completion and occupancy certificates from the competent Authority. When developing real estate on leasehold land, the promoter must secure the lease certificate. The promoter must provide and maintain essential services at reasonable rates until the allottee association takes over project maintenance and allow



allottees to form an association within three months after the majority of allottees book their plot, flat or building. Section 17 of this Act requires the promoter to transfer the unit and grant undivided proportionate title in common areas to the association of allottees or competent Authority. The promoter must also pay land cost, ground rent, municipal taxes, water/electricity charges, maintenance charges, mortgage loan interest, and other liabilities to competent authorities until the allottee or their associations take physical possession of the real estate project. The allottee's rights and interests are unaffected by any mortgage or charge issued after the promoter signs a sale agreement. The promoter can only terminate the allotment in accordance with the agreement for sale, and the allottee can challenge the cancellation before the Authority if it is unilateral or without substantial cause. Clause 10 of the model agreement for sale requires the promoter to execute conveyance deeds of the unit and proportionate common areas within three months of the receipt of occupancy and completion certificates.

“11(5) the promoter may cancel the allotment only in terms of the agreement for sale:

provided that the allottee may approach the Authority for relief, if he is aggrieved by such cancellation and such cancellation is not in accordance with the terms of the agreement for sale, unilateral and without any sufficient cause.

“11(6) the promoter shall prepare and maintain all such other details as may be specified, from time to time, by regulations made by the Authority.

“12. Where any person makes an advance or a deposit on the basis of the information contained in the notice advertisement or prospectus, or on the basis of any model apartment, plot or building, as the case may be, and sustains any loss or damage by reason of any incorrect, false statement included therein, he shall be compensated by the promoter in the manner as provided under this Act:

Provided that if the person affected by such incorrect, false statement contained in the notice, advertisement or prospectus, or the model apartment, plot or building, as the case may be, intends to withdraw from the proposed project, he shall be returned his entire investment along with interest at such rate as may be prescribed and the compensation in the manner provided under this Act.”

If any allottee has been adversely affected due to wrong information provided in the advertisement or prospectus, he shall be compensated by the promoter in the manner as provided under this Act. Further, if allottee wants to withdraw due to wrong information, he can withdraw and he shall be returned his entire investment along with interest at such rate as may be prescribed.

As per Section 13 of the Act:

“13. (1) A promoter shall not accept a sum more than ten per cent of the cost of the apartment, plot, or building as the case may be, as an advance payment or an application fee, from a person without first entering into a written agreement for sale with such person and register the said agreement for sale, under any law for the time being in force.

(2) The agreement for sale referred to in sub-section (1) shall be in such form as may be prescribed and shall specify the particulars of development of the project including the construction of building and apartments, along with specifications and internal development works and external development works, the dates and the manner by which payments towards the cost of the apartment, plot or building, as the case may be, are to be made by the allottees and the date on which the possession of the apartment, plot or building is to be handed over, the rates of interest payable by the promoter to the allottee and the allottee to the promoter in case of default, and such other particulars, as may be prescribed.”



Promoter shall not accept more than 10% of the cost of the Apartment from the Allottees as and by way of advance /application fee without executing and registering the agreement for sale.

The Agreement for Sale shall be in a form and manner prescribed by HP RERA in the Rules.

(iii) Adherence to Plans

As per Section 14(1) and 14(2) of the Act:

“14. (1) The proposed project shall be developed and completed by the promoter in accordance with the sanctioned plans, layout plans and specifications as approved by the competent authorities.

(2) Notwithstanding anything contained in any law, contract or agreement, after the sanctioned plans, layout plans and specifications and the nature of the fixtures, fittings, amenities and common areas, of the apartment, plot or building, as the case may be, as approved by the competent Authority, are disclosed or furnished to the person who agree to take one or more of the said apartment, plot or building, as the case may be, the promoter shall not make—

(i) any additions and alterations in the sanctioned plans, layout plans and specifications and the nature of fixtures, fittings and amenities described therein in respect of the apartment, plot or building, as the case may be, which are agreed to be taken, without the previous consent of that person:

Provided that the promoter may make such minor additions or alterations as may be required by the allottee, or such minor changes or alterations as may be necessary due to architectural and structural reasons duly recommended and verified by an authorised Architect or Engineer after proper declaration and intimation to the allottee.

Explanation.—For the purpose of this clause, “minor additions or alterations” excludes structural change including an addition to the area or change in height, or the removal of part of a building, or any change to the structure, such as the construction or removal or cutting into of any wall or a part of a wall, partition, column, beam, joist, floor including a mezzanine floor or other support, or a change to or closing of any required means of access ingress or egress or a change to the fixtures or equipment, etc.

(ii) any other alterations or additions in the sanctioned plans, layout plans and specifications of the buildings or the common areas within the project without the previous written consent of at least two-thirds of the allottees, other than the promoter, who have agreed to take apartments in such building.

Explanation.—For the purpose of this clause, the allottees, irrespective of the number of apartments or plots, as the case may be, booked by him or booked in the name of his family, or in the case of other persons such as companies or firms or any association of individuals, etc., by whatever name called, booked in its name or booked in the name of its associated entities or related enterprises, shall be considered as one allottee only.”

Promoter shall not make any additions and/or alterations in the sanctioned plans, layout plans and specifications in an apartment, without obtaining the previous consent of the Allottee concerned.

Further, Promoter shall not make any major additions and/or alterations in the sanctioned plans, layout plans and specifications of the buildings or the common areas without previous sanction of at least 2/3rd of the allottees (other than the promoter);



Defect Liability Period of five years As per Section 14(3) of the Act:

“14 (3) In case any structural defect or any other defect in workmanship, quality or provision of services or any other obligations of the promoter as per the agreement for sale relating to such development is brought to the notice of the promoter within a period of five years by the allottee from the date of handing over possession, it shall be the duty of the promoter to rectify such defects without further charge, within thirty days, and in the event of promoter’s failure to rectify such defects within such time, the aggrieved allottees shall be entitled to receive appropriate compensation in the manner as provided under this Act.”

Defect liability period shall be 5 (five) years from handing over possession of the apartments to allottees.

In case any structural defect or any other defect in workmanship, quality or provision of services or any other obligations, within a period of five years , the promoter would have to rectify such defects without further charge, within thirty days of complaint by allottee.



Assignment / Transfer of Project

As per Section 15 of the Act, Promoter shall not transfer or assign his majority rights and liabilities in a project without prior written consent of 2/3rd allottees and the Authority

Any transfer / assignment does not result in extension of time and the incoming promoter shall be required to comply with all the pending obligations of the erstwhile promoter, and in case of default, such incoming promoter shall be liable to the consequences of breach or delay,

Interest for delayed possession As per Section 18(1) of the Act:

“18. (1) If the promoter fails to complete or is unable to give possession of an apartment, plot or building,—

- (a) in accordance with the terms of the agreement for sale or, as the case may be, duly completed by the date specified therein; or
- (b) due to discontinuance of his business as a developer on account of suspension or revocation of the registration under this Act or for any other reason, he shall be liable on demand to the allottees, in case the allottee wishes to withdraw from the project, without prejudice to any other remedy available, to return the amount received by him in respect of that apartment, plot, building, as the case may be, with interest at such rate as may be prescribed in this behalf including compensation in the manner as provided under this Act:

Provided that where an allottee does not intend to withdraw from the project, he shall be paid, by the promoter, interest for every month of delay, till the handing over of the possession, at such rate as may be prescribed.”

“18(2) the promoter shall compensate the allottees in case of any loss caused to him due to defective title of the land, on which the project is being developed or has been developed, in the manner as provided under this Act, and the claim for compensation under this sub-section shall not be barred by limitation provided under any law for the time being in force.

“18(3) if the promoter fails to discharge any other obligations imposed on him under this Act or the rules or regulations made thereunder or in accordance with the terms and conditions of the agreement for sale, he shall be liable to pay such compensation to the allottees, in the manner as provided under this Act.

In case of delay in completion of project, allottee shall be paid, by the promoter, interest for every month of delay, till the handing over of the possession, at such rate as may be prescribed.

In case Allottee doesn't want to continue due to delayed possession, the promoter shall refund the amounts invested by the allottee along with interest as prescribed.



4.6. Steps for Project Registration –

Sign up and user creation

1. On clicking sign up button user will be directed to the page shown below. Here user will have to select the role for which he/she is registering and then fill all the details shown below.

The screenshot shows the 'Sign Up' page of the Real Estate Regulatory Authority Himachal Pradesh. The page header includes the authority's name and logo, and a navigation menu with links for About Us, Acta/Rules, Registration, Complaints, Services, Pre Reg. Facilitation, Judgements/Orders, and Appellate Tribunal. The main content area features a 'Sign Up' form with the following fields and options:

- Sign up as:** Promoter (selected), Agent, Consultant
- Promoter's Type:** Individual (selected), Non-Individual
- Promoter's Name:** Full Name
- Email ID:** Email ID
- Mobile No.:** Mobile No.
- Password:** Password
- Confirm Password:** Confirm Password
- Security Question:** Select
- Answer:** Enter Answer
- Enter Captcha Text:** 6eH4yE

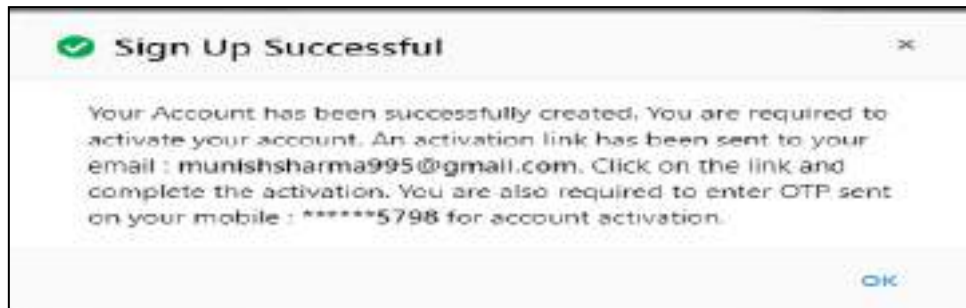
At the bottom of the form, there is a 'Sign Up' button and a link to the Terms and Conditions, Data Policy, Privacy Policy, and Cookie Policy.



