

**UTTARAKHAND SHASHAN
AWAS ANUBHAG-2
NO 481 V-2-2017-79(AWAS)/2016T.C.
DEHRADUN, DATED 28 APRIL, 2017**

**UTTARAKHAND REAL ESTATE (REGULATION AND DEVELOPMENT)
(GENERAL) RULES, 2017**

In exercise of the powers conferred by section 84 read with sub-clause (i) of clause (g) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016), the Governor is pleased to make the following rules for implementation of the Act, namely: —

**CHAPTER I
PRELIMINARY**

**Short title and
Commencement**

1. (1) These rules may be called the ‘Uttarakhand Real Estate (Regulation and Development) (General) Rules, 2017.
(2) It shall come into force with effect from the date of notification.

Definitions

2. (1) In these rules, unless the context otherwise requires, -
 - (a) “Act” means the Real Estate (Regulation and Development) Act;
 - (b) “Annexure” means an annexure appended to these rules;
 - (c) “authenticated copy” shall mean a self-attested copy of any document required to be provided by any person under these rules;
 - (d) “Form” means a form appended to these rules;
 - (e) “appropriate Government” means the State Government of Uttarakhand;
 - (f) “layout plan” means a plan of the project depicting the division or proposed division of land into plots, roads, open spaces, amenities, etc. and other details as may be necessary;
 - (g) “project land” means any parcel or parcels of land on which the project is developed and constructed by a promoter;

(h) “section” means a section of the Act; and
(2) Words and expressions used herein and not defined, but defined in the Act, shall have the same meaning respectively assigned to them in the Act.

CHAPTER II REAL ESTATE PROJECT

Information and documents to be furnished by the promoter for registration of project

3. (1) The promoter shall furnish the following additional information and documents, along with those specified under the relevant sections of the Act, for registration of the real estate project with the Authority ; namely:-
 - (a) authenticated copy of the PAN Card of the promoter;
 - (b) audited balance sheet of the promoter for the preceding financial year and income tax returns of the promoter for immediately three preceding financial years;
 - (c) the number of open parking areas available in the said real estate project;
 - (d) authenticated copy of the legal title deed reflecting the title of the promoter to the land on which development of project is proposed along with legally valid documents for chain of title with authentication of such title;
 - (e) the details of encumbrances on the land on which development is proposed including any rights, title, interest, dues, litigation and name of party in or over such land or non encumbrance certificate through an Advocate having experience of at least ten years;
 - (f) where the promoter is not the owner of the land on which development of project is proposed, details of the consent of the owner of the land along with a copy of the collaboration agreement, development agreement, joint development agreement or any other agreement, as the case may be, entered into between the promoter and such owner and copies of title and other documents reflecting the title of such owner on the land

on which project is proposed to be developed;
(g) name, photograph, contact details and address of the promoter if it is an individual and the name, photograph, contact details and address of the Chairman, Partners, Directors, as the case may be, and the authorized person in case of other entities.

(2) The application to the Authority for registration of real estate project shall be made in writing in Form 'A', in triplicate, until the procedure is made web based for filing of such application.

(3) The promoter shall pay a registration fee at the time of application for registration by way of a demand draft or a Bankers cheque drawn on any scheduled bank or through online payment mode, as the case may be, for a sum calculated at the rate of;

(a) in case of Group Housing Project – ten rupees per square meter for projects where the area of land proposed to be developed does not exceed one thousand square meters; or rupees ten per square meter for projects where the area of land proposed to be developed exceeds one thousand square meters; but shall not be more than five lacks rupees;

(b) in case of mixed development (residential, commercial and industrial and the like project) fifteen rupees per square meter for projects where the area of land proposed to be developed does not exceed one thousand square meter or fifteen rupees per square meter for projects, where the area of land proposed to be developed exceeds one thousand square meters; but shall not be more than seven lacks rupees;

(c) in case of commercial projects, twenty rupees per square meter for projects where the area of land proposed to be developed does not exceed one thousand square meters, or twenty five rupees per square meter for projects where the area of land proposed to be developed exceeds one thousand square

meters, but shall not be more than ten lakhs rupees;

(d) in case of plotted development of residential, commercial, industrial and the like uses projects, five rupees per square meter, but shall not be more than two lakhs rupees.

(4) The declaration to be submitted under clause (1) of sub-section (2) of section 4 of the Act, shall not discriminate against any allottee at the time of allotment of any apartment, plot or building, as the case may be.

Additional Disclosure by promoters of going projects

4. (1) Upon the notification for commencement of sub-section (1) of section 3, promoters of an ongoing project which has not received completion certificate shall, within the time specified in the said subsection, make an application to the Authority as provided in Rule 3.

(2) The promoter shall in addition to disclosures provided in Rule 3 disclose the following information; namely :-

(a) the original sanctioned plan, layout plan and specifications and the subsequent modifications carried out, if any, including the existing sanctioned plan, layout plan and specifications;

(b) the total amount of money collected from the allottees and the total amount of money used for development of the project including the total amount of balance money lying with the promoter;

(c) status of the project (extent of development carried out till date and the extent of development pending) including the original time period disclosed to the allottee for completion of the project at the time of sale including the delay and the time period within which he undertakes to complete the pending project, which shall be commensurate with the extent of development already completed, and this information shall be certified by an engineer, an architect and a

chartered accountant in practice.

(3) The promoter shall disclose the size of the apartment based on carpet area even if earlier sold on any other basis such as super area, super built up area, built up area etc.

which shall not affect the validity of the agreement entered into between the promoter and the allottee to that extent.

(4) In case of plotted development the promoter shall disclose the area of the plot being sold to the allottees as per the layout plan.

(5) for projects that are ongoing and have not received competition certificate, on the date of commencement of the Act, the promoter shall, within a period of three months of the application for registration of the project with the Authority, deposit in the separate bank account, seventy percent of the amounts already realized from the allottees, which have not been utilized for construction for construction of the project or the land cost for the project as required under sub-clause (d) of clause (1) of sub section (2) of Section 4, which shall be used for the purposes specified therein.

Grant or rejection of registration of the project

- 5** (1) Upon the registration of a project as per section 5 read with Rule 3 and Rule 4, as the case may be, the Authority shall issue a registration certificate with a registration number in Form 'C' to the promoter.
- (2) In case of rejection of the application as per section 5 the Authority shall inform the applicant in Form 'D';

Provided that the authority may grant an opportunity to the applicant to rectify the defects in the application within one month from the date of order.

Extension of registration of the project.

- 6** (1) The registration granted under the Act, may be extended by the authority, on an application made by the promoter in Form 'E'

in triplicate, until the application procedure is made web based, within three months prior to the expiry of the registration granted.

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

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

(3) The extension of registration of the project shall not be beyond the period provided as per local laws for completion of the project or phase thereof, as the case may be.

(4) In case of extension of registration, the Authority shall inform the promoter about such extension in Form 'F' and in case of rejection of the application for extension of registration, the Authority shall inform the promoter about such rejection in Form 'D';

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

Revocation of Registration of the project.

- 7 Upon the revocation of registration of a project as per section 7, the Authority shall inform the promoter about such revocation as per Form 'D'.

**CHAPTER III
REAL ESTATE AGENT**

**Application for
Registration by the real
estate agent**

- 8** (1) Every real estate agent required to register as per sub-section (2) of section 9 of the Act shall make an application in writing to the Authority as per Form 'G' in triplicate, 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, companies etc.);
 - (b) the particulars of registration (whether proprietorship, societies, partnership, companies etc.) including the bye-laws, Memorandum of Association, Articles of Association etc. as the case may be;
 - (c) name, address, contact details and photograph of the real estate agent if it is an individual and the names, addresses, contact details and photographs 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;
- (2) The real estate agent shall pay a registration fee at the time of application for registration by way of a demand draft or bankers cheque drawn on any scheduled bank or through online payment, as the case may be, for a sum of rupees twenty five thousand in case of the applicant being an individual; or two lakh fifty thousand rupees in case of the applicant other than an individual.

**Grant of Registration to
the real estate agent**

- 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 same may be;

Provided that the authority may grant an opportunity to the real estate agent to rectify the defects in the application within one month from the date of order ;

(2) Upon the registration of a real estate agent, the Authority shall issue Registration Certificate with a Registration Number in Form 'H' to the real estate agent;

(3) In case of rejection of the application, the Authority shall inform the applicant in Form 'I'.

(4) The registration granted under this rule shall be valid for a period eight years.

**Renewal of registration
of real estate agent**

10 (1) The registration granted to a real estate agent under the Act, may be renewed, on an application made by the real estate agent in Form 'J' in triplicate, until the application procedure is made web based, which shall not be less than three months prior to the expiry of the registration granted.

(2) The application for renewal of registration shall be accompanied with a demand draft or a bankers cheque drawn on any scheduled bank or through online payment, as the case may be, for a sum of five thousand rupees in case of the real estate agent being an individual or fifty thousand rupees in case of the real estate agent other than an individual.

