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राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

सोमवार, 08 मार्च, 2021/17 फाल्गुन, 1942

हिमाचल प्रदेश सरकार

REAL ESTATE REGULATORY AUTHORITY

NOTIFICATION

Shimla, the 3rd March, 2021

No. HP/RERA-(A)-3-2/Regulations/2020/Vol-1.—In exercise of the powers conferred by section 85 of the Real Estate (Regulation and Development) Act, 2016 (Act No. 16 of 2016) read with the Himachal Pradesh Real Estate (Regulation and Development) Rules, 2017 and all other powers enabling it on that behalf, the Himachal Pradesh Real Estate Regulatory Authority, hereby makes the following Regulation:—

1. Short title and commencement.—(1) This Regulation may be called the Himachal Pradesh Real Estate Regulatory Authority (Filing of Quarterly Progress Report by the Real Estate Agents), **Regulation No. 5.**

(2) This Regulation shall come into force from the date of its publication in the Official Gazette of Himachal Pradesh.

2. Definitions.—(1) In this Regulation, unless the context otherwise requires,—

- (a) “Act” means the Real Estate (Regulation and Development) Act, 2016 (Act No. 16 of 2016), as amended from time to time;
- (b) “Agreement for sale of plots or building units” means an agreement entered between the promoter and the allottee for sale of a plot or building unit in a real estate project, as prescribed in Form-L' as provided in the Himachal Pradesh Real Estate (Regulation and Development) Rules, 2017;
- (c) “Apartment” shall have the same meaning as defined under clause (e) of section 2 of the Act;
- (d) “Authority” means the Himachal Pradesh Real Estate Regulatory Authority established under sub-section (1) of section 20 of the Act;
- (e) “Conveyance Deed” means a sale deed entered between the promoter (seller) and the allottee (purchaser) for plot(s) or apartment(s) or cottage(s) or garage(s) or commercial unit(s), as the case may be, duly executed /registered by the competent authority;
- (f) “Notification” means a notification published in the Official Gazette of Himachal Pradesh and the expression “notify” shall be construed accordingly;
- (g) “Promoter” shall have the same meaning as defined under clause (zk) of section 2 of the Act;
- (h) “Quarterly Progress Report” means the report to be furnished by the real estate agent indicating the names and addresses of the sellers and purchasers of the plots and apartments and dates of execution of conveyance deeds in the real estate projects, in the relevant quarter *i.e.* 1st April to 30th June, 1st July to 30th September, 1st October to 31st December and 1st January to 31st March of a financial year, to ensure that all compliances as required under the Act, Rules and Regulations are being adhered to.
- (i) “Real Estate Agent” shall have the same meaning as defined under clause (zm) of section 2 of the Act;

- (j) "Real Estate Project" shall have the same meaning as defined under clause (zn) of section 2 of the Act;
- (k) "Regulations" means the Regulations made by the Authority under the Act and Rules;
- (l) "Rules" means the Himachal Pradesh Real Estate (Regulation and Development) Rules, 2017 made by the Government of Himachal Pradesh under the Act; and
- (m) "Website" means the official website of the Authority namely <http://hprera.in> or as prescribed by the Authority.
- (2) All the words and expressions used in this Regulation but not defined herein shall have the same meanings as have been assigned to them respectively either in the Act or the Rules made thereunder.

3. Applicability.—This Regulation shall apply to all the real estate agents registered with the Himachal Pradesh Real Estate Regulatory Authority.

4. Filing of Quarterly Progress Report by the Real Estate Agents.—(1) This Regulation is meant to establish procedure for filing quarterly progress report by the real estate agents so as to ensure that they are facilitating the sale or lease or purchase of any plot or apartment or building or cottage or garage or commercial unit, 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 registered with the Himachal Pradesh Real Estate Regulatory Authority. The Regulation also covers in its ambit all matters connected therewith or incidental thereto.

(2) The Agent shall upload the quarterly progress report on the website of the Himachal Pradesh Real Estate Regulatory Authority for the public viewing.

(3) The quarterly progress report shall be for the current Financial Year and shall have to be uploaded/filed before 15th July (for the quarter 1st April to 30th June), 15th October (for the quarter 1st July to 30th September), 15th January (for the quarter 1st October to 31st December) and 15th April (for the quarter 1st January to 31st March) of each current Financial Year.

5. Format of Quarterly Progress Report.—The quarterly progress report shall be filed on the Format attached as Annexure QPR-1.

6. Miscellaneous.—(1) Till such time web based online filing of the quarterly progress report is functional, the filing of quarterly progress report on Format QPR-1, by email on the e-mail address of the Authority, hp.rera2020@gmail.com or as updated, shall be sufficient compliance of this Regulation.

(2) Non-filing of quarterly progress report within prescribed time frame will invite penal action as prescribed under the Act.

7. Regulation to have force of law under Indian Evidence Act, 1872.—The Regulation framed herein shall have binding effect as governed by Indian Evidence Act, 1872 amended by the Information Technology (Amendment) Act, 2009 for the purpose of documentary and electronic admissibility of evidence.

8. Amendment of Orders.—Clerical or arithmetical or typographical mistakes or errors in orders arising therein from any accidental slip or omission may at any time be corrected by the Authority either of its own motion or on the application of any of the parties.

9. Power to remove difficulties.—If any difficulty arises in giving effect to any of the provisions of this Regulation, the Authority may, by general or special order, do anything not being inconsistent with the provisions of the Act or Rules, which appears to be necessary or expedient for the purpose of removing the difficulties.

By order,
Sd/-
(DR. SHRIKANT BALDI),
Chairperson.

Annexure-1

FORMAT (QPR-1)
QUARTELY PROGRESS REPORT TO BE FURNISHED BY THE
REAL ESTATE AGENT

1. Name of Real Estate Agent:
2. HP RERA Registration No:
3. Quarterly Progress Report for the Quarter: (Tick ✓ for the relevant Quarter)
 - (i) 1st April to 30th June
 - (ii) 1st July to 30th September
 - (iii) 1st October to 31st December
 - (iv) 1st January to 31st March

Sr. No.	Name and Address of the Promoter facilitated	Name and Address of the Purchaser / Allottee / Lessee facilitated	Number of Plot / Apartment	Category of Plot / Apartment, whether Residential or Commercial or Mixed	Area of Plot / Carpet Area of Apartment or Building or Cottage or Garage or Commercial Unit		Date of execution of Agreement for Sale / Lease	Date of execution of Conveyance / Sale Deed / Lease Deed
					Square Metres	Square Feet		
1	2	3	4	5	6		7	8
							Date..... *Agreement for Sale	Date..... *Conveyance/ Sale Deed

* Copies of first & last page (including the page describing details of property) of Agreement for Sale /Conveyance /Sale Deed /Lease Deed to be attached.

Price of Plot / Apartment as per Conveyance/ Sale Deed		List of Books of Account, records and documents in accordance with the provisions of the Income Tax Act, 1961 and Rules made thereunder		List of Agreement for Sale / Conveyance / Sale Deed under litigation	Brokerage / Commission taken by the Real Estate Agent Rupees	Remarks
9		10		11	12	13
Description	Rupees	Description	Details			
Price		Books maintained				
		** Register				

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**Copy of pages of Register (whatever name it is) to be attached.

Dated.....

(Signature)

Address.....

.....

Phone No.....

e-mail.....
