



# ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಬಿಶೇಷ ರಾಜ್ಯ ಪತ್ರಿಕೆ

ಭಾಗ-IVA	ಬೆಂಗಳೂರು, ಮಂಗಳವಾರ, ಜುಲೈ ೧೧, ೨೦೧೭ (ಅಷಾಢ ೨೦, ಶಕ ವರ್ಷ ೧೯೩೯)	ನಂ. ೬೬೨
Part-IVA	Bengaluru, Tuesday, July 11, 2017 (Ashada 20, Shaka Varsha 1939)	No. 662

## HOUSING SECRETARIAT

### NOTIFICATION

No. DOH 109 KHB 2017, Bengaluru, Dated: 10-7-2017

Whereas the draft of the Karnataka Real Estate (Regulation and Development) Rules, 2016 was published vide Government Order No. DOH 128 KHB 2016, dated: 24<sup>th</sup> October, 2016, in part I of the Karnataka Gazette (Extra Ordinary Number 1193), dated 24<sup>th</sup> October, 2016 inviting suggestions from all persons likely to be affected thereby within fifteen days from the date of its publication in the Official Gazette.

And whereas, the said Gazette was made available to public on 24<sup>th</sup> October, 2016.

And whereas, suggestions have been received and considered by the State Government;

And whereas, the Government of India vide S.O No.3347, dated 28<sup>th</sup> October 2016 had made the order for removing certain difficulties in implementing the provisions of the Act.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 84 of the Real Estate (Regulation and Development) Act 2016 (Central Act 16 of 2016) the Government of Karnataka hereby makes the following rules, namely:-

### RULES CHAPTER I PRELIMINARY

**1. Title and Commencement.-** (1) These rules may be called the Karnataka Real Estate (Regulation and Development) Rules, 2017.

(2) They shall come into force from the date of their publication in the Official Gazette.

**2. Definitions.-** (1) In these rules, unless the context otherwise requires,-

- "Act" means the Real Estate (Regulation and Development) Act, 2016 (Central Act 16 of 2016);
- "Association of allottees" means a collective of the allottees of a real estate project by whatever name called registered under any law for the time being in force, acting as a group to serve the cause of its members and shall include the authorized representatives of the allottees;
- "Co-operative Society" means a society registered or deemed to be registered under the Karnataka Co-operative societies Act, 1959 (Karnataka Act 11 of 1959);
- "Form" means a form appended to these rules; and
- "Section" means a section of the Act.

(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**

**3. Information and documents to be furnished by the promoter for registration of project.-** (1) The promoter shall furnish the following additional information and documents, along with those specified in sub-section (2) of Section 4 of the Act for registration of the real estate project with the regulatory authority namely:-

- (a) self attested copy of the PAN card of the promoter;
- (b) 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, the audited profit and lost account, balance sheet, cash flow statement and the auditor report of the promoter for the immediately preceding three financial years;
- (c) the number of parking slots 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 the title.
- (e) the details of encumbrances on the land for which permission given under section 109 of the Karnataka Land Reforms Act, 1961 if applicable, the Certified copy of the conversion order under section 95 of the Karnataka Land Revenue Act, 1964 and permission of change in land use granted under section 14 of the Karnataka Town and Country Planning Act, 1961, if applicable on which development is proposed including any rights, title, interest or name of any party in or over such land along with details;
- (f) where the promoter is not the owner of the land on which development is proposed details of the consent of the owner of the land along with self attested 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; and
- (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 authorised person in case of other entities.

(2) An application to the Authority for registration of the 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 a Co-operative Bank or through online payment mode, as the case may be, for a sum calculated at the rate of,-

- (a) in case of group housing project,- five rupees per square meter for projects where the area of land proposed to be developed does not exceed one thousand square meters; or rupees ten per square meter for projects where the area of land proposed to be developed exceeds one thousand square meters, but shall not be more than five lakhs rupees;
- (b) in case of mixed development (residential and commercial) project,- ten rupees per square meter for projects where the area of land proposed to be developed does not exceed one thousand square meters; 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 lakhs 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; and
- (d) in case of plotted development projects,- five rupees per square meter, but shall not be more than two lakhs rupees.

(4) The declaration to be submitted under clause (l) of sub-section (2) of section 4, shall be in Form-B, which shall include a declaration stating that the promoter shall not discriminate against any allottee at the time of allotment of any apartment, plot or a building, as the case may be.

(5) In case the promoter applies for withdrawal of application for registration of the project before the expiry of the period of thirty days specified under sub-section (1) of section 5, registration fee to the extent of ten percent paid under sub-rule (3), or rupees fifty thousand whichever is more,

shall be retained as processing fee by the regulatory authority and the remaining amount shall be refunded to the promoter within thirty days from the date of such withdrawal.

**4. Additional disclosure by promoters of ongoing projects.-** (1) Upon the notification for commencement of sub-section (1) of section 3, promoters of all ongoing projects which have not received completion certificate shall, within the time specified in the said sub-section, make an application to the Regulatory Authority in the form and manner as specified in rule 3.

**Explanation:** For the purpose of this rule "Ongoing project" means a project where development is going on and for which completion certificate has not been issued but excludes such projects which fulfill any of the following criteria on the date of notification of these rules, namely:-

(i) in respect of layouts where the streets and civic amenities sites and other services have been handed over to the Local Authority and Planning Authority for maintenance;

(ii) in respect of apartments where common areas and facilities have been handed over to the registered Association consisting of majority of allottees;

(iii) where all development works have been completed as per the Act and certified by the competent agency and sale/lease deeds of sixty percent of the apartments/houses/plots have been registered and executed;

(iv) where all development works have been completed as per the Act and certified by the competent agency and application has been filed with the competent authority for issue of completion certificate /occupation certificate; and

(v) where Partial occupancy certificate is obtained to the extent of the portion for which the partial Occupancy Certificate is obtained.