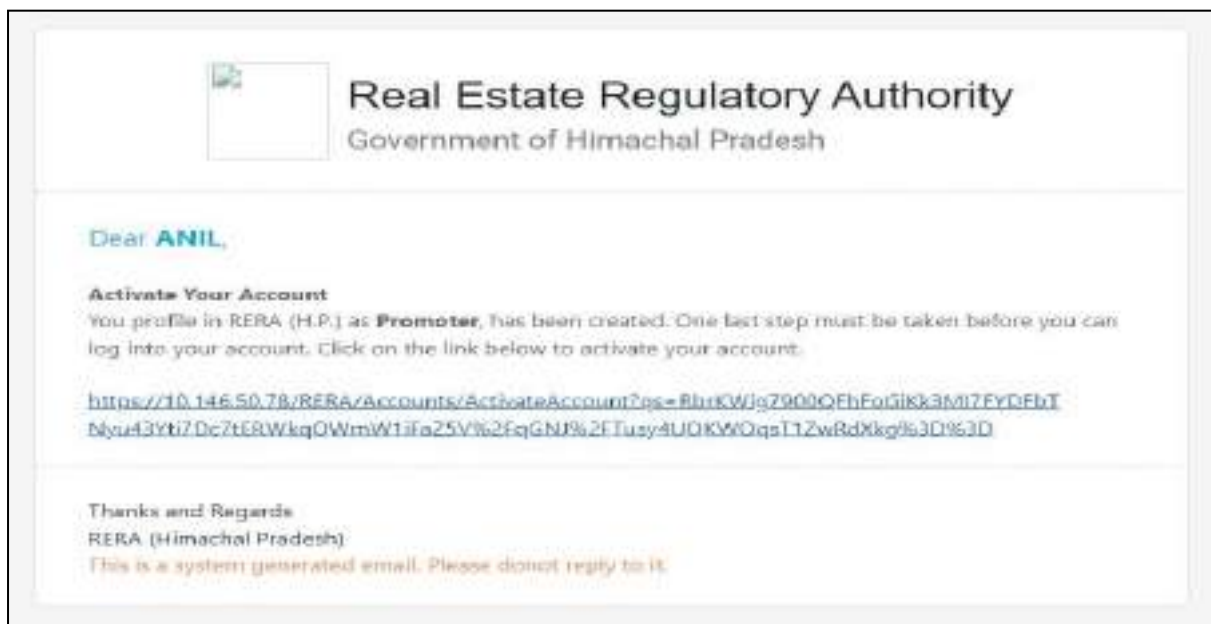
2. On clicking sign up button user will be directed to page shown below here if sure about information filled user needs to click the OK button.



3. After clicking OK button Pop-up message shown below will appear.

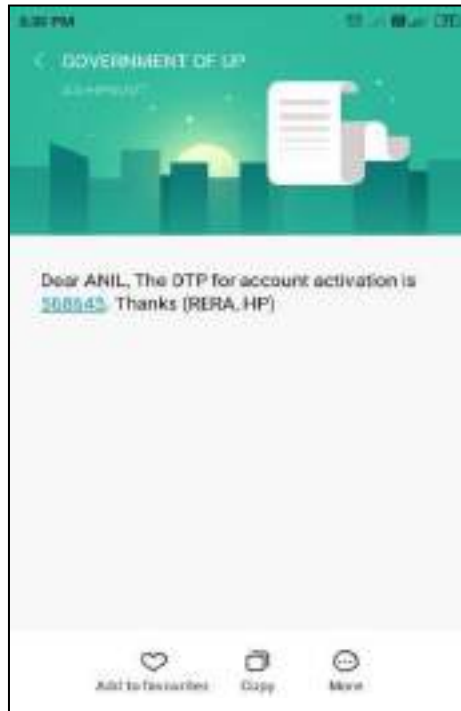


4. After that an Activation link will be sent to your registered email. User needs to click on that link and complete the Activation process.

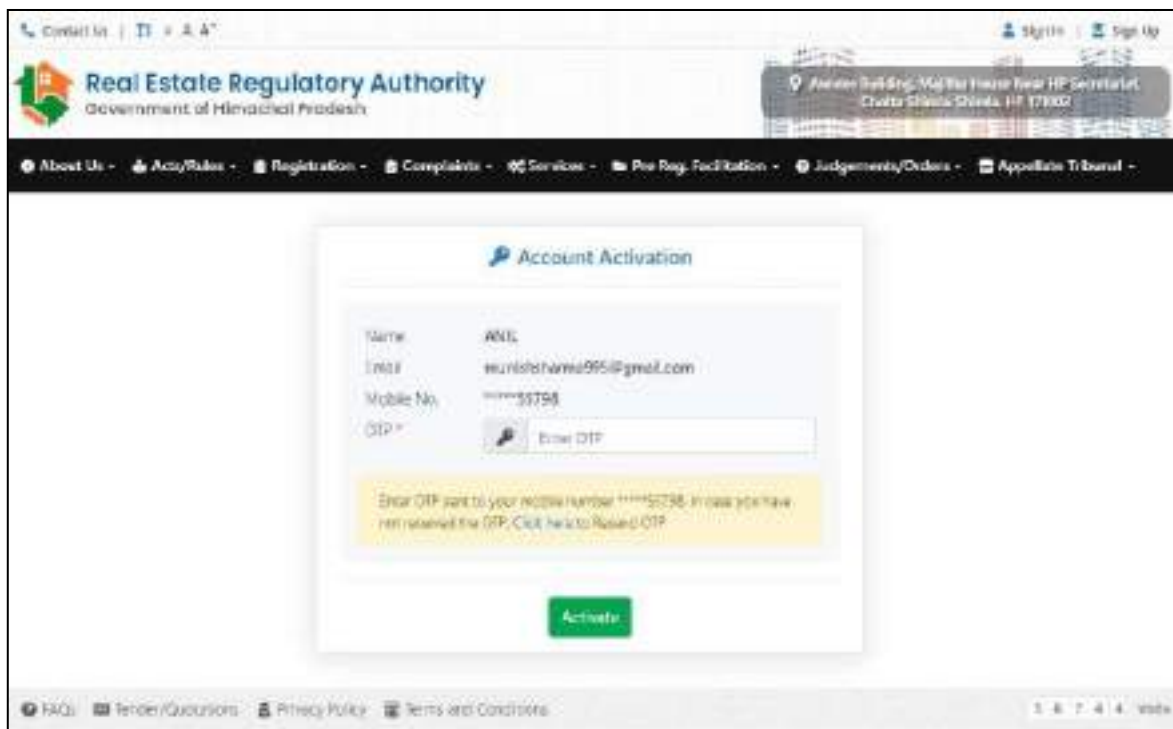




5. User will also get an OTP on the registered mobile number.



6. After clicking the Activation link sent on the registered e-mail ID user needs to fill the OTP he/she got on the registered mobile number and click Activate to Activate his/her account.

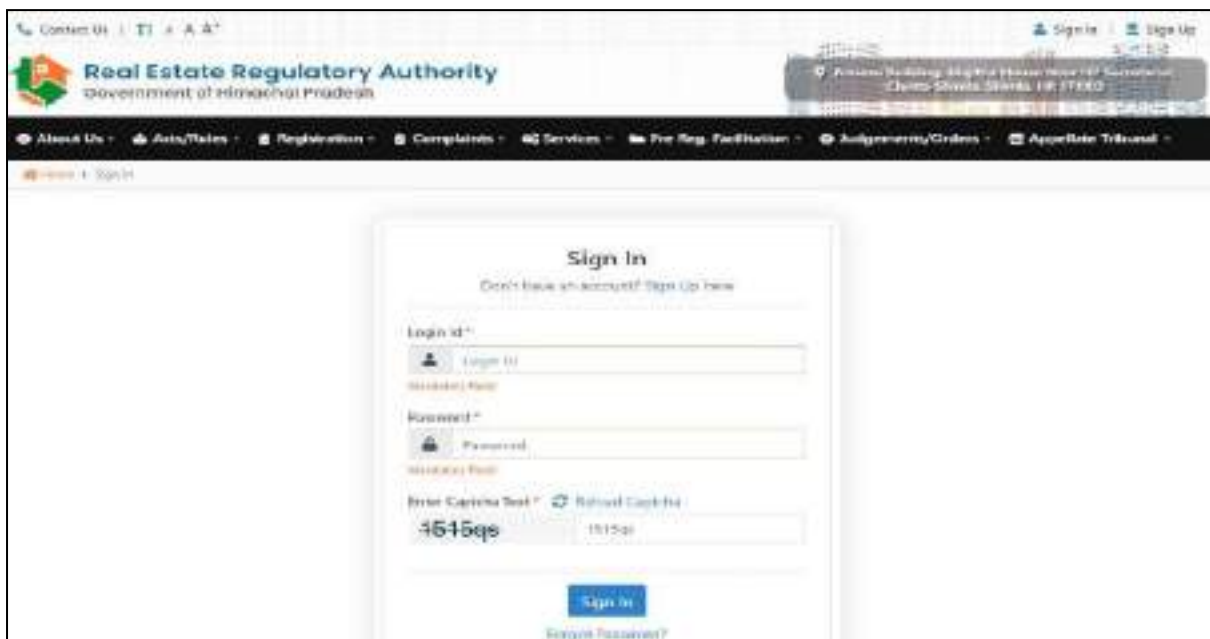




7. After that message shown below will appear. User needs to click OK.

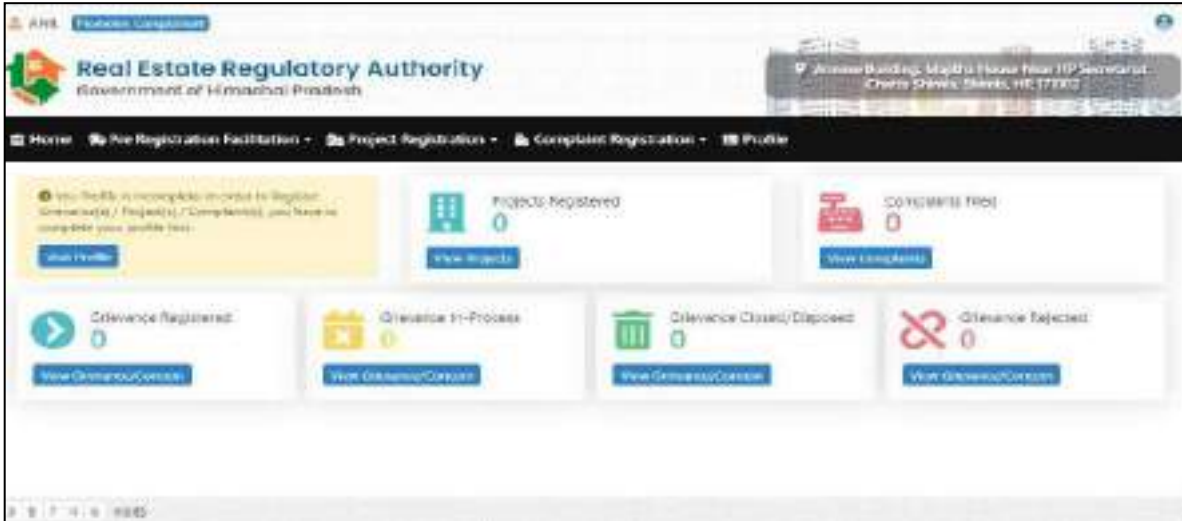


8. Then user needs to fill his sign-in details.



Dashboard

1. Upon sign in user will reach the promoter Dashboard page here user gets option to view and edit his profile and see different details like number of projects registered, complaints filed, Grievance registered, Grievance in process, Grievance closed/dispatched, Grievance Rejected.



Profile

1. For creating new profile user needs to click on the Profile menu and then click on the Add ProfileDetails. User also gets option to update his profile type.