(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.

(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 rectify the defects in the application within one month from the date of order.

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

**Revocation of
Registration of real
estate agent**

11 The Authority may, due to reasons specified under sub-section (7) of section 9, revoke the registration granted to the real estate agent or renewal thereof, as the case may be, and intimate the real estate agent of such revocation as per Form 'I'.

**Maintenance and
preservation of books of
accounts, records and
documents**

12 The real estate agent shall maintain and preserve books of account, records and documents in accordance with the provisions of the Income Tax Act, 1961. (as amended from time to time)

**Other functions of a real
estate agent**

13 The real estate agent shall provide assistance to enable the allottee and promoter to exercise their respective rights and fulfill their respective obligations at the time of booking and sale of any plot, apartment or building, as the case may be.

**CHAPTER IV
DETAILS TO BE PUBLISHED ON THE
WEBSITE OF THE AUTHORITY**

**Details to be published
on the website**

14. The Authority shall ensure that the following information, as applicable, shall be made available on its website in respect of each project registered under the Act, namely:-
(a) Details of the promoter including the following, namely;
(i) Promoter or Group Profile:
(A) a brief detail of his enterprise including its name, registered address, type of enterprise (proprietorship, limited liability society,

partnership, company, competent authority) and the particulars of registration of such enterprise and in case of a newly incorporated or registered entity, brief details of the of the parent entity including its name, registered address, type of enterprise (whether proprietorship, societies, limited liability, partnership, company, competent authority);

(B) background of promoter- work experience of the promoter and in case of a newly incorporated or registered entity work experience of the Chairman, directors, partners, as the case may be and that of authorized persons of the parent entity.

(C) name, address, contact details and photograph of the promoter in case of an individual and the name, address, contact details and photograph of the Chairman, Directors, Partners and that of the authorized persons in case of other than individual, as the case may be;

(ii) Track record of the promoter:

(A) number of years of experience of the promoter or parent entity, as the case may be, in real estate development in the State of Uttarakhand/other States or Union Territories;

(B) number of years of experience of the promoter or parent entity, as the case may be, in real estate development in the State of Uttarakhand/other States or Union Territories.;

(C) numbers of completed projects and area constructed till date in the past five years including the status of the projects, delay in its completion, details of type of land and payments pending;

(D) number of ongoing projects and proposed area to be constructed/ launched in the past five years including the status of the said projects, delay ins completion, details of type of land and payments pending.

(E) details and profile of ongoing and completed projects for the last 5 years as provided under clause (b) of sub-section (2) of section 4.

(iii) Litigations: Details of litigation in the past five years in relation to the real estate projects developed or being developed by the promoter;

(iv) Website:

(A) web link of the promoter or the parent entity, as the case may be,

(B) web link of the project.

(b) Details of the real estate project including the following, namely -

(ii) Compliance and registration :

(A) authenticated copy of the approvals and commencement certificate from the competent authority as provided under clause (c) of sub-section (2) of section 4;

(B) the sanctioned plan, layout plan and specifications of the project or the phase thereof, and the whole project as sanctioned by the competent authority as provided under clause (d) of sub-section (2) of section 4;

(C) details of the registration granted by the Authority under the Act;

(iii) Apartment, plot and garage related details:

(A) Details of the number, type and carpet area of apartments for sale in the project along with the area of the exclusive open terrace area with the apartment, if any, or details of number, type and area of plots for sale in the project or both, as the case may be;

(B) Details of the number and areas of garage for sale in the project ;

(C) Details of the number of open parking areas and covered area available in the real estate project.

(iv) Registered Agents: Names and addresses of real estate agents for the project;

(v) Consultants: Details, including name and addresses, of contractors, architect and

structural engineers and other persons concerned with the development of the real estate project such as -

(A) Name and address of the person;

(B) Names of promoters;

(C) Year of establishment;

(D) Names and profile of key projects completed;

(vi) Location: the 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 ;

(vii) Development Plan:

(A) 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 etc. ;

(B) Amenities: a detailed note explaining the salient features of the proposed project including access to the project, design for electric supply including street lighting, water supply arrangements and site for disposal and treatment of storm and sullage water, any other facilities and amenities or public health services proposed to be provided in the project;

(C) Gantt (Horizontal) Charts and Project schedule:- the plan of development works to be executed in the project and the details of the proposed facilities to be provided there of and the time lines to achieve the same;

(D) The stage wise time schedule of completion of the project including the provisions for civic infrastructure like water, sanitation and electricity etc.

(c) Financial details of the promoter;

(i) authenticated copy of the PAN card of the promoter;

(ii) the annual report including audited Profit and Loss Account balance sheet, cash flow statement, directors report and the auditors report of the promoter for the immediately preceding three financial years and where annual report is not available, then the audited Profit and Loss Account, balance sheet, cash flow statement and the auditor's report of the promoter for the immediately three preceding financial years and incase of a newly incorporated or registered entity such information shall be disclosed for the parent entity.

(d) The promoter shall upload the following updates on the webpage for the project, within fifteen days from the expiry of each quarter, namely:-

(i) List of number and types of apartments or plots booked;

(ii) List of number of garages booked;

(iii) Status of the project;

(A) Status of construction of each building with photographs;

(B) Status of construction of each floor with photographs;

(C) Status of construction of internal infrastructure and common areas with photographs;

(iv) Status of approvals;

(A) Approval received;

(B) Approvals applied and expected date of receipt;

(C) Approvals to be applied and date planned for application;

(D) Modifications, amendment or revisions, if any, issued by the competent authority with regard to any sanctioned plans, layout plans, specifications, license, permit or approval for the project.

(e) the details of approvals, permissions, clearances, legal documents;

(i) Approvals:

(A) Authenticated copy of the license or land use permission, building sanction plan and the commencement certificate from the competent authority obtained in accordance with the laws applicable for the project, and where the project is proposed to be developed in phases, an authenticated copy of the license or land use permission, building sanction plan and the commencement certificate for each of such phases;

(B) Authenticated copy of the site plan or site map showing the location of the project land along with names of revenue estates, survey numbers, cadastral numbers, khasra numbers and area of each parcels of the project land;

(C) Authenticated copy of the layout plan of the project or the phase thereof, and also the layout plan of the whole project as sanctioned by the competent authority and other specifications of the project;

(D) Floor plans for each tower and block including clubhouse, amenities and common areas;

(E) Any other permission, approval, or licence that may be required under applicable law including fire no-objection certificate, permission from water and sewerage department etc.

(F) Authenticated copy of occupancy certificate and completion certificate including its application.

(ii) Legal Documents :-

(A) Details including the performa of the application form, allotment letter, agreement for sale and the conveyance deed;

(B) Authenticated copy of the legal title deed reflecting the title of the promoter to the land on which development is proposed along with legally valid documents for chain title with authentication of such title;

(C) Land Title Search Report from an advocate having experience of at least ten years;

(D) Details of encumbrances on the land on which development is proposed including details of any rights, title, interest, dues, litigation and name of any party in or over such land or non encumbrance certificate from an advocate having experience of at-least ten years from the Revenue authority not below the rank of Tehsildar, as the case may be;

(E) where the promoter is not the owner of the land on which development is proposed, details of the consent of the owner of the land along with a copy of the collaboration agreement, development agreement, joint development agreement or any other agreement, as the case may be, entered into between the promoter and such owner and copies of title and other documents reflecting the title of such owner on the land proposed to be developed;

(F) details of mortgage of charge, if any, created on the land and the project;

(f) Contact details: Contact address, contact numbers and email-ids of the promoter, authorized person and other officials related to the project.

(2) The Authority shall maintain a data base and ensure that the information specified therein shall be made available on its website in respect of each project revoked or penalized, as the case may be.

(3) The authority shall ensure that the following information shall be made available on its website in respect of each real estate agent registered with it or whose application for registration has been rejected or revoked, namely;

(a) For real estate agents registered with the Authority;

(i) registration number and the period of validity of the registration of the real estate agent with the authority;

(ii) brief details of his enterprise including its

name, registered address, type of enterprise (whether proprietorship, societies, partnership, companies etc.);

(iii) particulars of registration as proprietorship, societies, partnership company etc. including the bye-laws, memorandum of association,

articles of association etc. as the case may be;

(iv) name, address, contact details and photograph 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 persons;

(v) authenticated copy of the PAN card of the real estate agent;

(vi) authenticated copy of the address proof or the place of business and the contact address, contact numbers and email-id of the real estate agent and its other officials;

(b) In case of applicants whose application for registration as a real estate agent have been rejected or real estate agents whose registration has been revoked by the Authority:

(i) registration number and the period of validity of the registration of the real estate agent with the Authority;

(ii) brief details of his enterprise including its name, registered address, type of enterprise (whether proprietorship, societies, partnership, companies etc.);

(iii) name, address, contact details and photograph 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 persons.

(c) Such other documents or information as may be specified by the Act or the rules and regulations made there under.