(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;

**Explanation:-** For the purpose of clause (ii) of sub-section (2) of section 14 of the Act, the Prior written consent of at least two third of the allottees would not be required if,-

(i) implementation of the proposed plan has already been disclosed to the allottees under the agreement prior to registration, or

(ii) modification is required to be made in compliance of any order or direction issued by competent authority or statutory authority. under the agreement for sale, the promoter is not required to obtain the consent of allottee in case of any alteration or addition to the apartment required by Government authorities or due to change in any law.

(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; and

(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 completion 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 per cent. of the amounts already realized from the allottees, which have not been utilized for construction of the project or the land cost for the project as required under sub-clause (D) of clause (l) of sub-section (2) of section 4, which shall be used for the purposes specified therein:

Provided that if the receivable of the ongoing project is less than the estimated cost of balance construction, then the promoter shall deposit 100 per cent of the amounts to be realised in the separate account.



**5. Withdrawal of sums deposited in separate bank account.-** (1) For the purpose of sub-clause (D) of clause (l) of sub section (2) of section 4 of the Act, the land cost means,-

(i) the costs incurred by the promoter for acquisition of ownership and title of the land parcels for the real estate project as an outright purchase lease etc., or the Guidance Value in accordance with section 45-B of the Karnataka Stamp Act 1957 relevant on the date of registration of the real estate project whichever is higher;

(ii) amount paid for acquisition/ purchase of TDR etc.,

(iii) amount paid to the competent Authority for project approval, No objection certificates, stamps duty, transfer charges, registration charges, conversion charges, change, taxes, statutory payments to state and central Government.

(2) For the purpose of sub-clause(D) of Clause(l) of sub-section (2) of Section 4 of the Act, the "Cost of Construction" means,-

The cost of construction shall include all such costs, incurred by the promoter towards on-site and off-site expenditure for the development of the real estate project including payment of Taxes, Fees, charges, premiums, interests etc., to any competent Authority, or statutory Authority of the Central or State Government, including interest, paid or payable to any Financial Institutions including scheduled banks or non - banking financial companies etc.,

**6. Grant or rejection of registration of the project.-** (1) Upon the registration of a project as per section 5 read with rule 3, the Regulatory Authority shall issue a registration certificate with a registration number in Form-C to the promoter.

(2) In case of rejection of the application as per section 5, the 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 such time period as may be specified by it.

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

(2) The application for extension of registration shall be accompanied with a demand draft or a bankers cheque drawn on any scheduled bank or Co-operative Bank through online payment mode, as the case may be, for an amount equivalent to half 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 specified under concerned State Acts 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.

**8. Revocation of registration of the project.-** Upon the revocation of registration of a project under section 7 regulatory authority shall inform the promoter about such revocation in Form-'D'.

### CHAPTER III REAL ESTATE AGENT

**9. Application for registration by the real estate agent.-** (1) Every real estate agent required to register as per sub-section (2) of section 9 shall make an application in writing to the Regulatory Authority in Form-'G' along with the following documents, namely:-

- (a) brief details of his enterprise including its name, registered address, type of enterprise, proprietorship, societies, co-operative society, partnership, companies etc;
- (b) particulars of registration 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 photograph of the partners, directors etc. in case of other entities;
- (d) self attested copy of the PAN card; and
- (e) self attested 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 a bankers cheque drawn on any scheduled Bank or a co-operative Bank or through online payment, as the case may be, for a sum of Twenty five thousand rupees in case of the applicant being an individual or Two Lakhs rupees in case of the applicant other than an individual.

**10. Grant of Registration to the real estate agent.-** (1) On receipt of the application under rule 10, the Authority shall within a period of thirty days either grant registration to the real estate agent or reject the application, as the case may be:

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

(2) Upon the registration of a real estate agent, the Authority shall issue a registration certificate with a registration number in Form 'H' to the real estate agent.

(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 of five years.

**11. Renewal of registration of real estate agent.-** (1) The registration granted under section 9, may be renewed as per section 6, on an application made by the real estate agent in Form-'J' 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 a co-operative 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 twenty Five 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 rule 9 at the time of application for renewal along with same fees as specified in sub-rule (2).

(4) In case of renewal of registration, the regulatory 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 regulatory 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 such time period as may be specified by it.

(5) The renewal of registration of the real estate agent shall be granted provided that the real estate agent remains in compliance with the provisions of the Act and the rules and regulations made there under.

(6) The renewal granted under this rule shall be valid for a period Five years.

**12. Revocation of registration of real estate agent.-** The Regulatory 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 in Form-'I'.

**13. Maintenance and preservation of books of accounts, records and documents.-** 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.

**14. Other functions of a real estate agent.-** 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**

**15. Details to be published on the website.-** (1) For the purpose of clause (b) of section 34, the regulatory authority shall ensure that the following information shall be made available on its website in respect of each project registered, 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 partnership, societies, co-operative society, partnership, company, competent authority and the particulars of registration and in case of a newly incorporated or registered entity, brief details of the parent entity including its name, registered address, type of enterprise (proprietorship, societies, co-operative society, limited liability partnership, partnership, companies, competent authority);
- (b) background of promoter- educational qualification, work experience and in case of a newly incorporated or registered entity work experience of the parent entity; and
- (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, as the case may be and that of the authorised persons.