2. On clicking Add profile Details user will reach screen shown below here user needs to fill all the details.



Project Registration

Promoter Details

Promoter's Name *

Father/Mother/Guardian Name * Gender *
 Female Male Other

Photograph * Whether Himachali Agriculturist? * PAN No. *
 Yes No

PAN Card Scanned * GSTIN No. (if any) Authority Letter (if any)

Contact Details

Alternate Mobile No. Alternate Email
,

Correspondance Address

Address Line 1 * Address Line 2 * State *

City/District * Pin Code * Address Proof *

Permanent Address

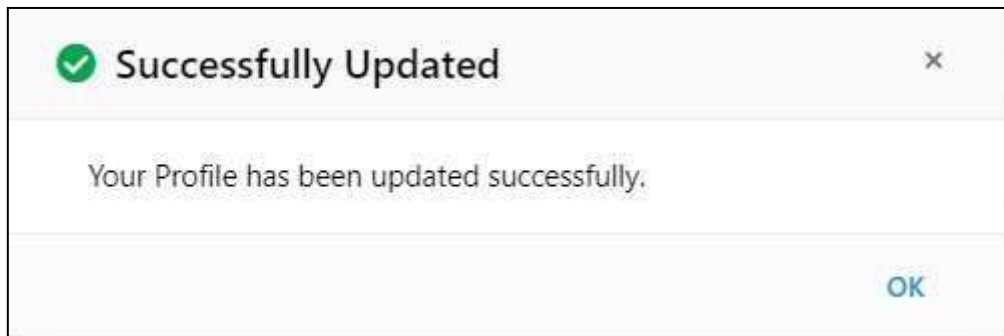
Same as Correspondance Address

Address Line 1 * Address Line 2 * State *

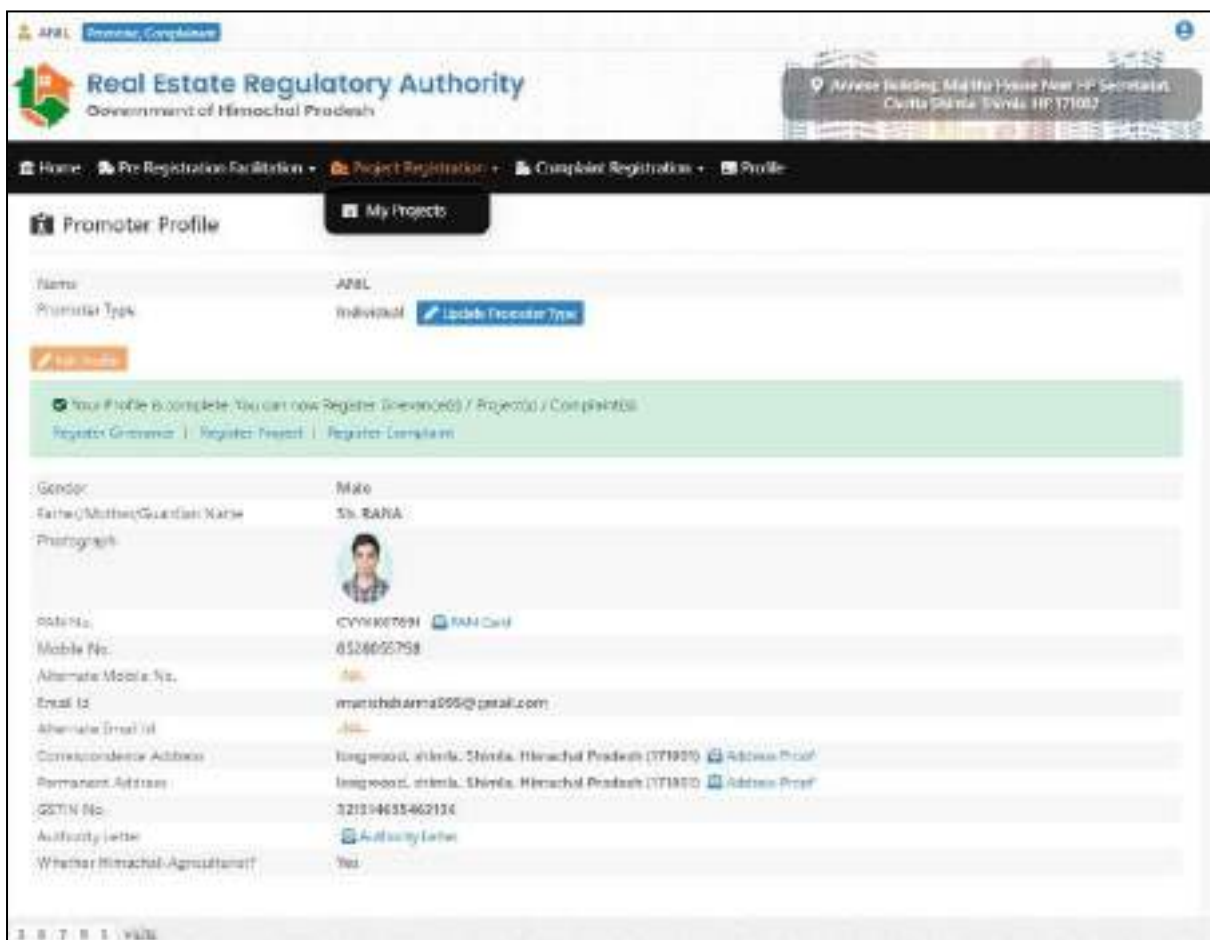
City/District * Pin Code * Address Proof *



3. On saving the last page successfully Updated pop-up message (shown below) will appear. User needs to click OK.



4. After that screen shown below will appear here user gets option to update his profile type, edit his profile, Register grievance, register project and register complaint. User can also see the pdf's of documents he/she had uploaded.





Project Registration

1. Until profile is not complete user will not be able to register new project. After that user needs to click on My projects sub-menu in the Project Registration menu. User will then be directed to the page shown below. Here user needs to click on the Apply for New Project.



2. To apply for the new project user should keep document mentioned below ready in digital format and should read all the instructions carefully and after that user needs to type the name of the project and click Proceed button.

Apply for Project Registration

Procedure to Fill and Submit Form

! To ensure quick application submission, please go through below checklist and keep them ready before filing application online. Please make sure you enter correct information and upload relevant documents. Failing which the fee paid will be forfeited and your application will be REJECTED.

Ready all your Documents mentioned below

1. Scanned copy Passport size Photograph of Promoter(s) in the Promoters Details section, in case of firm/ company photos of all the members, director, chairman need to be attached in particulars section
2. Authenticated copy of PAN Card of the Promoter(s) in the Promoter Details section. In case of firm/ company PAN Card of all the members, director, chairman need to be attached in particulars section
3. Audited Profit & Loss Account, Balance Sheet, Auditor's Report and Income Tax Returns of the promoter for 3 preceding financial years
4. Authenticated copy of the legal title deed and other relevant documents reflecting the title / legal rights of the promoter to the land on which the project is proposed to be developed; or non-encumbrance certificate from a relevant authority not below the rank of Tehsildar

Name of Real Estate Project *

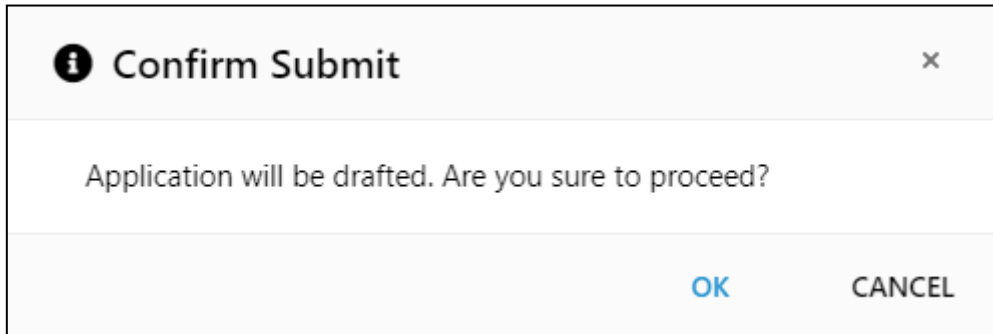
Project Name

You can change/update the project name later also

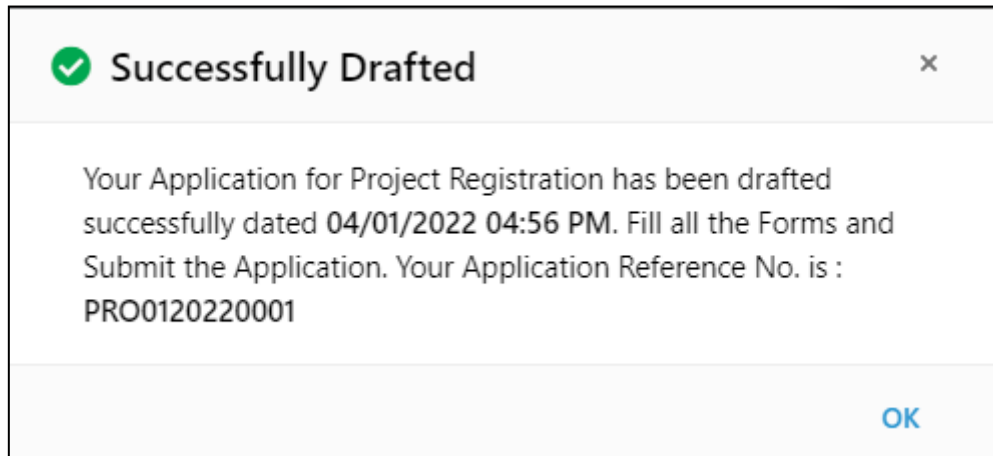
Proceed
Close



3. After that pop-up button to confirm submit will appear, user needs to press ok button.



4. Then pop-up message of successfully drafted will appear. Here user can see date and time of project registration along with his application reference number.



5. After that there come total nine pages where user needs to fill different details related to the project. The first page is shown below here user can see the promoter details, project registration progress and application reference number.



ANE | Promote, Complain

Real Estate Regulatory Authority
Government of Himachal Pradesh

Project Registration Form

Name: ANIL Application Reference No.: PR00120220001

Progress: 10%

Promoter Details

Name	ANIL
Gender	Male
Father/Mother/Guardian Name	Sh. JAWA
Photograph	
Promoter type	Individual
PAN No.	CWXM0789 📄 PAN Card
Mobile No.	8528055795
Alternate Mobile No.	-NA-
Email ID	manishkumar295@gmail.com
Alternate Email ID	-NA-
Correspondence Address	longwood, shimla, Shimla, Himachal Pradesh (171001) 📍 Address Book
Permanent Address	longwood, shimla, Shimla, Himachal Pradesh (171001) 📍 Address Book
GSTIN No.	2215M015M0150
Authority Letter	📄 Authority Letter
Whether Himachal Agriculturist	Yes

Project Land Owners

Info In case the Promoter himself/herself is the Land Owner, he need not to add himself again below. In all other cases you are required to add all the Land Owners below.

[Add Land Owner](#)

6. After that user also needs to fill the land owner details but In case the promoter himself/herself is the land owner, he needs not to add himself again here. In all other cases user is required to add all the land owners’ details in the page shown below.