(4) The Authority shall maintain a back-up, in digital form, of the contents of its website in

terms of this rule, and ensure that such back-up is updated on the last day of each month.

**CHAPTER V
RATE OF INTEREST PAYABLE BY
PROMOTER AND ALLOTTEE AND
TIMELINES FOR REFUND**

**Rate of interest payable
by the promoter and the
allottee**

- 15** The rate of interest payable by the promoter to the allottee or by the allottee to the promoter, as the case may be, shall be the State Bank of India highest Marginal Cost of Lending Rate plus two percent.

Provided that in case the State Bank of India Marginal Cost of Lending Rate is not in use, it would be replaced by such benchmark lending rate which the State Bank of India may fix from time to time for lending to the general public.

Timelines for refund

- 16** Any refund of monies along with the applicable interest and compensation, if any, payable by the promoter in terms of the Act or the rules and regulations made there under, shall be payable by the promoter to the allottee within forty-five days from the date on which such refund along with applicable interest and compensation, if any, becomes due.

**CHAPTER VI
REAL ESTATE AUTHORITY**

**Manner of selection of
chairperson and
members of the
Authority**

- 17** (1) The Regulatory Authority shall consist of a Chairperson and three whole time members to be appointed by the appropriate Government. As and when vacancies of Chairperson or a Member in the Authority exist or arise, or are likely to arise, the appropriate Government may make a reference to the Selection Committee in respect of the vacancies to be filled.

(2) The Selection Committee may, for the purpose of selection of the Chairperson or a Member of the Authority, follow such procedure as deemed fit including the appointment of a Search Committee consisting of such persons as the Selection Committee considers appropriate to suggest a panel of names for appointment as Chairperson or Member of the Authority.

(3) The Selection Committee shall select two persons for each vacancy and recommend the same to the appropriate Government.

(4) The Selection Committee shall make its recommendation to the appropriate Government within a period of sixty days from the date of reference made under sub-rule (1).

(5) The appropriate government shall within thirty days from the date of the recommendation by the Selection Committee, appoint one of the two persons recommended by the Selection Committee for the vacancy of the Chairperson or Member, as the case may be.

Salary and allowances payable and other terms and conditions of service of Chairperson and Members of the Authority

18 (1) The salaries and allowances payable to the Chairperson and Members of the Authority shall be as follows:

(a) The Chairperson shall be paid a consolidated monthly salary of two lakh fifty thousand rupees and shall not be entitled to any allowance relating to house and vehicle;

(b) The Member shall be paid a consolidated monthly salary of two lakh rupees and shall not be entitled to any allowance relating to house and vehicle;

(2) The Chairperson and other Member shall be entitled to thirty days of earned leave for every completed year of service.

(3) The other allowances and conditions of service of the Chairperson and the Members shall be such as may be determined by the appropriate government from time to time.

**Administrative powers
of the Chairperson of the
Authority**

- 19** (1) The Chairperson of the Authority shall exercise the administrative powers in respect of :-
- (a) matters pertaining to staff strength, wages and salaries structures, emoluments, perquisites and personnel policies;
 - (b) matters pertaining to creation and abolition of posts;
 - (c) matters pertaining to appointments, promotions and confirmation for all posts;
 - (d) acceptance of resignations by any Member, officer or employee;
 - (e) officiating against sanctioned posts;
 - (f) authorization of tours to be undertaken by any Member, officer or employee of the authority within and outside India;
 - (g) matters in relation to reimbursement of medical claims;
 - (h) all matters in relation to grant or rejection of leaves ;
 - (i) permission for hiring of vehicles for official use;
 - (j) nominations for attending seminars, conferences and training courses in India or abroad ;
 - (k) permission for invitation of guests to carry out training course;
 - (l) matters pertaining to staff welfare expenses;
 - (m) sanction scrapping or write-off of capital assets which due to normal wear and tear have become unserviceable or are considered beyond economical repairs;
 - (n) matters relating to disciplinary action against any Member, officer or employee of the authority;
- (2) The Chairman of the authority shall also exercise such other powers that may be required for the efficient functioning of the Authority and enforcement of the provisions of the Act and the Rules and Regulations made there under.

Salary and allowances payable and other terms and conditions of service of the officers and other employees of the Authority

- 20** (1) The conditions of service of the officers and employees of the Authority and any other category of employees in the matter of pay, allowances, leave, joining time, joining time pay, age of superannuation and other conditions of service, shall be regulated in accordance with such rules and regulations as are, from time to time, applicable to officers and employees of the appropriate Government and drawing the corresponding scales of pay;
- (2) The appropriate government shall have power to relax the provisions of any of these rules in respect of any class or category of officers or employees.

Functioning of the Authority

- 21** (1) The office of the Authority shall be located at such place as may be determined by the appropriate Government by notification.
- (2) The working days and office hours of the Authority shall be the same as that of the appropriate Government.
- (3) The official common seal and emblem of the Authority shall be such as the appropriate Government may specify.
- (4) Every Notice, order or direction of the Authority shall bear the seal of the authority which shall be in custody with the person designated by the Chairperson.
- (5) The Authority shall ordinarily have sitting at its headquarters and at such other places as the Chairperson may by general or special order specify.

Additional powers of the Authority

- 22** (1) In addition to the powers specified in Clause (iv) of subsection (2) of section 35, the Authority shall exercise the following additional powers:
- (a) require the promoter, allottee or real estate agent to furnish in writing such information or explanation or produce such documents within such reasonable time, as it may deem necessary;

(b) Requisitioning, subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), any public record or document or copy of such record or document from any office.

(2) The Authority may call upon such experts or consultants from the fields of economics, commerce, accountancy, real estate, competition, construction, architecture or engineering or from any other discipline as it deems necessary, to assist the Authority in the conduct of any inquiry or proceedings before it.

(3) The authority may in the interest of the allottees, inquire into the payment of amounts imposed as penalty, interest or compensation, paid or payable by the promoter, in order to ensure that the promoter has not:

(a) withdrawn the said amounts from the account maintained as provided under sub clause (d) of clause (1) of sub-section (2) of section 4; or

(b) used any amounts paid to such promoter by the allottees for the that real estate project for which the penalty, interest or compensation is payable, or any other real estate project; or

(c) Recovered the amounts paid as penalty, fine or compensation from the allottees of the relevant real estate project or any other real estate project.

**Recovery of interest,
penalty and
compensation**

23 The recovery of the amounts due such as interest, penalty or compensation shall be recovered as arrears of land revenue in the manner provided under applicable local laws.

**CHAPTER VII
REAL ESTATE APPELLATE
TRIBUNAL**

**Appeal and the fees
payable**

24 (1) Every appeal filed under subsection (1) of section 44 shall be accompanied by a fee of five thousand rupees in the form of a demand

draft drawn on a nationalized bank in favor of the Appellate Tribunal and payable at the branch of that Bank at the station where the seat of the said Appellate Tribunal is situated or through online payment, as the case may be.

(2) Every appeal shall be filed in Form 'L' in triplicate, until the application procedure is made web based, along with the following documents:

(a) true copy of the order against which the appeal is filed;

(b) Copies of the documents relied upon by the appellant and referred to in the appeal;

(c) An index of the documents.

(3) Every appeal shall be either filed at the filing counter of the Registry of the Appellate Tribunal or through a Registered Post or through online system as applicable.

(4) In case of an appeal sent by post under sub-rule 3, it shall be deemed to have been presented to the Appellate Tribunal on the day on which it is received in its office.

(5) Where a party to the appeal is represented by an authorized person as provided under Section 56, a copy of the authorization to act as such and the written consent there to by such authorized person, both in original, shall be appended to the appeal.

(6) On the date of hearing or any other date to which hearing could be adjourned, it shall be obligatory on the parties or their agents, as the case may be, to appear before the Appellate Tribunal;

Provided that where the appellant or his authorized person, as the case may be, fails to appear before the Appellate Tribunal on such days, the Appellate Tribunal may in its discretion either dismiss the appeal for default or decide it on merits and where the opposite party or his authorized person fails to appear on the date of hearing, the Appellate Tribunal may decide the appeal ex-parte.

(7) The procedure for day to day functioning of the Appellate Tribunal, which have not been provided by the Act or the rules made there under, shall be as specified by the Appellate Tribunal.

Selection of members of the Appellate Tribunal

25

(1) As and when vacancies of a Member in the Appellate Tribunal exist or arise, or are likely to arise, the appropriate Government may make a reference to the Selection Committee in respect of the vacancies to be filled.

(2) The Selection Committee may, for the purpose of selection of the Member of the Appellate Tribunal, follow such procedure as deemed fit including the appointment of a Search Committee consisting of such persons as the Selection Committee considers appropriate to suggest a panel of names for appointment as Member of the Appellate Tribunal.

(3) The Selection Committee shall select two persons for each vacancy and recommend the same to the appropriate Government.

(4) The Selection Committee shall make its recommendation to the appropriate Government within a period of sixty days from the date of reference made under sub – rule (1).