(ii) Track record of the promoter:

- (a) number of years of experience of the promoter or parent entity in real estate construction in the state;
- (b) number of years of experience of the promoter or parent entity in real estate construction in other states;
- (c) number 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 in its completion, details of type of land and payments pending; and
- (e) details and profile of ongoing and completed projects for the last five years as provided under clause (b) of sub-section (2) of section 4 of the Act.

(iii) Litigations: Details of past or ongoing litigations in relation to the real estate project.

(iv) Website:

- (a) Web link of the promoters or parent entity as the case may; and
- (b) Web link of the project.

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

(i) advertisement and prospectus issued in regard to the project;

(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 of the Act; and
- (c) details of the registration granted by the Authority.

(iii) Apartment, plot and garages if any 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 balcony or verandah areas and the exclusive open terrace areas with the apartment, if any, or details of the number, type and area of plots for sale in the project or both, as the case may be;
- (b) details of the number of garages if any for sale in the project as provided under clause (i) of sub-section (2) of section 4 of the Act; and
- (c) details of the number of parking slots available in the real estate project.

(iv) **Registered Agents:** Names and addresses of real estate agents as provided under clause (j) of sub-section (2) of section 4 of the Act.

(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 as provided under clause (k) of sub-section (2) of section 4, such as:-

- (a) name and address of the firm;
- (b) names of promoters;
- (c) year of establishment; and
- (d) names and profile of key projects completed.

(vi) **Location:** 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 as provided under clause (f) of sub-section (2) of section 4 of the Act.

(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. as provided under clause (e) of sub-section (2) of section 4;
- (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) **Project schedule:** Detailed time schedule of development works to be executed in the project and the details of the proposed facilities to be provided thereof; and
- (d) the stage wise time schedule of completion of the project, including the provisions for civic infrastructure like water, sanitation and electricity etc.

**(C) Financials of the promoter.-**

- (i) self attested copy of the PAN card of the promoter; and
- (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 lost account, balance sheet, cash flow statement and the auditors report of the promoter for the immediately preceding three financial years and in case of 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:

- (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; and
  - (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; and
  - (d) modifications, amendment or revisions, if any, issued by the competent authority with regard to any license, permit or approval for the project.

(E) the details of approvals, permissions, clearances, legal documents,-

- (i) 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;
- (ii) authenticated copy of the site plan or site map showing the location of the project land along with names of survey numbers, khatha numbers and area of each parcels of the project land;
- (iii) 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;
- (iv) floor plans for each tower and block including clubhouse, amenities and common areas;



- (v) any other permission, approval, or license that may be required under applicable law; and
- (vi) authenticated copy of occupancy certificate and completion certificate including its application.

**(F) Legal Documents:**

- (a) details including the proforma 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 to be developed along with legally valid documents with authentication of such title, if such land is owned by another person;
- (c) land title search report from an advocate having experience of at least ten years in land related matters;
- (d) details of encumbrances on the land on which development is proposed including any rights, title, interest or name of any party in or over such land along with details or non encumbrance certificate from the concerned Sub-Registrar of past twelve years;
- (e) where the promoter is not the owner of the land on which development is proposed details of the land along with self attested 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; and
- (f) details of mortgage or charge, if any, created on the land and the project.

**(G) Contact details:** (1) Contact address, contact numbers and email-ids of the promoter and other officials handling the project.

- (2) the regulatory authority shall maintain a database and ensure that the information specified therein shall be made available on its website in respect of each project revoked or penalised, as the case may be.
- (3) For the purpose of clause (d) of section 34, the regulatory 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 regulatory authority;
- (ii) brief details of his enterprise including its name, registered address, type of enterprise, proprietorship, societies, co-operative society, partnership, companies etc;
- (iii) particulars of registration 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) photograph of the real estate agent if it is an individual and the photograph of the partners, directors etc. in case of other persons;
- (vi) self attested copy of the PAN card; and
- (vii) self attested copy of the address proof of the place of business and the contact address, contact numbers and email-ids of the real estate agent and other officials responsible.

(b) In case of applicant whose application for registration as a real estate agent has been rejected or real estate agent whose registration has been revoked by the regulatory authority:

- (i) registration number and the period of validity of the registration of the real estate agent with the regulatory authority;
- (ii) brief details of his enterprise including its name, registered address, type of enterprise, proprietorship, societies, co-operative society partnership, companies etc; and
- (iii) Photograph of the real estate agent if it is an individual and the photograph of the partners, directors etc. in case of other persons.

- (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**

**16. Rate of interest payable by the promoter and the allottee.-** 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.

**17. Timelines for refund.-** Any refund of money 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 sixty days from the date on which such refund along with applicable interest and compensation, if any, becomes due.

**CHAPTER VI**  
**REAL ESTATE REGULATORY AUTHORITY**

**18. Manner of Selection of Chairperson and Members of the Authority.-** (1) As and when vacancies of Chairperson or a Member in the regulatory authority exist or arise, or are likely to arise, the Government of Karnataka may make a reference to the Selection Committee in respect of the vacancies to be filled as per the provisions of section 21.

(2) The State Government shall expeditiously constitute a selection committee, as often as may be required, to select persons for appointment as Chairperson and Members.

(3) The Selection Committee shall normally hold its meeting at Bengaluru or at such places, as may be authorised by the Chairman by recording the reasons for change of venue of such meeting.

(4) The Notice or the Agenda, as the case may be, for the meeting of the Selection Committee shall be issued in advance. The date and venue for the meeting shall be fixed as per the convenience of the Chairman of the selection committee.