Add Land Owner Details
✕

Personal Details

Name *

Gender *

Female
 Male
 Other

Photograph *

Choose file
Browse

PAN No. *

PAN Card Scanned *

Choose file
Browse

Agriculturist Certificate *

Choose file
Browse

Contact Details

Mobile No. *

Email *

Address Details

Address Line 1 *

Address Line 2 *

State *

City/District *

Pin Code *

Save Draft
Close

7. User can add multiple land owners and can also delete the record of the land owners.

- Inventory Development Details
- Approved Documents
- Documents
- Project Images
- Reports

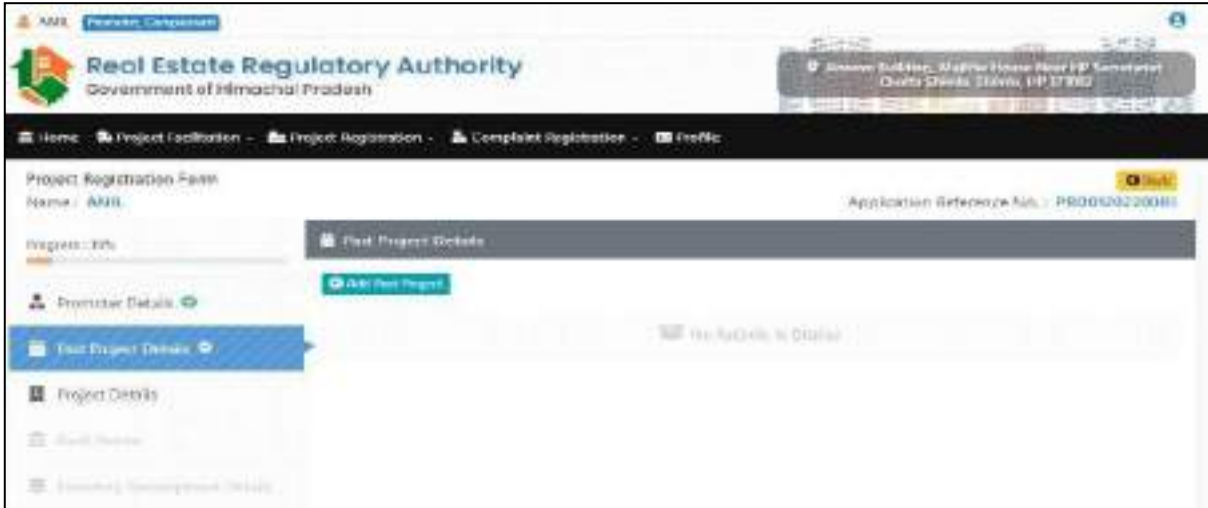
Project Land Owner

In case the Promoter himself is not the Land Owner, he need not to add himself again below. In all other cases you are required to add all the Land Owners below.

+
Add Land Owner

S.No.	Photo	Details	PAN	Contact Info	Address
1.		PAN: PAN Gender: ♂	CYYKX0709 PAN Card	2334126456 2334126456@gmail.com	Longwood, Shimla, Himachal Pradesh, 171001 Agriculturist Certificate

8. Next page is related to past project details, here on clicking + add past project details user can add past project details.



9. To add past project details user needs to fill the form shown below and fill all the required details and then click save draft button.

Add Past Project Details

Project Name *

Registration No. *

Registration Certificate *

Project Description:

Project Status *

Project Type *

Is there any Pending Case * Yes No

10. Next form is related to project details. This page is divided in different parts like about project details, Project and land details, cost details, project site coordinates user needs to fill all the details and then click on the Save Draft button.



ANIL

[Home](#) | [Project Facilitation](#) | [Project Registration](#) | [Complaint Registration](#) | [Profile](#)

Real Estate Regulatory Authority
Government of Himachal Pradesh

Finance Building, Rajgata House Near HP Secretariat,
Choto Shimla, Shimla, HP 171002

Project Registration Form

Name : ANIL

Progress : 10%

Application Reference No. : PRO0126220001

Project Details

Project Details

Project Status

Project Description

Project Land Details

Cost Details (INR)

Project Site Coordinates

About Project

Name of Real Estate Project *

Project Description *

Project Status *

Project Type *

Completion Period *

 years months

Total Area *

 sq.m.

Registration Fee *

Plan Approving Authority *

License/Sanction No. *

Project Land Details

Address Line 1 *

Address Line 2 *

State *

City/District *

Taluk *

Pin Code *

Khata No. *

Khatauni No. *

Khata No. *

Mohal/Mauza *

Cost Details (INR)

Estimated Connection Cost *

 lakh

Land Cost *

 lakh

Total Cost *

 lakh

Project Site Coordinates

The location of your project will appear to the public on State's home page. You are advised to pin-point the exact location of your project. In case you are unable to access the map, contact your web Administrator for further assistance.

Select Coordinates from Map

Latitude *

 deg

Longitude *

 deg

Save Cost



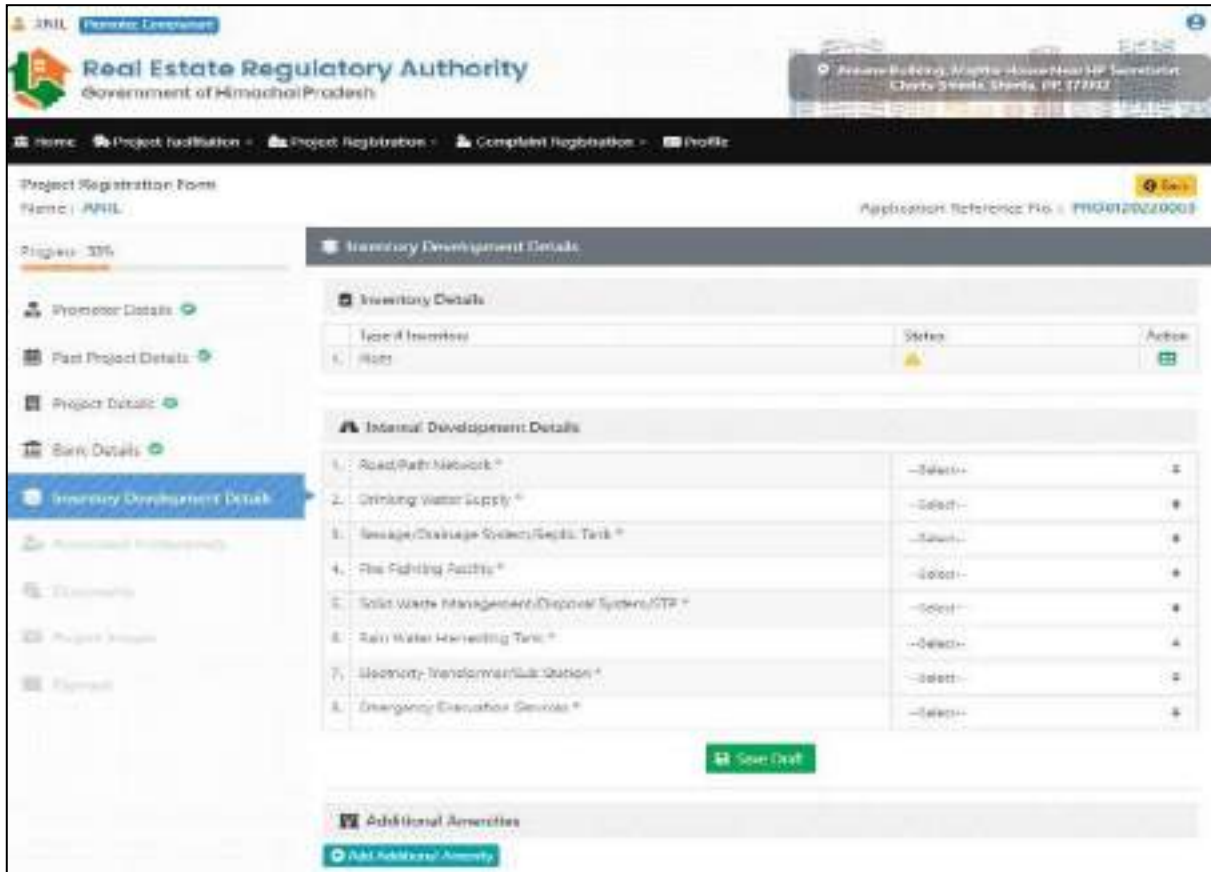
11. Next form is related to Bank Details. User needs to fill the details asked below. In case of Account details proof user needs to upload the PDF of passbook or any other Account proof.

The screenshot displays the 'Bank Details' form within the 'Project Registration Form' interface. The form is titled 'Bank Details' and includes a progress indicator at 25%. The form fields are as follows:

- Account Holder Name ***: Account Holder Name
- Bank Name ***: Bank Name
- Branch Name ***: Branch Name
- Account No. ***: Account No.
- IFSC Code ***: IFSC Code
- Branch Address ***: Branch Address
- Account Details Proof ***: Includes a 'Choose File' button and a 'Browse' button.

A yellow warning box at the top of the form states: "70% of the amount released for the real estate project from the A/BML from one to five, shall be deposited in a separate account to be maintained in a scheduled bank to cover the cost of construction and the balance and shall be used only for that purpose (Sec 13(1)(c) of RERA Act, 2016)." A green 'Save Draft' button is located at the bottom right of the form.

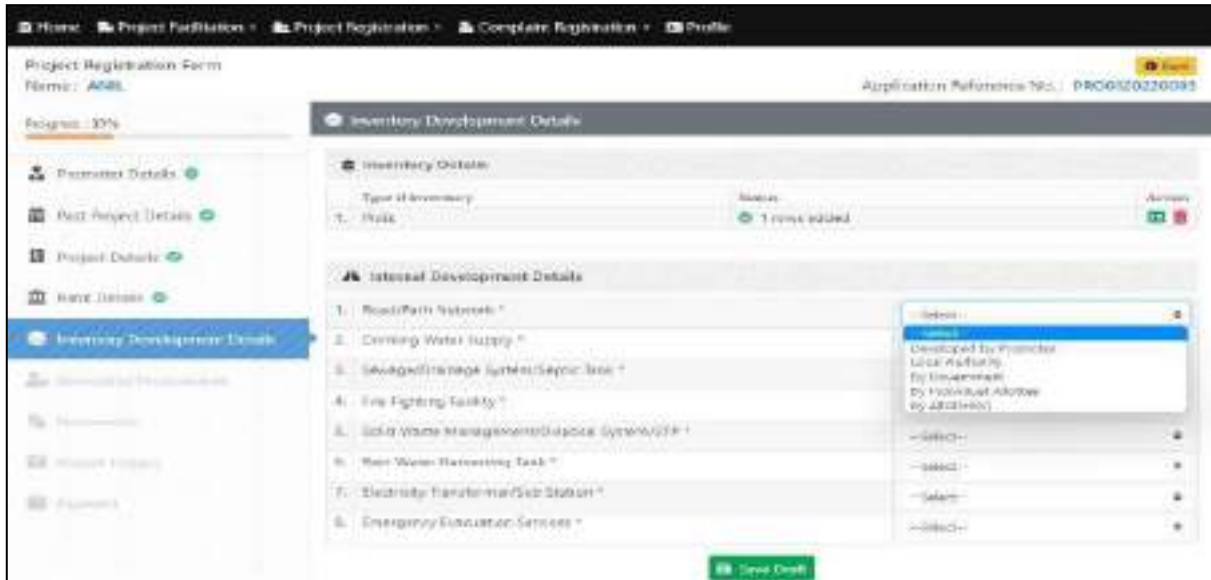
12. Next page is related to Inventory Development Details this page is divided into two parts inventory details and internal development details. The type of inventory that will appear will be dependent on the type of project selected in project detail form for e.g. in case of plotted project only plots will appear in the inventory.