(5) The appropriate government shall within thirty days from the date of the receipt of recommendation by the Selection Committee, appoint one of the two persons recommended by the Selection Committee for the vacancy of the Member.

Salary and allowances payable and other terms and conditions of service of Chairperson and Members of the Appellate Tribunal

26

(1) The salaries and allowances payable to the Chairperson and Members of the Appellate Tribunal shall be as follows:

(a) The Chairperson shall be paid a monthly salary equivalent to the last drawn salary by such person, as a Judge of a High Court;

(b) The Member shall be paid a monthly salary equivalent to the salary drawn at the maximum of the scale of pay of Principal Secretary to the State.

Provided that any person who has held a post with the Government, senior than that of Principal Secretary to the State Government, prior to becoming a Member, he shall be paid a monthly salary corresponding to the post at which he retired.

(2) The Chairperson and every other Member shall be entitled to thirty days of earned leave for every completed year of service.

(3) The other allowances and conditions of service of the Chairperson and the other Member shall be such as may be determined by the appropriate Government from time to time.

**Inquiry of the charges
against the Chairperson
or Member of the
Authority or the
Appellate Tribunal**

27 (1) The appropriate Government shall on the occurrence of any of the circumstances specified in clause (d) or clause (e) of sub-section (1) of section 26 in case of a Chairperson or Member of the Authority or as specified under sub-section (1) of section 49 in case of a Chairperson or Member of the Appellate Tribunal, either by receipt of a complaint in this regard or *suo motu*, as the case may be, make a preliminary scrutiny with respect to such charges against the Chairperson or any Member of the Authority or Appellate Tribunal, as the case may be.

(2) If, on preliminary scrutiny, the appropriate Government considers it necessary to investigate into the allegation, it shall place the complaint, if any, together with supporting material as may be available, before Chief Justice of the High Court to appoint a sitting or retired Judge of the High Court.

(3) The appropriate Government shall forward to the Judge appointed under sub-rule (2), copies of, -

(a) the statement of charges against the Chairperson or Member of the Authority or Appellate Tribunal, as the case may be; and

(b) Material documents relevant to the inquiry.

(4) The Chairperson or Member of the Authority or Appellate Tribunal, as the case may be, shall be given a reasonable opportunity of being heard with respect to the charges within the time period as may be specified in this behalf by the Judge conducting the inquiry in the matter.

(5) Where it is alleged that the Chairperson or Member of the authority or Appellate Tribunal is unable to discharge the duties of his office efficiently due to any physical or mental incapacity and the allegation is denied, the Judge may arrange for the medical examination of the Chairperson or Member of the Appellate Tribunal.

(6) After the conclusion of the investigation, the Judge shall submit his report to the appropriate Government stating therein his findings and the reasons thereof on each of the articles of charges separately with such observations on the whole case as he thinks fit.

(7) After receipt of the report under sub- rule (6), the appropriate Government shall in consultation with the Chief Justice of the High Court decide to either remove or not to remove the Chairperson or Member of the Authority or Appellate Tribunal, as the case may be.

Salary and allowances payable and other terms and conditions of service of the officers and other employees of the Appellate Tribunal

28

(1) The conditions of service of the officers and employees of the Appellate Tribunal and any other category of employees in the matter of pay, allowances, leave, joining time, joining time pay, age of superannuation and other conditions of service, shall be regulated in accordance with such rules and regulations as are, from time to time, applicable to

officers and employees of the appropriate Government and drawing the corresponding scales of pay;

(2) The appropriate Government shall have power to relax the provisions of any of these rules in respect of any class or category of officers or employees, as the case may be.

Additional powers of the Appellate Tribunal

29

(1) In addition to the powers specified in clause (g) of sub-section (4) of Section 53, the Appellate Tribunal shall exercise the following additional powers :-

(a) require the promoter, allottee or real estate agent to furnish in writing such information or explanation or produce such documents within such reasonable time, as it may deem necessary;

(b) requisitioning, subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), any public record or document or copy of such record or document from any office.

(2) The Appellate Authority may call upon such experts or consultants from the fields of economics, commerce, accountancy, real estate, competition, construction, architecture, law or engineering or from any other discipline as it deems necessary, to assist the Appellate Tribunal in the conduct of any inquiry or proceedings before it.

Administrative powers of the Chairperson of the Appellate Tribunal

30

(1) The Chairperson of the Appellate Tribunal shall exercise the administrative powers in respect of -

(a) matters pertaining to staff strength, wages and salaries structures, emoluments, perquisites and personnel policies;

(b) matters pertaining to creation and abolition of posts;

(c) matters pertaining to appointments, promotions and confirmation for all posts;

(d) acceptance of resignations by any Member, officer or employee;

- (e) officiating against sanctioned posts;
- (f) authorization of tours to be undertaken by any Member, officer or employee within and outside India;
- (g) matters in relation to reimbursement of medical claims;
- (h) matters in relation to grant or rejection of leaves.
- (i) permission for hiring of vehicles for official use;
- (j) nominations for attending seminars, conferences and training courses in India or abroad;
- (k) permission for invitation of guests to carry out training course;
- (l) matters pertaining to staff welfare expenses;
- (m) sanction scrapping or write-off of capital assets which due to normal wear and tear have become unserviceable or are considered beyond economical repairs;
- (n) matters relating to disciplinary action against any Member, officer or employee;

(2) The Chairperson of the Appellate Tribunal shall also exercise such other powers that may be required for efficient functioning of the Appellate Tribunal and enforcement of the provisions of the Act and the Rules and regulations made there under.

Functioning of Appellate Tribunal 31

- (1) The office of the Appellate Tribunal shall be located at Dehradun but the Tribunal act at such places as per necessity.
- (2) The working days and office hours of the Appellate Tribunal shall be the same as that of normal working days and officer hours of the other office of the appropriate Government.
- (3) The official common seal and emblem of the Appellate Tribunal shall be such as the appropriate Government may specify.
- (4) Every notice, order and judgement of the Appellate Tribunal shall bear seal of the

Appellate Tribunal which shall be in the custody with the person designated by the Chairperson.

(5) The Appellate Tribunal shall ordinarily have sittings at its headquarter and at such places as the Chairperson may by general or special order specify.

**CHAPTER IX
OFFENCES AND PENALTIES**

**Terms and conditions
and the fine payable for
compounding of offence**

32 (1) The court shall, for the purposes of compounding any offence punishable with imprisonment under the Act, accept an amount as specified below :-

Offence	Amount to be paid for compounding the offence
Punishable with imprisonment under sub section (2) of Section 59	Ten per cent of the estimated cost of the real estate Ten percent of the estimated cost of the real estate project.
Punishable with imprisonment under section 64.	Ten percent of the estimated cost of the real estate project.
Punishable with imprisonment under Section 66	Ten percent of the estimated cost of the plot, apartment or building, as the case may be, of the real estate project, for which the sale or purchase has been facilitated.
Punishable with imprisonment under Section 68	Ten percent of the estimated cost of the plot, apartment or building, as the case may be.

(2) The promoter, allottee or real estate agent, as the case may be, shall comply with the orders of the Authority or the Appellate Tribunal, within the period specified by the Court, which shall not be more than thirty days from the date of compounding of the offence.

(3) On payment of the sum of money in

accordance with sub-rule (1) and subsequent to compliance of the orders of the Authority or the Appellate Tribunal as provided in sub-rule (2), any person in custody in connection with that offence shall be set at liberty and no proceedings shall be instituted or continued against such person in any court for that offence.

(4) The acceptance of the sum of money for compounding an offence under sub-rule (1) by the court shall be deemed to be an acquittal within the meaning of section 300 of the Code of Criminal Procedure, 1973 (2 of 1974).

**CHAPTER X
FILING OF COMPLAINT WITH THE
AUTHORITY AND THE
ADJUDICATING OFFICER**

**Filing of complaint
with the Authority and
inquiry by the Authority**

33 (1) Any aggrieved person may file a complaint with the Authority for any violation under the Act or the rules and regulations made there under, save as those provided to be adjudicated by the adjudicating officer, as per Form 'M' in duplicate, until application procedure is made web based, which shall be accompanied by a fee of rupees one thousand in the form of a demand draft drawn or bankers cheque drawn on a nationalized bank or through online banking mechanism in favor of Authority and payable at the branch of that bank at the station where the seat of the said Authority is situated or through online payment, as the case may be.