(5) The Selection Committee constituted under sub-rule (2) may, for the purpose of selection of the Chairperson or a Member of the Regulatory Authority, devise its own procedure as deems fit including the appointment of Search Committee and may lay down guidelines and procedure to invite applications from eligible persons as per the qualifications specified in section 22. The Selection Committee shall prepare a panel of names possessing the requisite qualification and experience and found suitable for consideration for appointment as Chairperson or Member of the Regulatory Authority.

(6) The Selection Committee shall thereafter make its recommendations to the State Government within a period of not exceeding sixty days from the date of reference made under sub-rule(2) for consideration in the form of a panel of not more than three persons in order of preference separately for each vacancy or posts referred by the State Government.

(7) The State Government shall within thirty days from the date of the recommendation made by the Selection Committee, appoint one out of the panel of three persons for the vacancy of the Chairperson or Members of the Regulatory Authority, or return the panel only once for re-consideration, as the case may be.

(8) The State Government shall appoint the Secretary of the Housing Department as Interim Regulatory Authority for the purpose of this Act in terms of sub-section (1) of section 20.

**CHAPTER VII**  
**SALARY AND ALLOWANCES OF CHAIRPERSON AND MEMBERS OF REAL ESTATE**  
**REGULATORY AUTHORITY**

**19. Salaries and Allowances.-** (1) The salaries and allowances of the Chairperson and Members of the Real Estate Regulatory Authority shall be as follows, namely:-

- (a) the Chairperson of the Authority shall be paid minimum of the pay of the Chief Secretary of the State Government; and
- (b) the Members of the Authority shall be paid minimum of the pay of the Secretary of the State Government.

(2) **Dearness Allowance and City Compensatory Allowance.-** The Chairperson or the Member of the Authority shall be entitled to receive Dearness Allowance and City Compensatory allowances at the rate as are admissible to the Chief Secretary of the State Government or Secretary of the State Government respectively:

Provided that, in case a person appointed as the Chairperson or a member is in receipt of any pension, the pay of such person shall be reduced by the gross amount of pension including any commuted portion thereof drawn by him:

Provided further that, the Chairperson and other members shall be entitled to draw admissible allowance on the original basic pay before such fixation of pay.

(3) **Leave.-** (a) **Earned Leave** : The Chairperson or a Member shall be entitled to thirty days of earned leave for every year of service.

(b) **Leave sanctioning authority.-** Leave sanctioning authority in case of,-

- (i) The Chairperson of the Authority, shall be the Additional Chief Secretary or Principal Secretary or Secretary, Housing Department of the State Government; and
- (ii) The Members of the Authority, shall be the Chairperson.

(4) **Travelling Allowance and Daily Allowance.-**

(i) The Chairperson and the Members while on tour (including the journey undertaken or on expiry of his term to proceed to his hometown) shall be entitled to travelling allowances, daily allowance, transportation of personal effects and other similar matters at the same rate as admissible to the Chief Secretary or the Secretary of the State Government as the case may be;

(ii) The Chairperson or a every Member shall be his own controlling officer in respect of his bills relating to travelling allowances and daily allowances; and

(iii) Domestic official tours: The Chairperson or a Member, while on tour, shall be entitled to the facility of government accommodation in the guest house or inspection bungalows run by the State Government or hotel accommodation in case Government accommodation is not available, as applicable to Chief Secretary or Secretary of Government of Karnataka.

(5) **Medical Facilities.-** The Chairperson and a Members shall be entitled to medical treatment and hospital facilities as admissible to the Chief Secretary or the Secretary of the State Government as the case may be;

(6) **Official Visits Abroad.-** The Chairperson or a Members shall be entitled to undertake official visits abroad with the prior approval of the Government through Housing Department and after clearance from Ministry of External Affairs, Government of India. The daily allowance and provision of accommodation during the period of tour abroad shall be regulated in accordance with the State Government instructions as applicable to the Chief Secretary or the Secretary respectively of the State Government.

(7) **Conveyance facility.-**The Chairperson or a Member shall be entitled to conveyance facilities as admissible to Chief Secretary and Secretary to the Government respectively.

(8) **Accommodation to Chairperson and Members.-**

(a) The Chairperson of the Authority shall be entitled to residential accommodation as admissible to the Chief Secretary of the State Government;

(b) A Member shall be entitled to residential accommodation as admissible to the rank of Secretary to the State Government drawing an equivalent pay. On demitting office, the Chairperson and Member shall be entitled to retention of residential accommodation for one month, on the same terms and conditions; and

(c) If the Chairperson or the Member has his own accommodation or residential house in Bengaluru and does not avail Government accommodation, then he is entitled to get house rent allowance admissible to the Chief Secretary to the Government and Secretary to Government respectively.

(9) **Telephone facilities.-** The Chairperson or Members of the Authority shall be entitled to telephone facilities as admissible to the Chief Secretary and Secretary of the State Government respectively.

(10) **Other allowance.-** The Chairperson and Members of the Authority shall be entitled to such other allowance as are applicable to Chief Secretary or Secretary respectively in the State Government.

(11) Notwithstanding the provisions contained in this rule if the Chairperson or the Member is a serving officer of the State or Central Government, his entitlement shall be higher of those admissible to him under the applicable service rule.

**20. Tenure of office.-** (1) The Chairperson and every Member shall, unless removed from office under sub-section (1) of section 26, hold office for a period not exceeding five years from the date he takes charge of the office in that capacity, or till the age of sixty five years, whichever is earlier.