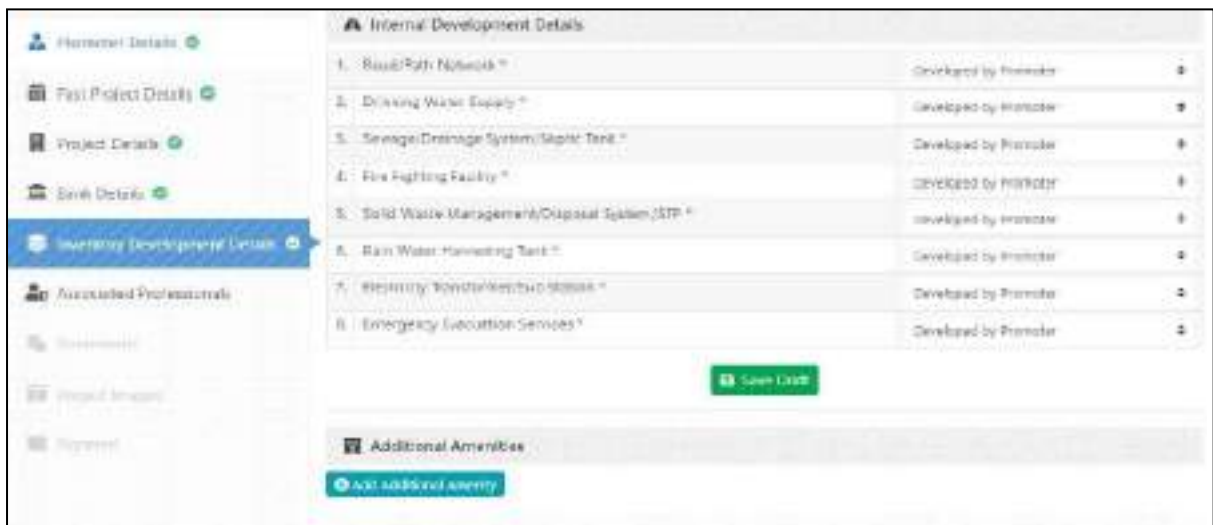
13. In inventory details part in page five upon clicking Action button this pop-up will appear. Here user needs to fill plot name/type, name of cluster/wing, no. of plots, area of each plot, land use and the fill remarks and click save draft button.



14. In internal development details part user will have to select option from dropdown in all the eight points and then select save draft.



15. Along with above mentioned parts user can also fill details about the Additional amenities for that user needs to click on the +add additional amenities button.



16. Then user needs to fill the details shown below regarding additional amenity.



Additional Amenity
✕

Amenity Name *

Amenity Description *

Amenity Description in not more than 350 characters

Save Draft
Close

17. Next form is related to associated professionals; here user needs to fill the details related to project architects, project engineers, project chartered accountants, project contractors and project agents.

Real Estate Regulatory Authority
Government of Himachal Pradesh

Address: Building, 34, Ganga Puri, New, I.P. Sector 16, Gurgaon, Haryana, India, 122002, HR 122002

Home
Project Facilitation
Project Registration
Complaint Registration
Profile

Project Registration Form
Name : ANIL Application Reference No. : 1900120230001

Progress : 23%

Associated Professionals

- Proprietor Data
- Lead Project Contact
- Project Details
- Basic Details
- Inventory Development Details
- Associated Professionals**
- Documents
- Project Photos
- Payment

Associated Professionals

In case of Joint Development, only Architect is mandatory, whereas in case of Retail Development, both Architect and Engineer are mandatory.

Project Architects 0

Add Architects

No Architects Added

Project Engineer 0

Add Engineer

No Engineers Added

Project Chartered Accountants 0

Add Chartered Accountant

No Chartered Accountants Added

Project Contractors 0

Add Contractor

No Contractors Added

Project Agents 0

Add Agents

No Agents Added



18. On clicking any of the professional, form shown below will appear. User need to fill all the details in relation to all the professional.

Add Architect Details

Basic Details

Architect's Name *

Consent Letter *

Registration No. of COA *

Registration Certificate *

No. of Key Projects *

Year of Establishment *

Contact Details

Mobile No. *

Email *

Address Details

Address Line 1 *

Address Line 2 *

State *

City/District *

Pin Code *

19. Seventh form is related to documents; here user needs to upload pdf of required documents. This form is divided into five parts i.e. promoter, project, approved drawings and specification, declaration and civic facilities and amenities. User needs to necessarily upload those documents which are mandatory only then user will be able to fill the next form.



ARL
ARND001/2020/00001

3

Real Estate Regulatory Authority

Government of Himachal Pradesh

Project: **Assured Building, Main Floor Near HP Government Office Sector, Solan, HP (D/14)**

Application Reference No.: **PR00120070001**

Home
Project Facilitation
Project Registration
Complaint Registration
Profile

Project Registration Form

Name: **ARL**

Progress: **100%**

- Personnel Details
- Share/Project Details
- Project Details
- Bank Details
- Investors Development Details
- Accounted Professionals
- Documents
- Other Relevant Documents
- Approved Drawings and Specifications
- Declaration
- Other Relevant Documents
- Civic Facilities and Amenities

Documents

Year 1 total to be submitted in the latest year, whereas Year 2 and Year 3 shall be the years preceeding Year 1 respectively.

	Year 1	Year 2	Year 3
1. Income Tax Return (ITR) Acknowledgement *		▲	▲
2. Audited Profit & Loss Statement/Balance Sheet/Cashflow Statement/Director's Report/Auditor's Report *		▲	▲

Project

1. Jamabandi		▲	▲
2. Deeds		▲	▲
3. Non-Encumbrance Certificate *		▲	▲
4. Sale Deed/Conveyance Deed/Lease Deed/GP Deed/Registry/Other Deeds		▲	▲
5. Agreement with Land Owner (Co-Operation/Development/Joint Dev./Other Agreement)		▲	▲
6. Project Report		▲	▲
7. Writtle of the project		▲	▲
8. Protocols of Agreement for Sale (Form U) * Form U	▲ Form U	▲	▲
9. Protocols of Sale Deed/Conveyance Deed/Lease Deed/GP Deed/Other		▲	▲
10. Protocols of Agreement Letter		▲	▲
11. Protocols of Possession Letter *		▲	▲
12. Structure Stability Certificate		▲	▲
13. Permission under section 115 of the Himachal Pradesh Land Revenue Act 1972		▲	▲
14. NDC Consent to Operate from Pollution Control Board		▲	▲
15. Environment Clearance from the Competent Authority		▲	▲

Other Relevant Documents

In case of Plan 2 approval you can add further this section with documents submitted from plan.

1. Sanctioned Letter by the Municipal Authority *		▲	▲
2. Sanctioned Location Plan *		▲	▲
3. Sanctioned Site Plan *		▲	▲
4. Sanctioned Building Plan		▲	▲
5. Project Specifications		▲	▲

Declaration

In case of Declaration, you have to submit original Affidavit by hand or by electronic to ARRCRA (Immediately after the application is approved by the Chairperson).

1. Affidavit cum Declaration - Form 2 (Individual)		▲	▲
2. Affidavit cum Declaration - Form 2 (Joint Dev)		▲	▲

Civic Facilities and Amenities

1. Community Hall		▲	▲
2. Park		▲	▲
3. High Facility		▲	▲



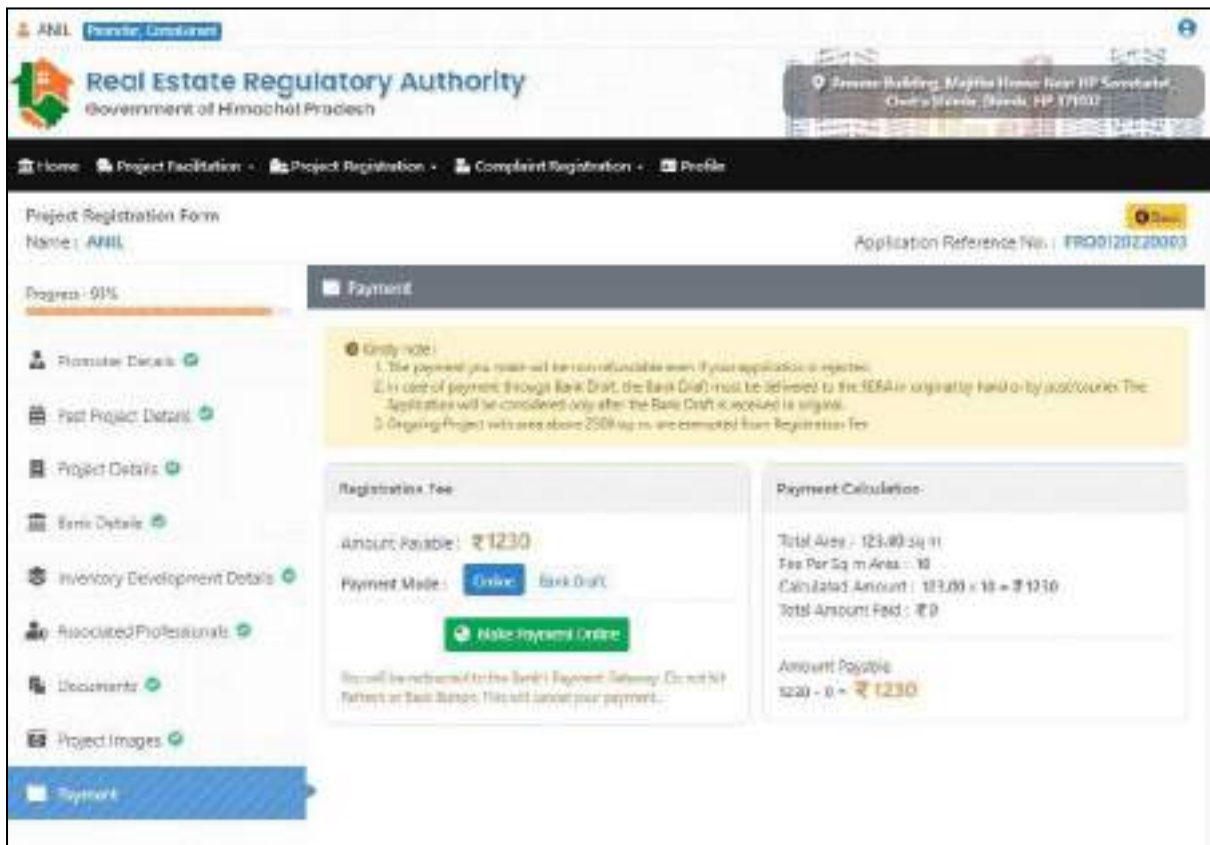
20. Shown below is the pop-page which will appear when user will click on the upload button. User needs to fill these and then save the page.

21. Eighth form is related to project images. Here user needs to upload at least two images of the project.

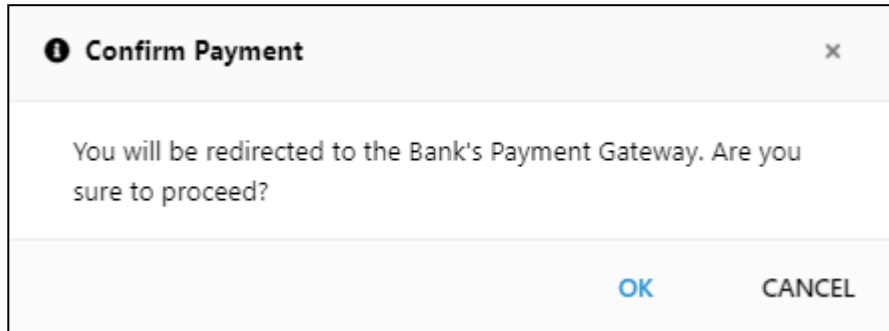
22. On clicking Add image, screen shown below will appear. Here user needs to choose an image(which should be in jpg format) and then click save draft button.