(2) The Authority shall for the purposes of deciding any complaint as specified under sub-rule (1), follow summary procedure for inquiry in the following manner, namely :

(a) upon receipt of the complaint, the Authority shall issue a notice along with particulars of the alleged contravention and

the relevant documents to the respondent;

(b) the respondent against whom such notice is issued under clause (a) of sub-rule (2), may file his reply in respect of the complaint within the period as specified in the notice;

(c) the notice may specify a date and time for further hearing and the date and time for hearing shall also be communicated to the complainant;

(d) on the date so fixed, the Authority shall explain to the respondent about the contravention alleged to have been committed in relation to any of the provisions of the Act or the rules and regulations made there under and if the respondent:

(i) pleads guilty, the Authority shall record the plea, and pass such orders including imposition of penalty as it thinks fit in accordance with the provisions of the Act or the rules and regulations, made there under;

(ii) does not plead guilty and contests the complaint, the Authority shall demand and explanation from the respondent;

(e) in case the Authority is satisfied on the basis of the submissions made that the complaint does not require any further inquiry it may dismiss the complaint;

(f) in case the Authority is satisfied on the basis of the submissions made that there is need for further hearing into the complaint it may order production of documents or other evidence on a date and time fixed by it;

(g) the Authority shall have the power to carry out an inquiry into the complaint on the basis of documents and submissions;

(h) the Authority shall have the power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any documents which in the

opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry, and in taking such evidence the Authority shall not be bound to observe the provisions of the Indian Evidence Act, 1872 (1 of 1872);

(i) on the date so fixed, the Authority upon consideration of the evidence produced before it and other records and submissions is satisfied that ;

(i) the respondent is in contravention of the provisions of the Act or the rules and regulations made there under it shall pass such orders including imposition of penalty as it thinks fit in accordance with the provisions of the Act or the rules and regulations made there under;

(ii) the respondent is not in contravention of the provisions of the Act or the rules and regulations made there under, the Authority may, by order in writing, dismiss the complaint, with reasons to be recorded in writing.

(j) If any person fails, neglects or refuses to appear, or present himself as required before the Authority, the Authority shall have the power to proceed with the inquiry in the absence of such person or persons after recording the reasons for doing so.

(3) the procedure of day to day functioning of the Authority, which has not been provided by the Act or the rules made there under, shall be as specified by regulations made by the Authority.

(4) Where a party to the complaint is represented by an authorized person as provided under section 56, a copy of the authorization to act as such and written consent thereto by such authorized person, both in original, shall be appended to the complaint or the reply to the notice of the complaint, as the case may be.

**the adjudicating officer
and inquiry by the
adjudicating officer**

complaint with the adjudicating officer for compensation under section 12, 14, 18 and 19 as per Form 'N' in triplicate until the application procedure is made web based, which shall be accompanied by a fee of rupees one thousand in the form of a demand draft drawn on a nationalized bank in favour of Authority and payable at the branch of that bank at the station where the seat of the said Authority is situated.

(2) The adjudicating officer shall for the purposes of adjudging interest and compensation follow summary procedure for inquiry in the following manner, namely:-

(a) Upon receipt of the complaint the adjudicating officer shall issue a notice along with particulars of the alleged contravention and the relevant documents to the respondent ;

(b) The respondent against whom such notice is issued under clause (1) of sub-rule ; (2) may file his reply in respect of the complaint within the period as specified in the notice;

(c) The notice may specify a date and time for further hearing and the date and time for the hearing shall also be communicated to the complainant;

(d) On the date so fixed, the adjudicating officer shall explain to the promoter about the contravention alleged to have been committed in relation to any of the provisions of the Act or the rules and regulations made there under and if the respondent ;

(i) pleads guilty, the adjudicating officer shall record the plea, and award such compensation as he thinks fit in accordance with the provisions of the Act or the rules and regulations, made there under;

(ii) does not plead guilty and contests the complaint, the adjudicating officer shall

demand and explanation from the respondent ;

(e) in case the adjudicating officer is satisfied on the basis of the submissions made that the complaint does not require any further inquiry it may dismiss the complaint;

(f) in case the adjudicating officer is satisfied on the basis of the submissions made that there is need for further hearing into the complaint it may order production of documents or other evidence on a date and time fixed by him;

(g) the adjudicating officer shall have the power to carry out an inquiry into the complaint on the basis of documents and submissions;

(h) the adjudicating officer shall have the power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any documents which in the opinion of the adjudicating office, may be useful for or relevant to the subject matter of the inquiry, and in taking such evidence, the adjudicating officer shall not be bound to observe the provisions of the Indian Evidence Act 1872 (1 of 1872);

(i) on the date so fixed, the adjudicating officer upon consideration of the evidence produced before him and other records and submissions is satisfied that the respondent is-

(i) liable to pay interest and compensation, as the case may be, the adjudicating officer may, by order in writing, order payment of interest as specified in rule 15 and such compensation as he thinks fit, as the case may be, in accordance with the provisions of the Act or the rules and regulations, made there under; or

(ii) not liable to any interest, compensation, as the case may be, the adjudicating officer may, by order in writing, dismiss the

complaint, with reasons to be recorded in writing.

(j) If any person fails, neglects or refuses to appear, or present himself as required before the adjudicating officer, the adjudicating officer shall have the power to proceed with the inquiry in the absence of such person or persons after recording the reasons for doing so.

(3) The procedure for day to day functioning of the adjudicating officer, which have not been provided by the Act or the rules made there under, shall be as specified by regulations made by the Authority.

(4) Where a party to the complaint is represented by an authorized person as provide under section 56, the copy of the authorization to act as such and the written consent thereto by such authorized person, both in original, shall be appended to the complaint or the reply to the notice of the complaint, as the case may be.

CHAPTER XI BUDGET AND REPORT

Budget, accounts and audit

35

- (1) At the end of the financial year, every year, the Authority shall prepare a budget, maintain proper accounts and other relevant records and prepare an annual statement of accounts.
- (2) The Authority shall preserve the accounts and other relevant record prepared under sub-rule (1) for a minimum period of five years.
- (3) The accounts and other relevant records under sub-rule (1) shall be signed by the Chairperson, Members, Secretary and the Officer In-Charge of Finance and Accounts.
- (4) The accounts of the Authority and the audit report shall, as soon as possible, be submitted to the

appropriate Government.

- Annual Report** 36
- (1) The Authority shall prepare its Annual Report.
 - (2) The authority may also include in the Annual Report such other matters as deemed fit by the Authority for reporting to the appropriate Government.
 - (3) The Annual Report shall, after adoption at a meeting of the Authority, duly signed by the Chairperson and Members and authenticated by affixing the Common Seal of the authority, with requisite number of copies there of, be submitted to the appropriate Government within a period of one hundred and eighty days immediately following the close of the year for which it has been prepared.

Sign/-

(Sushil Kumar)
Additional Secretary

No.-..... V-2-2017-79(AWAS)/2016 T.C

Copy to following for information and necessary action –

- 1- Chief Administrator, Uttarkhand Housing and Urban Development Authority, Dehradun.
- 2- Vice Chairman, All Development Authorities, Dehradun/Haridwar.
- 3- All District Magistrates, Uttarakhand/Vice Chairman, All Local Development Authorities,
- 4- Secretary, All Special Area Development Authorities, Dehradun/Nainital.
- 5- Secretary, All Local Development Authorities, Uttarakhand.
- 6- Joint Director, Government Printing Press, Roorkee, Haridwar.
- 7- Guard F

Sign/-

(Sushil Kumar)
Additional Secretary

FORM 'A'

[See rule 3(2)]

APPLICATION FOR REGISTRATION OF PROJECT

To
The Real Estate Authority

Sir,

I/We hereby apply for the grant of registration of my/our project to be set up at
_____ Tehsil _____ District _____ State _____.

1. The requisite particulars are as under:-

(i) Status of the applicant, whether individual / company / proprietorship firm / societies /partnership firm / competent authority;

(ii) In case of individual –

(a) Name

(b) Father's Name

(c) Occupation

(d) Permanent address

(e) Contact details (Phone Number, E-mail, Fax Number etc.)

(f) Name, photograph, contact details and address of the Promoter

OR

In case of firm / societies / trust / companies / limited liability partnership / Competent Authority etc. -

(a) Name

(b) Address

(c) Copy of registration certificate

(d) Main objects

(e) Contact details (Phone Number, E-mail, Fax Number etc.)

(f) Name, photograph and address of Chairman of the governing body / partners / directors and Authorized Person etc.

(iii) PAN No. _____;

(iv) Name and address of the bank or banker with which account in terms of sub-Clause (D) of clause (1) of sub section (2) of Section 4 will be maintained _____;

(v) Details of project land held by the applicant _____;

(vi) Brief details of the projects launched by the promoter in the last 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 etc.
_____;

(vii) Agency to take up external development works _____ Local Authority / Self Development;

(viii) Registration fee by way of a demand draft/ Banker Cheque dated _____ drawn on _____ bearing no. _____ for an amount of Rs. _____/- calculated as per sub-rule (3) of rule 3; or through online payment such as date of payment, transaction no. etc.)

(ix) Any other information the applicant may like to furnish.