(2) When the Chairperson is unable to discharge his functions owing to absence, illness or any other cause, the senior-most (in order of appointment) Member of the Real Estate Regulatory Authority holding office for the time being shall discharge the functions of the Chairperson until the day on which the Chairperson resumes the charge of his functions.



(3) If a vacancy occurs in the office of the Chairperson by reason of his death or resignation or by removal the State Government shall nominate Senior most Member as per seniority of date of appointment to act as the Chairperson and the Member so nominated shall hold office of the Chairperson until the vacancy is filled by a fresh appointment under sub-section (3) of Section 24 of the Act. Till that period the senior-most (in order of appointment) Member of the Real Estate Regulatory Authority holding office for the time being shall discharge the functions of the Chairperson until the day on which the Chairperson resumes the charge of his functions.

**21. Oath of Office and Secrecy.-** (1) Every person appointed to be Chairperson and Member shall, before entering upon their office, make and subscribe to an Oath of Office and of Secrecy in the Forms-'L' and 'M', respectively.

(2) Before appointment, the Chairperson and the Member shall have to give an undertaking that he does not and will not have any such financial or other interest as is likely to affect prejudicially his functions as such Chairperson or Member.

**22. Administrative powers of the Chairperson of the regulatory authority.-** Subject to the provisions of the Act, the administrative powers of the Chairperson of the regulatory authority shall include making decisions with regard to the following; namely:-

- (a) all matters pertaining to staff strength, wages and salaries structures, emoluments, perquisites and personnel policies with prior approval from the State Government;
- (b) all matters pertaining to creation and abolition of posts with prior approval from the State Government;
- (c) all matter pertaining to appointments, promotions and confirmation for all posts with prior approval of the State Government;
- (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 and allowance to be granted for the same;
- (g) authorization of tours to be undertaken by any Member, officer or employee outside India and allowance to be granted for the same with prior approval from the State Government;
- (h) all matters in relation to reimbursement of medical claims;
- (i) all matters in relation to grant or rejection of leaves;
- (j) permission for hiring of vehicles for official use;
- (k) nominations for attending seminars, conferences and training courses in India or abroad as per clause (f) and(g);
- (l) permission for invitation of guests to carry out training course;
- (m) all matters pertaining to staff welfare expenses;
- (n) sanction scrapping or write-off of capital assets which due to normal wear and tear have become unserviceable or are considered beyond economical repairs; and
- (o) all matters relating to disciplinary action against any Member, officer or employee;

(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 thereunder.

## CHAPTER VIII POWERS AND FUNCTIONS OF THE AUTHORITY

**23. Functioning of the Authority.-** (1) The office of the regulatory authority shall be located at Bengaluru or at such place as may be determined by the State Government by notification.

(2) The working days and office hours of the regulatory authority shall be the same as that of the State Government.

(3) The official common seal and emblem of the regulatory authority shall be such as the State Government may specify.

(4) Every notice, order and 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 sittings at its headquarters and at such other places as the Chairperson may by general or special order specify.

**24. Additional powers of the Authority.-** (1) In addition to the powers specified in sub-section (2) of section 35 the regulatory authority shall have the following additional powers, namely:-

- (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; and

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

(2) The regulatory 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 regulatory authority in the conduct of any inquiry or proceedings before it.

(3) The Authority may in the interest of the allottees, enquire 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 (l) of sub-section (2) of section 4; or
- (b) used any amounts paid to such promoter by the allottees for the real estate project for which the penalty, interest or compensation is payable, or any other real estate project; and
- (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.

**25. Manner of recovery of interest, penalty and compensation.-** Subject to the provisions of sub-section (1) of section 40, the recovery of the amounts due as arrears of land revenue shall be carried out in the manner provided in the Karnataka Land Revenue Act, 1964 and the rules made there under.

**26. Manner of implementation of order, direction or decisions of the adjudicating officer, the Authority or the Appellate Tribunal.-** For the purpose of sub-section (2) of section 40, every order passed by the adjudicating officer, regulatory authority or Appellate Tribunal, as the case may be, under the Act or the rules and regulations made thereunder, shall be enforced by the adjudicating officer, regulatory authority or the Appellate Tribunal in the same manner as if it were a decree or order made by the principal civil court in a suit pending therein and it shall be lawful for the adjudicating officer, regulatory authority or Appellate Tribunal, as the case may be, in the event of its inability to execute the order, send such order to the principal civil court, to execute such order either within the local limits of whose jurisdiction the real estate project is located or in the principal civil court within the local limits of whose jurisdiction the person against whom the order is being issued, actually and voluntarily resides, or carries on business, or personally works for gain.

#### CHAPTER IX

#### CONDITIONS OF SERVICE OF OFFICERS AND OTHER EMPLOYEES OF THE AUTHORITY

**27. Categories of Officers and employees of the Authority and pay scales.-** The nature and categories of officers and employees of the Authority shall be recommended by the Authority for consideration of the State Government which shall be approved with or without modifications, as the case may be, by the State Government.

**28. Conditions of service.-** (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 State Government and drawing the corresponding scales of pay:

Provided that the provisions of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 shall apply to the officers and employees of the Authority subject to modification specified in the schedule to these rules.

(2) Consultants or experts may be engaged by the Authority to facilitate its discharge of functions.

(3) The State Government shall have powers to relax the provisions of any of these rules in respect of any class or category of officers or employees or consultants and experts as the case may be for the reasons recorded in writing.