23. Ninth page is related to payment; here user has option to make payment either through onlinemode or by bank draft mode.



24. On clicking online mode user will be redirected toward the bank’s payment gateway and pop-upmessage shown below will appear user needs to click ok.



25. After successful payment, page shown below will appear. Here user can see the previous payments and also transaction number and transaction date of the last payment.

Project Registration Form
Name: VINOD CHAND

Progress: 100%

Payment

Registration Fee
Total Fee Amount: ₹11520

Last payment Details
Payment Mode: Online
Transaction No.: HPR170120220003
Transaction Date: 17/01/2022 02:40 PM

Previous Payments Made

Sr.	Mode	Trans/ID No.	Trans/ID Date	Bank Details	Amount
1.	Online	HPR170120220003	17/01/2022 02:40 PM	citibank - 202201790342388	₹ 11520.00
Total Amount					₹ 11520

26. User also has option to make offline payment for that user needs to click on the bank draft option as shown below and then fill all the details



Project Registration Form
Name: ANL

Application Reference No.: PRD0120220083

Progress: 93%

Payment

Only one:
 1. The payment you make will be non-refundable even if your application is rejected.
 2. In case of payment through Bank Draft, the Bank Draft must be delivered to the RERA in person by hand or by post/courier. The Application will be considered only after the Bank Draft is received in original.
 3. Ongoing Project with area above 2500 sq. m. are exempted from Registration Fee.

Registration Fee

Payment Calculation

Total Area: 125.00 sq m
 Fee Per Sq m Area: 10
 Calculated Amount: 125.00 x 10 = ₹ 1250
 Total Amount Paid: ₹ 0

Amount Payable: ₹ 1250

Payment Mode: Online **Bank Draft**

Demand Draft No. Demand Draft Date

DD No. DD Date

Account Holder name Demand Draft Scanned

Acc. Holder Name Choose File Upload

Bank Name/Address

Bank Name

Submit DD Details

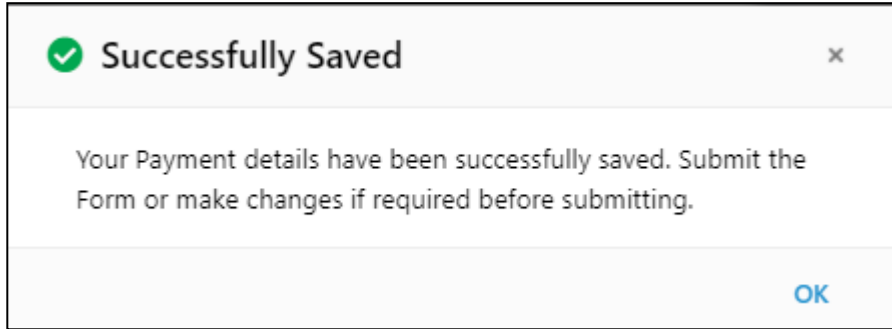
27. After clicking submit DD Details pop-up message shown below will appear. Here user needs to click OK and also user needs to send the original DD by hand to rera.

Confirm Submit X

Demand Draft details will be submitted. It will reflect against your payment status. Once submitted You will not be allowed to change this information. Are you sure to proceed?

OK **CANCEL**

28. After that message of successfully saved will appear.



29. After successful payment, page shown below will appear. Here user can see the previous payments and also transaction number and transaction date of the last payment.

Real Estate Regulatory Authority
Government of Himachal Pradesh

Home | Project Facilitation | Project Registration | Complaint Registration | Profile

Project Registration Form:
Name: ANL

Application Reference No.: PRODU0220003

Progress: 30%

Payment

Key's note:

- The payment you make will be non-refundable even if your application is rejected.
- In case of payment through Bank Draft, the Bank Draft must be delivered to the RERA in original by hand or by post/ courier. The Application will be considered only after the Bank Draft is received in original.
- Ongoing Project with area above 2500 sq. m. are exempted from registration fee.

Registration Fee

Total Fee Amount: ₹1230

Last payment Details

Payment Mode: Bank Draft
 DD No: 123
 DD Date: 07/05/2022
 Bank Details: SBI
 Account Holder: ANL

Previous Payments Made

Sr.	Mode	Trans/DD No	Trans/DD Date	Bank Details	Amount
1.	Bank Draft	123	07/05/2022	SBI	₹1230.00
TOTAL AMOUNT					₹1230

30. On clicking preview button, screen shown below will appear. Here user can view all the details he/she had filled and if he/she desires to make any further changes they can edit the form.



Application Preview
X

Ref. No.: FRO020220093
Correlate this form with Documents

- Promoter Details
- Get Project Details
- Project Details
- Bank Details
- Inventory/Development Details
- Associated Professionals
- Documents
- Project Images
- Royalty

Promoter Details

Name	ANIL
Gender	Male
Father/Mother/Guardian Name	Sh. RANA
Photograph	
Promoter Type	Individual
PAN No.	CVCKK70M <small>PAN Card</small>
Mobile No.	952865798
Alternate Mobile No.	No.
Email Id	manishahansa095@gmail.com
Alternate Email Id	No.
Correspondence Address	longwood, dhama, Shimla, Himachal Pradesh (170001) <small>Address Proof</small>
Permanent Address	longwood, dhama, Shimla, Himachal Pradesh (170001) <small>Address Proof</small>
GSTIN No.	32134635462136
Authority Letter	<small>Authority Letter</small>
Whether Himachal Agric/Forest	Yes

Project Land Owners
1

Close

31. On clicking submit button pop-up message shown below will appear here user needs to click OK.

i

Confirm Submit

Application will be submitted for approval. Make sure all the information entered is correct. Once submitted you will not be allowed to revert your action. Are you sure to proceed?

OK
CANCEL

32. After that message of successfully submitted will appear along with this user will also get a SMS of informing the same.



33. After that user can see the details of the project like project name, Reference no., status, Action on, and progress. In the progress column there is an option button on clicking that button user will get option to view application, print application and view history of the application.



4.7. How to understand RERA Registration No. –

New HP RERA Registration Number:

HP RERASOL2023079/P

- HP : Himachal Pradesh
- RERA : Real Estate Regulatory Authority
- SOL : First Three Letter of District where Project Located
- 2023 : Project Registration Year
- 079 : Project Registration Sr. No.
- P : Project

Old HP RERA Registration Number:

RERAHPSOP09170007

- RERA : Real Estate Regulatory Authority
- HP : Himachal Pradesh
- SO : First Two Letter of District where Project Located
- P : Project
- 09 : Project submission month (First Time)
- 17 : Project submission year (First Time)
- 0007 : Project Registration Sr. No.



5. Allottees and their responsibilities

Allottee

Allottee means the person, to whom a plot/flat/building has been allotted, sold or otherwise transferred by the promoter.

The person who subsequently acquires the said allotment through sale, transfer or otherwise is also an allottee. [Section 2(d)]

Person

According to Section 2 (zg) of the Act, person includes:

- (i) An individual;
- (ii) A Hindu undivided family;
- (iii) A company;
- (iv) A firm under the Indian Partnership Act, 1932 or the Limited Liability Partnership Act, 2008, as the case may be;
- (v) A competent Authority;
- (vi) An association of persons or a body of individuals whether incorporated or not;
- (vii) A cooperative society registered under any law relating to cooperative societies;
- (viii) Any such other entity as the appropriate Government may, by notification, specify in this behalf.

Promoter includes:

- A person who constructs or causes to be constructed an independent building or a building consisting of apartments, or converts an existing building or a part thereof into apartments, for the purpose of selling all or some of the apartments to other persons; or
- A person who develops land into a project, for the purpose of selling to other persons all or some of the plots in the said project with or without structures thereon; or
- Any other person who Acts himself as a builder, coloniser, contractor, developer, or claims to be Acting as the holder of a power of attorney from the owner of the land on which the building/apartment is constructed or plot is developed for sale; or
- Such other person who constructs any building or apartment for sale to the general public [Section 2(zk)]

For any query or problem, the allottees will first contact the real estate agent through whom they have booked or purchased the apartment. The agent may be required to intervene, guide the allottee and help him in seeking remedy or in dispute resolution. Hence, Real Estate Agent should be equipped with knowledge on rights and duties of allottees.

According to the Real Estate (Regulation and Development) Act 2016, an Allottee is a person to



whom, a plot, an apartment or a building has been allotted, sold or transferred by the promoter. In common words we term them as Home buyer or purchaser. It also includes person who subsequently acquires the said allotment through sale, transfer or otherwise. But the definition of “Allottee” does not include a person to whom land or apartment is give on rental basis.

The Act provides for various Rights and Duties of the allottees in Section 19, which are detailed in following sections.

5.1. Rights of Allottees

The various rights and duties of allottees are provided below:

(i) Access To Information

“19 (1) The allottee shall be entitled to obtain the information relating to sanctioned plans, layout plans along with the specifications, approved by the competent Authority and such other information as provided in this Act or the rules and regulations made thereunder or the agreement for sale signed with the promoter.

“19(2) The allottee shall be entitled to know stage-wise time schedule of completion of the project, including the provisions for water, sanitation, electricity and other amenities and services as agreed to between the promoter and the allottee in accordance with the terms and conditions of the agreement for sale.”

“19(3) the allottee shall be entitled to claim the possession of apartment, plot or building, a the case may be, and the association of allottees shall be entitled to claim the possession of the common areas, as per the declaration given by the promoter under sub-clause © of clause 1 of sub-section (2) of section 4.

Allottees are entitled to obtain information on project including the following

- Information regarding sanctioned plans, layout plans along with specifications approved by the competent authorities,
- Information regarding stage wise completion of project including provisions of water, sanitation, and electricity and other amenities and services according to the clauses of Agreement of Sale.

HP RERA provides all information made available by promoter online, ensuring online access by allottees.

(i) Entitled to Occupancy / Completion Certificate

Promoter is responsible to acquire Completion / Occupancy Certificate from competent Authority and make available the same to the allottees

(ii) Entitled to Remedy by Approaching Rera against Wrongful Cancellation of Allotment: The cancellation by the promoter can be said to be wrongful only if all these conditions are satisfied

- a. It is not in accordance with the Agreement of Sale
- b. If is unilateral i.e. it not a cancellation by mutual agreement of parties
- c. It is without sufficient cause.

The allottees may approach the Authority for getting remedy against wrongful cancellation of agreement by promoters.

(iii) Entitled to Claim Compensation & Interest

“19(4) The allottee shall be entitled to claim the refund of amount paid along with interest at such rate as may be prescribed and compensation in the manner as provided under this Act, from the



promoter, if the promoter fails to comply or is unable to give possession of the apartment, plot or building, as the case may be, in accordance with the terms of agreement for sale or due to discontinuance of his business as a developer on account of suspension or revocation of his registration under the provisions of this Act or the rules or regulations made thereunder.”

The allottees are entitled to get back their amount invested, along with interest and compensation if promoters are not giving possession as per schedule or in accordance with the Agreement of Sale or if promoters have breached any terms and conditions of the Agreement of Sale. The interest shall be payable at prescribed rate and the compensation will be calculated according to the provisions of Section 19(4) of the Act.

“19(5) the allottee shall be entitled to have the necessary documents and plans, including that of common areas, after handing over the physical possession of the apartment or plot or building as the case may be, by the promoter.