2. I/we enclose the following documents in triplicate, namely:-

(i) authenticated copy of the PAN card of the promoter;

(ii) annual report including audited Profit and Loss Account, balance sheet of the promoter for the preceding three financial years and where annual report is not available, the audited Profit and Loss Account, balance sheet, cash flow statement and the auditor's report of the promoter for the immediately three preceding financial years;

(iii) authenticated copy of the legal title deed reflecting the title of the promoter to the land on which development of project is proposed along with legally valid documents for chain of title with authentication of such title;

(iv) the details of encumbrances on the land on which development of project is proposed including details of any rights, title, interest, dues, litigation and name of any party in or over such land or encumbrance certificate from an advocate having experience of at least ten years or from the revenue authority not below the rank of Tehsildar, as the case may be;

(v) where the promoter is not the owner of the land on which development of project is proposed details of the consent of the owner of the land along with a copy of the collaboration agreement, development agreement, joint development agreement or any other agreement, as the case may be, entered into between the promoter and such owner and copies of title and other documents reflecting the title of such owner on the land on which project is proposed to be developed;

(vi) 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;

(vii) 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;

(viii) 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;

(ix) 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;

(x) proforma of the allotment letter, agreement for sale, and the conveyance deed proposed to be signed with the allottees;

- (xi) the number, type and the carpet area of apartments 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;
- (xii) the number and areas of garage for sale in the project;
- (xiii) the number of open parking areas available in the real estate project;
- (xiv) the names and addresses of his real estate agents, if any, for the proposed project;
- (xv) the names and addresses of the contractors, architect, structural engineer, if any and other persons concerned with the development of the proposed project;
- (xvi) a declaration in FORM 'B'.

3. I/We enclose the following additional documents and information regarding ongoing projects, as required under rule 4, and under other provisions of the Act or the rules and regulations made there under, namely;

- (i)
- (ii)
- (iii)

4. I/We solemnly affirm and declare that the particulars given in herein are correct to my /our knowledge and belief and nothing material has been concealed by me/ us there from.

Dated:

Place:

Yours faithfully,

Signature and seal of the applicant(s)

FORM 'B'
[See rule 3(4)]

**BY THE PROMOTER OR ANY PERSON AUTHORIZED BY THE
PROMOTER**

Affidavit cum Declaration

Affidavit cum Declaration of Mr./Ms. promoter of the proposed project / duly authorized by the promoter of the proposed project, vide its/his/their authorization dated

_____;

I, _____ promoter of the proposed project / duly authorized by the promoter of the proposed project do hereby solemnly declare, undertake and state as under:

1. That I / promoter have / has a legal title to the land on which the development of the project is proposed

OR

_____ have/has a legal title to the land on which the development of the proposed project is to be carried out

AND

a legally valid authentication of title of such land along with an authenticated copy of the agreement between such owner and promoter for development of the real estate project is enclosed herewith.

2. That the said land is free from all encumbrances.

OR

That details of encumbrances _____ including details of any rights, title, interest, dues, litigation and name of any party in or over such land, along with details.

3. That the time period within which the project shall be completed by me/promoter is _____.

4. That seventy per cent of the amounts realised by me/promoter 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.

5. That the amounts from the separate account, to cover the cost of the project, shall be withdrawn by me/ the promoter in proportion to the percentage of completion of the project.

6. That the amounts from the separate account shall be withdrawn by me/ 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.

7. That I / promoter shall get the 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 the project and the withdrawal has been in compliance with the proportion to the percentage of completion of the project.

8. That I / promoter shall take all the pending approvals on time, from the competent authorities.

9. That I / promoter have / has furnished such other documents as have been prescribed by the Act, rules and regulations made there under.

10. That I / promoter shall not discriminate against any allottee at the time of allotment of any apartment, plot or building, as the case may be.

Deponent

Verification

The contents of my above Affidavit cum Declaration are true and correct and nothing material has been concealed by me therefrom.

Verified by me at _____ on this ____ day of _____.

Deponent

FORM 'C'
[See rule 5(1)]
REGISTRATION CERTIFICATE OF PROJECT

This registration is granted under section 5 of the Act to the following project under project registration number _____:

(Specify Details of Project including the project address);

1. (in the case of an individual) Mr./Ms. _____ son of
Mr./Ms. _____
_Tehsil_____ District _____
State _____;

OR

(in the case of a firm / society / company / competent authority)
_____ firm / society / company / competent authority
_____ having its registered office / principal place of business at
_____.

2. This registration is granted subject to the following conditions, namely:-

(i) The promoter shall enter into an agreement for sale with the allottees as prescribed by the appropriate Government;

(ii) The promoter shall execute and register a conveyance deed in favour of the allottee or the association of the allottees, as the case may be, of the apartment, plot or building, as the case may be, or the common areas as per section 17;

(iii) The promoter shall deposit seventy percent of the amounts realised by the promoter in a separate account to be maintained in a schedule bank to cover the cost of construction and the land cost to be used only for that purpose as per sub clause (D) of clause (1) of sub-section (2) of section 4;

(iv) The registration shall be valid for a period of _____ years commencing from _____ and ending with _____ unless renewed by the Real Estate Regulatory Authority in accordance with the Act and the rules made there under.

(v) The promoter shall comply with the provisions of the Act and the rules and regulations made there under;

(vi) The promoter shall not contravene the provisions of any other law for the time being in force as applicable to the project.

3. If the above mentioned conditions are not fulfilled by the promoter, the Authority may take necessary action against the promoter including revoking the registration granted herein, as per the Act and the rules and regulations made there under.

Dated:

Place:

Signature and seal of the Authorized Officer
Real Estate Regulatory Authority

FORM 'D'

[See rule 5(2), rule 6(4); rule 7]

**INTIMATION OF
REJECTION OF APPLICATION FOR REGISTRATION OF PROJECT /
REJECTION OF APPLICATION FOR EXTENSION OF REGISTRATION
OF
PROJECT / REVOCATION OF REGISTRATION OF PROJECT**

From:

The Real Estate Authority,

To

Application/Registration No.: _____

Dated: _____

You are hereby informed that your application for registration of your project is rejected.

OR

You are hereby informed that your application for extension of the registration of your project is rejected.

OR

You are hereby informed that the registration granted to your project is hereby revoked for the reasons set out:-

Place:

Dated:

Signature and seal of the Authorized Officer
Real Estate Authority

FORM 'E'
[See rule 6(1)]
APPLICATION FOR EXTENSION OF REGISTRATION OF PROJECT

From:

To

The Real Estate Regulatory Authority,

Sir,

I/We hereby apply for renewal of registration of the following project:

_____ registered with the Authority vide project registration certificate bearing No. _____, which expires on _____.

As required I/we submit the following documents and information, namely:-

- (i) A demand Draft No. _____ dated _____ for rupees _____ in favour of _____ drawn on _____ bank as extension fee as provided under sub-rule (2) of rule 6 or through online payment as the case may be _____ (give details of online payment such as date paid, transaction No. etc);
- (ii) Authenticated Plan of the project showing the stage of development works undertaken till date;
- (iii) Explanatory note regarding the state of development works in the project and reason for not completing the development works in the project within the period declared in the declaration submitted in Form 'B' at the time of making application for the registration of the project _____;
- (iv) Authenticated copy of the permission/approval from the competent authority which is valid for a period which is longer than the proposed term of extension of the registration sought from the Authority;
- (v) The original project registration certificate; and
- (vi) Any other information as may be specified by regulations.

Place:

Dated:

Yours faithfully,

Signature and seal of the applicant(s)

FORM 'F'
[See rule 6(4)]
CERTIFICATE FOR EXTENSION OF REGISTRATION OF PROJECT

This extension of registration is granted under section 6 of the Act, to the following project:

registered with the Authority vide project registration certificate bearing No. _____ of

1. (in the case of an individual) Mr./Ms. _____ son of Mr./Ms. _____ Tehsil _____ District _____ State _____

(in the case of a firm / society / company / competent authority) _____ firm / society / company / competent authority _____ having its registered office/principal place of business at _____.

2. This renewal of registration is granted subject to the following conditions, namely:-

(i) The promoter shall execute and register a conveyance deed in favour of the allottee or the association of the allottees, as the case may be, of the apartment, part or building or the common areas as per section 17;

(ii) The promoter shall deposit seventy percent of the amounts realised by the promoter in a separate account to be maintained in a schedule bank to cover the cost of construction and the land cost to be used only for that purpose as per sub-clause (D) of clause (1) of sub-section (2) of section 4;

(iii) The registration shall be extended for a period of _____ days/ weeks/months) and shall be valid till _____

(iv) The promoter shall comply with the provisions of the Act and the rules and regulations made thereunder;

(v) The promoter shall not contravene the provisions of any other law for the time being in force as applicable to the project.

(vi) If the above mentioned conditions are not fulfilled by the promoter, the Authority may take necessary action against the promoter including revoking the registration granted herein, as per the Act and the rules and regulations made thereunder.