#### CHAPTER X FILING OF COMPLAINT

**29. Filing of complaint and manner of holding an inquiry by Regulatory Authority.-** (1) Any aggrieved person may file a complaint with the Regulatory 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 'N' which shall be accompanied by a fee of rupees one thousand in the form of a demand draft drawn on a nationalized bank or a co-operative Bank in favor of regulatory authority and payable at the main branch of that bank at the station where the seat of the said Regulatory Authority is situated.

(2) The regulatory 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 regulatory 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 shall specify a date and time for further hearing; and
- (d) on the date so fixed, the regulatory 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 regulatory 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; and
  - (ii) does not plead guilty and contests the complaint the regulatory authority shall demand an explanation from the respondent.
- (e) in case the regulatory 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 regulatory 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 regulatory 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 (Central Act 11 of 1872);
- (i) on the date so fixed, the regulatory authority upon consideration of the evidence produced before it and other records and submissions is satisfied that -
  - (a) 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; and
  - (b) the respondent is not in contravention of the provisions of the Act or the rules and regulations made there under the regulatory 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 regulatory authority, the regulatory 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 for day to day functioning of the Authority, which have not been provided by the Act or the rules made thereunder, shall be as specified by regulations made by the Authority.

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

**30. Manner of filing a complaint with the adjudicating officer and the manner of holding an inquiry by the adjudicating officer.-** (1) Any aggrieved person may file a complaint with the adjudicating officer for compensation under section 12, 14, 18 and 19 as per Form 'O' which shall be accompanied by a fee of rupees one thousand in the form of a demand draft drawn on a nationalized bank or a co-operative Bank in favor of regulatory authority and payable at the main branch of that bank at the station where the seat of the said regulatory authority is situated.



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

- (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 promoter;
- (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 shall specify a date and time for further hearing;
- (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 promoter:
  - (a) 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 thereunder;
  - (b) does not plead guilty and contests the complaint the adjudicating officer shall demand an explanation from the promoter;
- (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 officer, 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 (Central Act 11 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 promoter is,-
  - (a) liable to pay compensation, the adjudicating officer may, by order in writing, order payment of such compensation, as deemed fit by the promoter to the complainant; or
  - (b) not liable to any compensation, 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 thereunder, shall be as specified by regulations made by the Authority.

(4) Where a party to the complaint is represented by an authorised person, as provided under section 56, a copy of the authorisation to act as such and the written consent thereto by such authorised 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 REAL ESTATE APPELLATE TRIBUNAL

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

(2) The Chairperson of the Appellate Tribunal shall be appointed by the State Government under provisions of sub-section (2) of section 46.

(3) For appointment of Members of the Appellate Tribunal, the State Government shall expeditiously constitute a Selection Committee to select suitable persons for appointment as Members of the Tribunal.

(4) The Selection Committee shall normally hold its meetings at Bengaluru or at such places, as may be authorised by the Chairman by recording the reasons for the change of the venue of such meetings.

(5) The Notice or Agenda, as the case maybe, for the meeting of the Selection Committee shall be issued in advance. The date and venue for the meeting shall be fixed with the convenience of the Chairman of the Selection Committee.

(6) The Selection Committee constituted under sub-rule (3) shall devise its own procedure as it deemed fit including the appointment of a Search Committee and may lay down guidelines and procedure to invite applications from the eligible persons as per qualification specified under Section 46. The Selection Committee shall prepare a panel of names possessing the requisite qualification and experience those who are suitable for consideration for appointment as Members of the Appellate Tribunal. Secretary, Housing Department is the Convenor of the Selection Committee.

(7) The Selection Committee shall thereafter make its recommendation to the Government of Karnataka within a period of not exceeding sixty days from the date of reference made by the Government under sub-rule(3) for consideration in the form of a panel of not more than three persons in the order of preference separately for the post of vacancy or vacancies referred by the State Government.

(8) The State Government shall within thirty days from the date of the recommendation made by the Selection committee, appoint one out of panel of three persons name for the the post of vacancy or vacancies of the Members of the Appellate Tribunal, as the case may be.

(9) The State Government shall nominate the Karnataka Appellate Tribunal as Interim Appellate Tribunal in terms of sub-section (4) of section 43.

**32 Functioning of Appellate Tribunal.—** (1) The office of the Appellate Tribunal shall be located at such place as may be determined by the Government of Karnataka by notification.

(2)The working days and office hours of the Appellate Tribunal shall be the same as that of the normal working days and office hours of the other offices of the Government of Karnataka.

(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 judgment of the Appellate Tribunal shall bear the seal of the Appellate Tribunal which shall be in custody with the person designated by the Chairperson.

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

**33. Appeal and the fees payable.—** (1) Every appeal filed under sub-section (1) of section 44 shall be accompanied by a fees of five thousand rupees in the form of a demand draft or a bankers cheque drawn on a scheduled bank or a co-oparetive bank in favour 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 ' R ', in triplicate, until the application procedure is made web based, along with the following documents, namely:-

(a) authenticated 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; and

(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 authorised person, as provided under section 56, a copy of the authorisation to act as such and the written consent thereto by such authorised person, both in original, shall be appended to the appeal or the reply to the notice of the appeal, as the case may be.

(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 authorised 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 authorised 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 thereunder, shall be as specified by the Appellate Tribunal.

**34. Procedure for inquiry of the charges against the Chairperson or Member of the Regulatory Authority or the Appellate Tribunal.-** (1) In the event of the Housing Department of Government of Karnataka becoming aware of 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 Regulatory Authority or as specified under sub-section (1) of section 49 in case of a Chairperson or Member of the Appellate Tribunal, by receipt of a complaint in this regard or *suo motu*, as the case may be, the Housing Department of Government of Karnataka shall make a preliminary inquiry with respect to such charges against the Chairperson or any Member of the regulatory authority or Appellate Tribunal, as the case may be.