- (iv) In case of failure by the promoter, to hand over the physical possession according to the terms of Agreement of Sale and the allottee intends to continue in the project, then the promoter is liable to pay allottee monthly interest at such rate as may be prescribed by the RERA. Entitled To Claim Compensation for Loss Caused By Defective Title.

If a project has been developed on a land for which promoter has defective title then any loss caused to the allottees, will be compensated by the promoter and claim of such compensation will not be barred by law of limitation.

- (v) Entitled To Execution of Registered Conveyance Deed

The allottee shall be entitled to claim the possession of apartment, plot or building, as the case may be, and the association of allottees shall be entitled to claim the possession of the common areas.

5.2. Obligations of Allottees

Under the Act, Allottees also have some obligations which they have implemented. These include:

“19 (6) Every allottee, who has entered into an agreement for sale to take an apartment, plot or building as the case may be, under section 13, shall be responsible to make necessary payments in the manner and within the time as specified in the said agreement for sale and shall pay at the proper time and place, the share of the registration charges, municipal taxes, water and electricity charges, maintenance charges, ground rent, and other charges, if any”

Allottees are responsible to make necessary payments as per the schedule in the agreement for sale on timely basis.

Allottees are also responsible to pay their share of the registration charges, municipal taxes, water and electricity charges, maintenance charges, ground rent, and other charges.

“19 (7) The allottee shall be liable to pay interest, at such rate as may be prescribed, for any delay in payment towards any amount or charges to be paid under sub-section (6).”

In case of delay in payment by allottee, they are liable to pay interest for delay at such rate as may be prescribed.

“19(8) the obligations of the allottee under sub-section (6) and the liability towards interest under sub – section (7) may be reduced when mutually agreed to between the promoter and such allottee.

“19 (9) Every allottee of the apartment, plot or building as the case may be, shall participate towards the formation of an association or society or cooperative society of the allottees, or a federation of the same.”



Every allottee shall participate towards formation of Association of Allottees

“19 (10) Every allottee shall take physical possession of the apartment, plot or building as the case may be, within a period of two months of the occupancy certificate issued for the said apartment, plot or building, as the case may be”

Every allottee shall be responsible to take physical possession take physical possession of the apartment, plot or building within a period of two months of the occupancy certificate

- “19(11) Every allottee shall participate towards registration of the conveyance deed of the apartment, plot or building, as the case may be, as provided under sub-section (1) of section 17 of this Act.”

Every allottee shall participate towards registration of the conveyance deed

- Every Allottee has to follow the provisions of Act, Rules and Regulations made thereunder including orders of Authority.



5.3. Steps to be taken before buying a flat or plot in a real estate project

If the total number of flats in a project is more than eight or if the total land area of the project is more than 500 sq. mt, then it must be registered with RERA HP. The registration number of a project starts with the letters RERAHP. One should check the registration number by visiting the website of RERA HP <https://HP.RERA.nic.in/>

No advertisement or acceptance of booking or sale of flat/plot without registering the project with RERA

If a real estate project has more than eight flats or the total land area is more than 500 sq mts, the promoter cannot advertise or accept booking without the project being registered with the Real Estate Regulatory Authority as stipulated by Section 3 (1) of the Real Estate (Regulation and Development) Act, 2016.

Prospectus

Prospectus means any document described or issued as a prospectus or any notice, circular, or other document offering for sale of any real estate project or inviting any person to make advances or deposits for such purposes. [Section 2 (zl)]

Check RERA Registration number before buying a flat/plot in a new project

As soon as you open the website, there are tabs in the middle of the home page in which you need to click, after which you will be taken to a new dashboard of Projects where you need to type either the name of the project or promoter in the search option or click in the various fields based on location, type, category and area to check the status related document where the Registration Certificate of a registered project remains available. The certificate also mentions the validity duration of the registration.

Points to be checked in case you have already booked in a registered project or in case you want to check the current status of the project before investing in it.

Once you open the website, you would find Services tabs on the top of the home page in which you need to select view QPR/APR, then project/agent QPR/APR, then select financial year then type either the name of the project or promoter in the 'search' option and after that you need to click 'view details' and then you will get 'quarterly progress report (QPR)' option by clicking which you can see the progress of the registered project.

Check the background of a promoter before investing in any project

Once you open the website, you would find tabs on the top of the home page in which you need to type either the name of the project or promoter in the search option to check details about the promoter/company. Information like projects done by the promoter in past five years, balance sheet of the company, audited account of the company, cases filed against the company etc. remain available there. One should always check these details as that helps in taking an informed decision before investing in any project.

Information to be made available on the web page of the promoter on the website of RERA

Rule 14 of Himachal Pradesh Real Estate (Regulation and Development) Rules, 2017 has the details about the information which the promoter needs to upload on the webpage of the registered project. Some of the important details which a promoter of registered project needs to upload include:

- Promoter/company profile including background of the promoter



- Track record of the promoter including number of completed projects
- Details of cases in the past five years in relation to real estate projects developed or being developed by the promoter
- Authenticated copy of the approvals and commencement certificate received from competent Authority
- Sanctioned plan, apartment, plot, garage related details
- Registered Agents, Consultants, Location
- Plan of development works to be executed in the proposed project
- Financial details of the promoter including audited profit and loss account, balance sheet, cash flow statement and related documents of previous three financial years
- Details of approvals, permissions, clearances, legal documents
- Contact Details

Rights and Duties of allottees as stipulated by the Act

Section 19 deals with the Rights and Duties of the allottees as stipulated by the Real Estate (Regulation and Development) Act. There are a total of 11 sub-sections under this section which elaborate various things related to rights and duties of the allottees. The sub-sections have been given below to make allottees conversant with these important provisions of the Act:

19 (1): The allottee shall be entitled to obtain information relating to sanctioned plans along with the specifications, approved by the competent Authority and such other information as provided in this Act or the Rules and Regulations made thereunder or the agreement for sale signed with the promoter. **(Competent Authority is the Authority that sanctions maps of real estate projects)**

19 (2): The allottee shall be entitled to know stage-wise time schedule of completion of the project, including the provisions for water, sanitation, electricity and other amenities and services as agreed to between the promoter and the allottee in accordance with the terms and conditions of the agreement for sale.

19 (3): The allottee shall be entitled to claim the possession of apartment/plot and the association of allottees shall be entitled to claim the possession of the common areas, as per the declaration by the promoter.

19 (4): The allottee shall be entitled to claim the refund of amount paid along with interest at such rate as may be prescribed and compensation in the manner as provided under this Act, from the promoter, if the promoter fails to comply with or is unable to give possession of the apartment/plot in accordance with the terms of agreement for sale due to discontinuance of his business as a developer or on account of suspension or revocation of his registration under the provisions of this Act or the Rules and Regulations made thereunder.

19 (5): The allottee shall be entitled to have the necessary documents and plans, including that of common areas, after handing over the physical possession of the apartment/plot by the promoter.

19 (6): Every allottee, who has entered into an agreement for sale to take an apartment/plot, shall be responsible to make necessary payments in the manner and within the time as specified in the said agreement for sale and



shall pay at the proper time and place, the share of registration charges, municipal taxes, water and electricity charges, maintenance charges, ground rent, and other charges, if any.

19 (7): The allottee shall be liable to pay interest, at such rate as may be prescribed, for any delay in payment towards any amount or charges to be paid under sub-section (6)

19 (8): The obligations of the allottee under sub-section (6) and the liability towards interest under sub-section (7) may be reduced when mutually agreed to between the promoter and such allottee.

19 (9): Every allottee of the apartment/plot shall participate towards the formation of an association or society or cooperative society of the allottees.

19 (10): Every allottee shall take physical possession of the apartment/plot within a period of two months of the occupancy certificate issued for the said apartment/plot.

19 (11): Every allottee shall participate towards registration of the conveyance deed of the apartment/plot as provided under sub-section (1) of Section 17 of this Act.

Right of allottee in case there is any structural defect or any other defect in workmanship, quality or provision of services or any other obligations of the promoter as per the agreement for sale

According to **Section 14 (3)** of the Real Estate (Regulation and Development) Act, in case any structural defect or any other defect in workmanship, quality or provision of services or any other obligations of the promoter as per the agreement for sale relating to such development is brought to the notice of the promoter within a period of five years by the allottee from the date of handing over possession, it shall be the duty of the promoter to rectify such defects without further charge, within thirty days, and in the event of promoter's failure to rectify such defects within such time, the aggrieved allottees shall be entitled to receive appropriate compensation in the manner as provided under the Act.

Booking amount of a flat/plot in any real estate project

A promoter cannot take more than 10% of the apartment/plot cost as booking amount from a customer before entering into a registered agreement of sale with the allottee.[Section 13 (1)]

'Agreement for Sale'

'Agreement for Sale' is the document in which details, including terms and conditions, are mentioned and which is signed by the promoter and the allottee. It must be registered if you are purchasing a flat or plot.

The 'Agreement for Sale' to be executed between the promoter and the allottee shall be in the form -L as per Himachal Pradesh Real Estate (Regulation and Development) Rules, 2017 [Rule 17 (1)]. You can download the Himachal Pradesh Real Estate (Regulation and Development) Rules, 2017 from the 'Acts Rules' Tab of website of RERA H.P. (<https://HP RERA.nic.in/>) in which the format of 'Agreement for Sale' in Form-L has been given or in the home page you need to click 'Services' tab followed by download Form/Annexures.

Formation of Association of Allottees

The promoter shall enable the formation of an association of the allottees within a period of three months of the majority of allottees having booked their plot/apartment in the project. [Section 11 (4) (e)]

Allottee's entitlement to get stage-wise time schedule of completion of the project.



According to Section [11 (3) (b)] of the Act, the promoter at the time of the booking and issue of allotment letter shall be responsible to make available to the allottee the stage- wise time schedule of completion of the project, including the provisions for civic infrastructure like water, sanitation and electricity.

Cancellation of allotment by a promoter.

Promoter may cancel the allotment only in terms of the agreement for sale. The allottee, however, may approach the Authority for relief if he is aggrieved by such cancellation and such cancellation is not in accordance with the terms of the agreement for sale, unilateral and without any sufficient cause. [Section 11 (5) of the Act]

If allottee cancels a booking without any fault of the promoter.

In case allottee cancels /withdraws from the project without any fault of the promoter, the promoter herein is entitled to forfeit the booking amount paid for the allotment. The balance amount of money paid by the allottee shall be returned by the promoter to the allottee within 45 days of such cancellation. (Clause 7.5 of format of Agreement for sale given in Annexure of Himachal Pradesh Real Estate (Regulation and Development) Rules, 2017)

Responsibility of promoter to obtain completion/occupation certificate from competent Authority.

Promoter is responsible for obtaining completion/occupancy certificate from the competent Authority and to make it available to the allottees individually or to the association of allottees, as the case may be. Competent Authority happens to be the Authority that approves map of a real estate project.[Section 11 (4) (b)]

Allottee's right to seek refund of money in case promoter fails to give possession of an apartment or plot.

The allottee shall be entitled to claim the refund of amount paid along with interest and compensation if promoter fails to comply with the terms of agreement for sale. The allottee first needs to send notice to the promoter for this and in case promoter fails to refund the amount along with interest, then allottee may file a complaint case with the Authority if he wants refund with interest and in case the allottee also wants compensation, then complaint case needs to be filed with the Adjudicating officer. [Section 19 (4)]

Separate Bank account for each project.