Dated:

Place:

Signature and seal of the Authorized Officer
Real Estate Regulatory Authority

FORM 'G'

[See rule 8(1)]

APPLICATION FOR REGISTRATION OF REAL ESTATE AGENT

To

The Real Estate Regulatory Authority

Sir,

I/We beg to apply for the grant of registration as a real estate agent to facilitate the sale or purchase of any plot, apartment or building, as the case may be, in real estate projects registered in the State of Uttarakhand in terms of the Act and the rules and regulations made thereunder,

1. (in the case of an individual) Mr./Ms. _____ son of Mr./Ms. _____ Tehsil _____ District _____ State _____;

OR

(in the case of a firm / society / company) _____ firm / society / company _____ having its registered office / principal place of business at _____.

2. The requisite particulars are as under:-

(i) Status of the applicant, whether individual / company / proprietorship firm / societies / partnership firm / limited liability partnership etc;

(ii) In case of individual –

(a) Name

(b) Father's Name

(c) Occupation

(d) Permanent address

(e) Contact details (Phone number, e-mail, Fax Number etc)

(f) Name, photograph, contact details and address of the proprietor;

OR

In case of firm / societies / company etc. -

(a) Name

(b) Address

(c) Copy of registration certificate as (firm/society/ company etc.)

(d) Major activities

(e) Contact Details (Phone Number, e-mail, Fax Number etc.)

(f) Name, photograph and address of partners / directors etc.

(iii) Particulars of registration as (proprietorship, societies, partnership, company etc.) including the bye-laws, Memorandum of Association, Article of Association etc. as the case may be;

(iv) authenticated copy of the address proof of the place of business;

(v) Details of registration in any other State or Union territory;

(vi) Any other information as specified by regulations.

3. I/we enclose the following documents along with, namely:-

(i) Demand Draft No. _____ dated _____ for a sum of Rs. _____, in favour of _____, drawn on _____ bank as registration fee as per sub-rule (2) of rule 8; or through online payment such as date paid, transaction No. etc.)

(ii) authenticated copy of the PAN card of the real estate agent; and

(iii) authenticated copy of the registration as a real estate agent in any other State or Union territory, if applicable;

4. I/we solemnly affirm and declare that the particulars given in herein are correct to my /our knowledge and belief and nothing material has been concealed by me/ us there of.

Dated:

Place:

Yours faithfully,

Signature and seal of the applicant(s)

FORM 'H'
[See rule 9(2)]
REGISTRATION CERTIFICATE OF REAL ESTATE AGENT

1. This registration is granted under section 9 of the Act with registration certificate bearing No. _____ to -
(in the case of an individual) Mr./Ms. _____ son of
Mr./Ms. _____
_____ Tehsil _____ District _____
_____ State _____;

OR

(in the case of a firm / society / company) _____ firm / society / company
_____ having its registered office / principal place of business at
_____.

to act as a real estate agent to facilitate the sale or purchase of any plot, apartment or building, as the case may be, in real estate projects registered in the State of Uttarakhand in terms of the Act and the rules and regulations made there under,

2. This registration is granted subject to the following conditions, namely:-

(i) The real estate agent shall 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 which is required but not registered with the Authority;

(ii) The real estate agent shall maintain and preserve such books of account, records and documents as provided under rule 12;

(iii) The real estate agent shall not involve himself in any unfair trade practices as specified under clause (c) of section 10;

(iv) The real estate agent shall facilitate the possession of all information, as the allottee is entitled to, at the time of booking of any plot, apartment or building, as the case may be.

(v) The real estate agent shall provide assistance to enable the allottee and promoter to exercise their respective rights and fulfil their respective obligations at the time of booking and sale of any plot, apartment or building, as the case may be.

(vi) The real estate agent shall comply with the provisions of the Act and the rules and regulations made there under;

(vii) The real estate agent shall not contravene the provisions of any other law for the time being in force as applicable to him.

(viii) The real estate agent shall discharge such other functions as may be specified by the Authority by regulations.

3. The registration is valid for a period of eight years commencing from _____ and
_____ ending with _____ unless renewed by the authority in
accordance with the provisions of the Act or the rules and regulations made there
under.

4. If the above mentioned conditions are not fulfilled by the real estate agent, the Authority may take necessary action against the real estate agent including revoking the registration granted herein, as per the Act and the rules and regulations made there under.

Dated:

Place:

Signature and seal of the Authorized Officer
Real Estate Regulatory Authority

FORM 'I'
[See rule 9 (3), 10(4), 11]
INTIMATION OF
REJECTION OF APPLICATION FOR REGISTRATION OF REAL ESTATE
AGENT / REJECTION OF APPLICATION FOR RENEWAL OF
REGISTRATION
OF REAL ESTATE AGENT / REVOCATION OF REGISTRATION OF
REAL
ESTATE AGENT

From:

The Real Estate Authority,

To

Application / Registration No.: _____

Dated: _____

You are hereby informed that your application for registration as real estate agent is rejected.

OR

You are hereby informed that your application for the renewal of the registration as real estate agent is rejected.

OR

You are hereby informed that the registration granted to you as real estate agent is hereby revoked.

for the reasons set out:- _____

Place:

Dated:

Signature and seal of the Authorized Officer
Real Estate Regulatory Authority

FORM 'J'
[See rule 10(1)]
APPLICATION FOR RENEWAL OF REGISTRATION OF REAL ESTATE
AGENT

From:

To
The Real Estate Authority,

Sir,

I/we beg to apply for renewal my/our registration as a real estate agent under registration certificate bearing No. _____, which expires on _____

As required I/we submit the following documents and information, namely:-

(i) A demand draft no. _____ dated _____ for rupees _____ in favour of _____ drawn on _____ bank as renewal fee as per sub rule (2) of rule 10 or through online payment such as date paid, transaction No. etc.

(ii) The original registration certificate; and

(iii) Status of the applicant, whether individual / company / proprietorship firm / societies / partnership firm / limited liability partnership etc.

(iv) In case of individual –

(a) Name

(b) Father's Name

(c) Occupation

(d) Permanent address

(e) Contact details (Phone Number, e-mail, Fax Number etc.)

(f) Name, Photograph, contact details and address of the proprietor.

OR

In case of firm / societies / companies etc.-

(a) Name

(b) Address

(c) Copy of registration certificate

(d) Major activities

(e) Contact details (Phone Number, e-mail, Fax Number etc.)

(f) Name, photograph and address of partners / directors etc.

(v) Particulars of registration as proprietorship, societies, partnership, company etc.) including bye-laws, memorandum of association, articles of association etc. as the case may be;

(vi) authenticated copy of the address proof of the place of business;

(vii) authenticated copy of the PAN card of the real estate agent.

(viii) authenticated copy of the registration as a real estate agent in any other State or Union Territory, if applicable.

(ix) Any other information as specified by regulations.

Dated:

Place:

Yours faithfully,

Signature and seal of the applicant(s)

FORM 'K'
[See rule 10(4)]
CERTIFICATE FOR RENEWAL OF REGISTRATION OF REAL ESTATE
AGENT

1. This renewal of registration is granted under section 9 of the Act to -
(in the case of an individual) Mr./Ms. _____ son of
Mr./Ms. _____ Tehsil _____ District _____
_____ State _____;

OR

(in the case of a firm / society / company) _____ firm / society / company
etc. _____ having its registered office / principal place of business at

_____.
in continuation to registration certificate bearing No. _____, of
_____.

2. This renewal of registration is granted subject to the following conditions,
namely:-

(i) The real estate agent shall 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 which is required but not registered with the Authority;

(ii) The real estate agent shall maintain and preserve such books of account, records
and documents as provided under rule 12;

(iii) The real estate agent shall not involve himself in any unfair trade practices as
specified under clause (c) of section 10;

(iv) The real estate agent shall facilitate the possession of all documents, as the
allottee is entitled to, at the time of booking of any plot, apartment or building, as the
case may be.

(v) The real estate agent shall provide assistance to enable the allottee and promoter
to exercise their respective rights and fulfil their respective obligations at the time of
booking and sale of any plot, apartment or building, as the case may be.

(vi) The real estate agent shall comply with the provisions of the Act and the rules
and regulations made there under;

(vii) The real estate agent shall not contravene the provisions of any other law for the
time being in force as applicable to him;

(viii) The real estate agent shall discharge such other functions as may be specified
by the Authority by regulations;

3. The registration is valid for a period of five years commencing from
_____ and ending with _____ unless renewed by the
Authority in accordance with the provisions of the Act or the rules and regulations
made there under.

4. If the above mentioned conditions are not fulfilled by the real estate agent, the
Authority may take necessary action against the real estate agent including revoking

the registration granted herein, as per the Act and the rules and regulations made there under.