(2) If, on preliminary inquiry, the Housing Department of Government of Karnataka considers it necessary to investigate into the allegation, it shall place the complaint, if any, together with supporting material as may be available, before a Judge of the High Court designated for this purpose by the Chief Justice of the High Court (hereinafter referred to as the designated Judge).

(3) The Housing Department of Government of Karnataka shall forward to the designated Judge, copies of,

- (a) the statement of charges against the Chairperson or Member of the regulatory authority or Appellate Tribunal, as the case may be; and
- (b) material documents relevant to the inquiry.

(4) The Chairperson or Member of the Regulatory 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 designated Judge.

(5) Where it is alleged that the Chairperson or Member of the Regulatory Authority and 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 designated Judge may arrange for the medical examination of the Chairperson or Member of the Appellate Tribunal or the Regulatory Authority.

(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) Thereafter, the State Government shall in consultation with the Chief Justice of the High Court Karnataka decide to either remove or not to remove the Chairperson or Member of the Regulatory Authority or Appellate Tribunal, as the case may be.

**35. Powers of the designated Judge.-** (1) The designated Judge shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (Central Act 5 of 1908), but shall be guided by the principles of natural justice and shall have power to regulate his own procedure including the fixing of places and time of the enquiry.

(2) The designated Judge shall have, for the purposes of discharging his functions under these rules, the same powers as vested in a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), while trying a suit, in respect of the following matters, namely :-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of document;
- (c) receiving evidenc on affidavits; and
- (d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (Central Act 11 of 1872), requisitioning any public record or document or copy of such record or document from any office.

**36. Salary and allowances payable and other terms and conditions of service of Chairperson and Members of the Appellate Tribunal.-** (1) The salaries and allowances payable to the Chairperson and Members of the Appellate Tribunal shall be as follows, namely:-

- (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 last drawn salary at the post held by such person, prior to his appointment as a Member of the Appellate Tribunal; and
- (c) the Member, who is not a servant of the Government, shall be paid minimum of the pay of the Principal Secretary to the state Government.



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

(3) The other allowances and conditions of service of the Chairperson and the whole-time Member shall be as admissible to a Judge of High Court or Principal Secretary of the State Government as the case may be:

Provided that, such entitlement shall not be less than what he is otherwise eligible in case of serving Government servant.

(4) The term of office of the Chairperson and the Members shall be such as provided in Section 47.

**37. Retirement from Government Service.-** A person in the service of the Government, on his selection as a Member of the Regulatory Authority or Appellate Tribunal, shall have to retire from service before entering upon his office as a Member.

**38. Oath of Office and Secrecy.-** Every person appointed as the Chairperson or a Member shall, before entering upon his office, make and subscribe an oath of office and secrecy, in Form-'P' and Form-'Q' respectively annexed to these rules.

**39. Declaration of financial or other interest.-** Every person, on his appointment as the Chairperson or Member, as the case may be, shall have to give an undertaking that he does not and will not have any such financial or other interest as is likely to affect prejudicially his functions as such Chairperson or Member.

**40. Residuary provision.-** Matters relating to the terms and conditions of service of the Chairperson or Member with respect to which no express provision has been made in these rules, shall be referred by the Appellate Tribunal to the State Government for its decision.

**41. Categories of Officers and employees of the Tribunal.-** The nature and categories of officers and employees of the Tribunal shall be recommended by the Tribunal for consideration of the State Government which shall be approved with or without modifications, as the case may be, by the State Government.

**42. Conditions of service.-** The conditions of service of the officers and employees of the Appellate Tribunal and in any other category of employees in the matter of pay, allowances, leave, joining time, joining time pay, provident fund, age of superannuation, pension and retirement benefits 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 State Government and drawing the corresponding scales of pay:

Provided that the provisions of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 shall apply to these officers and employees subject to modifications specified in the schedule.

**43. Additional powers of the Appellate Tribunal.-** The Appellate Tribunal 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 Appellate Tribunal in the conduct of any inquiry or proceedings before it.

**44. Administrative powers of the Chairperson of the Appellate Tribunal.-** The administrative powers of the Chairperson of the Appellate Tribunal shall include making decisions with regard to the following, namely:-

- (a) all matters pertaining to staff strength, wages and salaries structures, emoluments, perquisites and personnel policies with prior approval from the State Government.
- (b) all matters pertaining to creation and abolition of posts with prior approval from the State Government.
- (c) all matter pertaining to appointments, promotions and confirmation for all posts with prior approval of the State Government.
- (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 India and allowance to be granted for the same;
- (g) authorization of tours to be undertaken by any Member, officer or employee outside India and allowance to be granted for the same with prior approval from the State Government;
- (h) all matters in relation to reimbursement of medical claims;
- (i) all matters in relation to grant or rejection of leaves;
- (j) permission for hiring of vehicles for official use;
- (k) nominations for attending seminars, conferences and training courses in India or abroad as per clause (f) and (g);
- (l) permission for invitation of guests to carry out training course;
- (m) all matters pertaining to staff welfare expenses;

- (n) sanction scrapping or write-off of capital assets which due to normal wear and tear have become unserviceable or are considered beyond economical repairs;
- (o) all matters relating to disciplinary action against any member, officer or employee; and
- (p) any other powers that may be required for the efficient functioning of the Appellate Tribunal and enforcement of the provisions of the Act and these rules.