According to Section 4 (2) (1) (D) of the RERA Act, promoter needs to open a separate bank account for each real estate project and 70% of the amount received from the allottees of the project, from time to time, shall be deposited in this account to cover the cost of construction and the land cost.

Promoter shall withdraw money from this account in proportion to the percentage of the completion of the project, provided that the amount withdrawn is certified by an engineer, an architect and a chartered accountant that the withdrawal is in proportion to the percentage of completion of the project.

Third party transfer of a project by a promoter.

In case promoter intends to handover the project to a third party, written consent of two-third of the allottees, except the promoter, and with the written approval of the Authority must be obtained. However, such transfer shall not affect the allotment or sale of the apartments, plots or buildings, as the case may be, in the real estate project made by the erstwhile promoter. [Section 15 (1)]

Time limit within which the promoter should execute the conveyance deed in favour of the allottee.



Conveyance deed in favour of the allottee or the association of the allottees or the competent Authority, as the case may be, shall be carried out by the promoter within three months from the date of issue of occupancy certificate. [Section 17 (1)]

Handing over of documents of common area to the association of allottees.

After obtaining the occupancy certificate and handing over physical possession to the allottees, it shall be responsibility of the promoter to handover the necessary documents and plans, including that of common areas, to the association of the allottees within 30 days after obtaining occupancy certificate. [Section 17 (2)]

Functions and Duties of Promoters

Sections 11 to 18 of RERA Act deal with the functions and duties of the promoter. Allottees must be aware of these sections. Some of the important functions and duties of promoter have been given below:

- Promoter, after getting registration of the project, would upload the details of registration, quarterly progress report of the project on the webpage of the project
- The prospectus of the project must contain all details of the registered project. In case of false information, allottee shall be compensated by the promoter in the manner as provided under the Act.
- To provide sanctioned plans to the allottee
- To provide stage-wise time schedule of the completion of the project to the allottee

Role of the Authority if registration of a project lapses.

Upon lapse of registration (Section 8 of the Act) of a project, the Authority may consult the appropriate Government to take such Action as it may deem fit including carrying out of the remaining development works by competent Authority or by the association of allottees or in any other manner, as may be determined by the Authority. However, no direction, decision or order of the Authority under this Section shall take effect until expiry of the period of appeal provided under the provisions of this Act.

Role of association of allottees if registration of a project is revoked.

Once the registration of a project is revoked (Section 7 of the Act), the Authority shall debar the promoter from accessing its website in relation to that project. The Authority shall facilitate the remaining development works to be carried out, and the Authority shall

direct the bank holding the project bank account to freeze the account and thereafter take such further necessary Actions, including de-freezing of the said account towards facilitating the remaining development works.

Also, in case of revocation of registration of a project, the association of allottees shall have the first right of refusal for carrying out the remaining development work.



6. Dispute Resolution

One of the key objectives of the Act is to ensure speedy and effective dispute resolution. Therefore, HP RERA provides three forums for dispute resolution namely Authority, adjudication officer and Appellate Tribunal. The details of these forums are explained in following sections.

The details of these forums are explained in following sections.

6.1. Complaints

As per 31(1) of the Act, any aggrieved person may file a complaint with the Authority for any violation or contravention of the provisions of this Act or the rules and regulations made thereunder against any promoter, allottee or real estate agent.

“31. (1) Any aggrieved person may file a complaint with the Authority or the adjudicating officer, as the case may be, for any violation or contravention of the provisions of this Act or the rules and regulations made thereunder against any promoter allottee or real estate agent, as the case may be.

Explanation.—For the purpose of this sub-section “person” shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force.”

HP RERA accepts complaints against registered or registerable projects only.

An aggrieved person can file complaints online. The fees for filing a complaint is Rs. 500 per complaint. The mode of payment is NEFT, IMPS or RTGS System or through any other digital transaction mode.

Any interested party including Allottee, Promoter and Real Estate Agent can file a complaint.

The aggrieved person can file an application online as per format provided by HP RERA. It shall include the following details:

- Particulars of the complainant and respondent
- Facts of the case
- Relief Sought
- List of Enclosures and so on

Complainant can appear and plead his/her/its case in person/through Webex or through authorized representative to present his/her/their case before the Authority or the Adjudicating Officer, as the case may be.

The detailed SoP (Standard Operating Procedure) for filing a complaint is as follows:

Steps	Description	Details
Step 1	Complainant files complaint online through - HP RERA portal- https://HP RERA.nic.in	Complaints can only be filed against registered or registerable projects by aggrieved persons . While filing the complaint, the complainant shall upload all relevant documents



Step 2	Once complaint is received online, it is scrutinized and then the hard copies of the same are demanded from the complainant.	In case if a person seeks compensation, then as per sections 12,14, 18 and 19 of the Real Estate (Regulation and Development) Act, 2016, he can file complaint before the adjudicating officer i.e. District and Session Judge, Shimla for hearing as the power of adjudicating officer is vested with him.
Step 3:	Reader of HP RERA shall schedule first hearing date and communicate to the parties (complainant and respondent)	Notice of hearing to parties (complainant and respondent) shall be issued. The complaint details shall also be visible at the complainant and promoter dash boards.
Step 4:	After hearing, Ruling of the Authority shall be uploaded and mailed to the parties	The orders shall be uploaded on the website of HP RERA
Step 5	In case, hearing is adjourned, step 3 and 4 shall be repeated	

6.2. Adjudication

For the purpose of adjudging compensation under sections 12, 14, 18 and section 19, the Authority has appointed Adjudicating Officers who is the District Judge Shimla.

Any aggrieved person may file a complaint, including the claim for compensation with the Adjudicating Officer for any violation or contravention of the provisions of this Act or the rules and regulations and such matters where an adjudication regarding compensation under section 12, 14, 18 and 19 of the Act is to be made, such matters can be filed directly by the complainant before the Adjudicating Officer

The application for adjudging compensation is dealt with by the adjudicating officer as expeditiously as possible

Conciliation

As per Section 32 (g) of the Real Estate (Regulation and Development) Act 2016, Himachal Pradesh Real Estate Regulatory Authority gives one chance to both the parties to settle the matter amicably and if necessary physical hearing if also fixed to settle the matter.

Resolution of disputes amicably, saves cost and time of litigation, promoting greater public satisfaction with legal system and dispute resolution.



6.3. Settlement of Dispute

If the parties reach agreement on a settlement of the dispute, they may draw up and sign Terms of Settlement.

When the parties sign the settlement agreement, it shall be final and binding on the parties and persons claiming under them respectively and on the basis of the same a decree is passed finally

Both the parties shall authenticate the settlement agreement and furnish a copy thereof to each of the parties.

Non-Compliance - The parties concerned shall comply with the terms of settlement. Non-compliance of the terms by either party shall give the other party right to approach the HP RERA. In case of further complaint to HP RERA by the parties in the same subject, HP RERA Authority shall take cognizance of any such agreed terms of Conciliation.

6.4. Appeals

In the State of HP government conferred powers of Appellate Tribunal on the Haryana Real Estate Appellate Tribunal who is looking after the work of appeals in respect of HP State apart from exercising jurisdiction with respect to its own State.

As per the Act, any person aggrieved by any direction or order or decision of the Authority or the adjudicating officer may prefer an appeal to the Appellate Tribunal.

Every appeal should be preferred within a period of sixty days from the date on which a copy of the direction or order or decision made by the Authority or the adjudicating officer is received by the aggrieved person. However, the Appellate Tribunal may entertain any appeal after the expiry of sixty days if it is satisfied that there was sufficient cause for not filling it within that period.

On receipt of an appeal, the Appellate Tribunal may after giving the parties an opportunity of being heard, pass such orders, including interim orders, as it thinks fit.

Any person aggrieved by the order of Appellate Tribunal can file an appeal to High Court.

6.5. Penal Provisions

The Act provides for penal provisions against various stakeholders including promoter, agents and allottees for non-compliance of provisions of the Act.

Penal Provisions for Promoters

The Act provides for five main types of penal provisions against promoter, under Section 59, 60, 61, 63 and 64, as follows:

Punishment for non-registration of Real Estate Project: If any promoter doesn't register the project and indulges in marketing or advertisement or sale of project then he shall be liable to a penalty up to ten per cent. of the cost of the real estate project

If it continues to violate the provisions and doesn't comply with the orders of Authority in this matter then he shall be punishable with imprisonment for a term which may extend up to three years or with fine which may extend up to a further ten per cent. of the cost of the real estate project, or with both.



Penalty for false information in registration application: If any promoter provides false information during registration application, he shall be liable to a penalty which may extend up to five percento the estimated cost of the real estate project.

Penalty for contravention of the provisions of the Act: If any promoter contravenes any other provisions of this Act or the rules or regulations made thereunder, he shall be liable to a penalty which may extend up to five percent of the estimated cost of the real estate project.

Penalty for failure to comply with orders of Authority by promoter: If any promoter fails to comply with, or contravenes any of the orders or directions of the Authority, he shall be liable to a penalty for every day during which such default continues, which may cumulatively extend up to five per cent of the estimated cost of the real estate project.

Penalty for failure to comply with orders of Appellate Tribunal by promoter If any promoter fails to comply with, or contravenes any of the orders, decisions or directions of the Appellate Tribunal, he shall be punishable with imprisonment for a term which may extend up to three years or with fine for every day during which such default continues, which may cumulatively extend up to ten per cent. of the estimated cost of the real estate project, or with both.

Penal Provisions for Real Estate Agents

The Act provides for three main types of penal provisions against Real Estate Agents, under Section 62, 65 and 66, as follows:

Punishment for non-registration & Contravention of provisions of Act: If any real estate agent fails to register or comply with or contravenes the provisions of Act, he shall be liable to a penalty of ten thousand rupees for every day during which such default continues, which may cumulatively extend up to five per cent of the cost of plot, apartment or building cost.,

Penalty for failure to comply with orders of Authority by agent: If any agent fails to comply with, or contravenes any of the orders or directions of the Authority, he shall be liable to a penalty for every day during which such default continues, which may cumulatively extend up to five percent of the estimated cost of the cost of plot, apartment or buildings, for which the sale or purchase has been facilitated.

Penalty for failure to comply with orders of Appellate Tribunal by agent: If any agent fails to comply with, or contravenes any of the orders, decisions or directions of the Appellate Tribunal, he shall be punishable with imprisonment for a term which may extend up to one year or with fine for every day during which such default continues, which may cumulatively extend up to ten per cent. of the estimated cost of plot, apartment or building for which the sale or purchase has been facilitated.

Penal Provisions for Allottees

The Act Provides for two main types of penal provisions against Allottees, under Section 67 and 68, as follows:

Penalty for failure to comply with orders of Authority by allottee: If any allottee fails to comply with, or contravenes any of the orders, decisions or directions of the Authority he shall be liable to a penalty for the period during which such default continues, which may cumulatively extend up to five per cent. of the plot, apartment or building cost.



Penalty for failure to comply with orders of Appellate Tribunal by allottee: If any allottee, fails to comply with, or contravenes any of the orders or directions of the Appellate Tribunal, as the case may be, he shall be punishable with imprisonment for a term which may extend up to one year or with fine for every day during which such default continues, which may cumulatively extend up to ten per cent. of the plot, apartment or building cost.

Offence by Companies

As per Section 69 of the Act, if 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.

If an offence under this Act has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.