Dated:

Place:

Signature and seal of the Authorized Officer
Real Estate Regulatory Authority

FORM 'L'
[See rule 25(2)]
APPEAL TO APPELLATE TRIBUNAL
Appeal under section 44 of the Act

For use of Appellate Tribunal's office:

Date of filing: _____

Date of receipt at the filing counter of the Registry/ receipt by post/ online filing

Appeal No.: _____

Signature: _____

Registrar: _____

IN THE REAL ESTATE APPELLATE TRIBUNAL (Name of place)

Between

_____ Appellant(s)

And

_____ Respondent(s)

Details of appeal:

1. Particulars of the appellants:

(i) Name (s) of the appellant:

(ii) Address of the existing office / residence of the appellant:

(iii) Address for service of all notices:

(iv) Contact details (Phone Number, e-mail, Fax Number etc) :

2. Particulars of the respondents:

(i) Name(s) of respondent:

(ii) Office address of the respondent:

(iii) Address for service of all notices:

(iv) Contact details (Phone Number, e-mail, Fax Number etc) :

3. Jurisdiction of the Appellate Tribunal:

The appellant declares that the subject matter of the appeal falls within the jurisdiction of the Appellate Tribunal.

4. Limitation:

The appellant declares that the appeal is within the limitation specified in sub-section (2) of section 44

OR

If the appeal is filed after the expiry of the limitation period specified under sub-section (2) of section 44 specify reasons for delay _____

5. Facts of the case:

(give a concise statement of facts and grounds of appeal against the specific order of Authority or the adjudicating officer, as the case may be passed under section(s)

_____ of the Act. Or rule (s) _____ or regulation (s)

6. Relief(s) sought:

In view of the facts mentioned in paragraph 5 above, the appellant prays for the following relief(s) _____

[Specify below the relief(s) sought explaining the grounds of relief(s) and the legal provisions (if any) relied upon]

7. Interim order, if prayed for:

Pending final decision on the appeal the appellant seeks issue of the following interim order:

[Give here the nature of the interim order prayed for with reasons]

8. Matter not pending with any other court, etc.:

The appellant further declares that the matter regarding which this appeal has been made is not pending before any court of law or any other authority or any other tribunal(s).

9. Particulars of bank draft in respect of the fee in terms of sub-rule (1) of rule 25:

(i) Amount

(ii) Name of the bank on which drawn

(iii) Demand draft number/ Banker Cheque No./ online payment details of transaction No. etc)

10. List of enclosures:

(i) An attested true copy of the order against which the appeal is filed,

(ii) Copies of the documents relied upon by the appellant and referred to in the appeal

(iii) An index of the documents

(iv) Other documents as annexed along with the Memo of Appeal.

Verification

I _____ (name in full block letters) son / daughter of _____ the appellant do hereby verify that the contents of paragraphs [1 to 10] are true to my personal knowledge and belief and that I have not suppressed any material fact(s).

Place:

Date:

Signature of the appellant(s)

INSTRUCTIONS :

- (1) Every appeal shall be filed in English and in case it is in some other Indian language, it shall be accompanied by a copy translated in English and shall be fairly and legibly type-written, lithographed or printed in double spacing on one side of standard petition paper with an inner margin of about four centimeters width on top and with a right margin on 2.5 cm, and left margin of 5 cm, duly paginated, indexed and stitched together in paper book form.

- (2) Every appeal shall be presented along with an empty file size envelope bearing full address of the respondent and where the number of respondents are more than one, then sufficient number of extra empty file size envelopes bearing full address of each respondent shall be furnished by the party preferring the appeal.

FORM 'M'

[See rule 34(1)]

COMPLAINT TO REGULATORY AUTHORITY

Complaint under section 31 of the Act

For use of Regulatory Authority(s) office:

Date of filing: _____

Date of receipt at the filing counter of the Registry/ receipt by post/ online filing ::

Complaint No.: _____

Signature: _____

Registrar: _____

IN THE REGULATORY AUTHORITIES OFFICE

(Name of place)

Between

_____ Complainant(s)

And

_____ Respondent(s)

Details of claim:

1. Particulars of the complainant(s):

(i) Name of the complainant:

(ii) Address of the existing office / residence of the complainant:

(iii) Address for service of all notices:

(iv) Contact details (Phone number, e-mail, Fax Number etc)

2. Particulars of the respondents:

(i) Name(s) of respondent:

(ii) Office address of the respondent:

(iii) Address for service of all notices:

(iv) Contact details (Phone number, e-mail, Fax Number etc)

3. Jurisdiction of the Authority:

The complainant declares that the subject matter of the claim falls within the jurisdiction of the Authority.

4. Facts of the case:

[give a concise statement of facts and grounds for complaint]

5. Relief(s) sought:

In view of the facts mentioned in paragraph 4 above, the complainant prays for the following relief(s) _____

[Specify below the relief(s) claimed explaining the grounds of relief(s) and the legal provisions (if any) relied upon]

6. Interim order, if prayed for:

Pending final decision on the complaint the complainant seeks issue of the following interim order:

[Give here the nature of the interim order prayed for with reasons]

7. Complainant not pending with any other court, etc.:

The complainant further declares that the matter regarding which this complaint has been made is not pending before any court of law or any other authority or any other tribunal(s).

8. Particulars of bank draft in respect of the fee in terms of sub-rule (1) of rule 34:

(i) Amount

(ii) Name of the bank on which drawn

(iii) Demand draft number/ banker cheque/ online payment transaction etc.

9. List of enclosures:

(i) Copies of the documents relied upon by the complainant and referred to in the complaint.

(iii) An index of the documents.

(iv) Other documents as annexed along with the complaint.

Signature of the complainant(s)

Verification

I _____ (name in full block letters) son / daughter of _____ the complainant do hereby verify that the contents of paragraphs [1 to 9] are true to my personal knowledge and belief and that I have not suppressed any material fact(s).

Place:

Date:

Signature of the complainant(s)

INSTRUCTIONS :

- (1) Every complaint shall be filed in English and in case it is in some other Indian language, it shall be accompanied by a copy translated in English and shall be fairly and legibly type-written, lithographed or printed in double spacing on one side of standard petition paper with an inner margin of about four centimeters width on top and with a right margin on 2.5 cm, and left margin of 5 cm, duly paginated, indexed and stitched together in paper book form.
- (2) Every complaint shall be presented along with an empty file size envelope bearing full address of the respondent and where the number of respondents are more than one, then sufficient number of extra empty file size envelopes bearing full address of each respondent shall be furnished by the party preferring the complaint.

FORM 'N'
[See rule 35(1)]
APPLICATION TO ADJUDICATING OFFICER
Claim for compensation under section 31 read with section 71 of the Act

For use of Adjudicating Officers office:

Date of filing: _____

Date of receipt at the filing counter of the Registry/ receipt by post/ online filing ::

Complaint No.: _____

Signature: _____

Authorized Officer: _____

IN THE ADJUDICATING OFFICERS OFFICE

(Name of place)

Between

_____ applicant(s)

And

_____ Respondent(s)

Details of claim:

1. Particulars of the applicant(s):

(i) Name of the applicant:

(ii) Address of the existing office / residence of the complainant :

(iii) Address for service of all notices:

(iv) Contact details (Phone number, e-mail, Fax Number etc)

(v) Details of allottees apartment, plot or building

2. Particulars of the respondents:

(i) Name(s) of respondent:

(ii) Office address of the respondent:

(iii) Address for service of all notices:

(iv) Contact details (Phone number, e-mail, Fax Number etc)

(v) Registration no. and address of project:

3. Jurisdiction of the Adjudicating Officer:

The complainant declares that the subject matter of the claim falls within the jurisdiction of the adjudicating officer.

4. Facts of the case:

[give a concise statement of facts and grounds of claim against the promoter]

5. Compensation(s) sought:

In view of the facts mentioned in paragraph 4 above, the complainant prays for the following compensation(s) _____

[Specify below the compensation(s) claimed explaining the grounds of claim(s) and the legal provisions (if any) relied upon]

6. Claim not pending with any other court, etc.:

The complainant further declares that the matter regarding which this appeal has been made is not pending before any court of law or any other authority or any other tribunal(s).

7. Particulars of bank draft in respect of the fee in terms of sub-rule (1) of rule 35:

(iv) Amount

(v) Name of the bank on which drawn

(vi) Demand draft number/ banker cheque/ online payment transaction etc.

8. List of enclosures:

(i) Copies of the documents relied upon by the complainant and referred to in the complaint.

(ii) An index of the documents.

(iii) Other documents as annexed along with the complaint.

Signature of the complainant (s)

Verification

I _____ (name in full block letters) son / daughter of _____ the applicant do hereby verify that the contents of paragraphs [1 to 8] are true to my personal knowledge and belief and that I have not suppressed any material fact(s).

Place:

Date:

Signature of the complainant (s)

INSTRUCTIONS :

- (1) Every complaint shall be filed in English and in case it is in some other Indian language, it shall be accompanied by a copy translated in English and shall be fairly and legibly type-written, lithographed or printed in double spacing on one side of standard petition paper with an inner margin of about four centimeters width on top and with a right margin on 2.5 cm, and left margin of 5 cm, duly paginated, indexed and stitched together in paper book form.
- (2) Every complaint shall be presented along with an empty file size envelope bearing full address of the respondent and where the number of respondents are more than one, then sufficient number of extra empty file size envelopes bearing full address of each respondent shall be furnished by the party preferring the complaint.