### CHAPTER XI OFFENCES AND PENALTIES

**45. Terms and conditions and the fine payable for compounding of offence.-** (1) The Court, Authority/Tribunal shall, for the purposes of compounding any offence punishable with imprisonment under the Act, accept an amount as specified in the Table below:

Offence	Amount to be paid for compounding amount
Punishable with Imprisonment under sub section (2) of section 59	Up to ten percent of the estimated cost of the real estate project
Punishable with Imprisonment under section 64	Up to ten percent of the estimated cost of the real estate project
Punishable with Imprisonment under section 66	Up to 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	Up to ten percent of the estimated cost of the plot, apartment or building, as the case may be

(2) On payment of the sum of money in accordance with the table above, 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.

(3) The acceptance of the sum of money for compounding an offence in accordance with the table above, by the Court shall be deemed to amount to an acquittal within the meaning of section 300 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

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

### CHAPTER-XII MISCELLANEOUS

**46. Interpretation.-** If any question arises relating to the interpretation of these rules or when express provision has not been made in these rules about a particular matter, the same shall be referred to the Housing Department for its decision and decision of the State Government shall be binding.

**47. Residuary provision.-** Matters relating to the terms and conditions of service of the Chairperson or a Member with respect to which no express provision has been made in these rules, shall be referred by the Authority to the State Government for its decision, and the decision of the State Government thereon shall be applicable to the Chairperson or Member, as the case may be.

### CHAPTER-XIII BUDGET AND REPORT

**48. Budget, accounts and audit.** (1) At the end of the financial year of every year, the Authority shall prepare a budget, maintain proper accounts and other relevant records and prepare an annual statement of accounts in Form -'S'.

(2) The Authority shall preserve the accounts and other relevant records 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 for laying before the Parliament.

**49. Annual Report.—** (1) The Authority shall prepare its annual report in Form-T.

(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 and signed by the Chairperson and Members and authenticated by affixing the common seal of the Authority, with requisite number of copies thereof, 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.

By order and in the name of the Governor of Karnataka

**Kapil Mohan**  
Principal Secretary to Government  
Department of Housing

**FORM 'A'**  
[See sub rule (2) of rule 3]  
**APPLICATION FOR REGISTRATION OF PROJECT**

To  
The Real Estate Regulatory Authority (Name of Place)

.....  
.....

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 - [individual / company / proprietorship firm / societies / partnership firm / competent authority etc.];

(ii) In case of individual -

- (a) Name
- (b) Father's Name
- (c) Occupation
- (d) 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 / company / limited liability partnership / competent authority etc.] -

- (a) Name
- (b) Address
- (c) Copy of registration certificate as [firm / societies / trust / company / limited liability partnership / competent authority etc.]
- (d) Main objects
- (e) Contact Details (Phone number, E-mail, Fax Number etc.)
- (f) Name, photograph, contact details and address of [chairman / partners / directors] and authorised person etc.

(iii) PAN No. \_\_\_\_\_ of the promoter;

(iv) Name and address of the bank or banker with which account in terms of sub-clause (D) of clause (l) 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 / bankers cheque dated drawn on ..... bearing no. .... for an amount of Rs. .... /- calculated as per sub-rule (3) of rule 3 or through online payment as the case may be. .... (give details of online payment such as date paid, transaction no. etc.);

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

2. [I/We] enclose the following documents, namely:-



- (i) authenticated copy of the PAN card of the promoter;
  - (ii) 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, the audited profit and lost account, balance sheet, cash flow statement and the auditors report of the promoter for the immediately preceding three 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) 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 no encumbrance certificate from an advocate having experience of atleast ten years or from the revenue authority not below the rank of tehshildar, 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 with the apartment, if any;
  - (xii) the number and areas of garage for sale in the project;
  - (xiii) the number of open parking areas and the number of covered 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 thereunder, namely:-
- (i)
  - (ii)
  - (iii)
  - .....
4. [I/We] solemnly affirm and declare that the particulars given herein are correct to [my/our] knowledge and belief and nothing material has been concealed by [me/us] therefrom.

Dated:  
Place:

Yours faithfully,  
Signature and seal of the applicant(s)

**FORM-B****[See sub-rule (4) of rule 3]****DECLARATION, SUPPORTED BY AN AFFIDAVIT, WHICH SHALL BE SIGNED 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 or 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 in proportion to the percentage of completion of the project.

6. That the amounts from the separate account shall be withdrawn 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 rules and regulations made under the Act.

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, on any grounds.

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 sub-rule (1) of rule 6]**  
**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. \_\_\_\_\_ Taluk \_\_\_\_\_ District \_\_\_\_\_

\_\_\_\_ State \_\_\_\_\_;

OR

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

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

- a. The promoter shall enter into an agreement for sale with the allottees as provided in Annexure A;
- b. 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 or the common areas as per section 17;
- c. 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 (l) of sub-section (2) of section 4 of the Act;
- d. 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 section 6 of the Act read with rule 7 of these rules;

- e. The promoter shall comply with the provisions of the Act and the rules and regulations made thereunder;
- f. The promoter shall not contravene the provisions of any other law for the time being in force in the area where the project is being developed.

3. If the above mentioned conditions are not fulfilled by the promoter, the regulatory 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 'D'**

**[See sub-rules (2) of rule 6 and sub-rule (4) of rule 7 and rule 8]**

**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 Regulatory Authority (Name of place)

.....  
 .....

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  
 Authorised Officer  
 Real Estate Regulatory Authority

**FORM 'E'**

**[See sub- rule (1) of rules 7]**

**APPLICATION FOR EXTENSION OF REGISTRATION OF PROJECT**

From:

.....  
 .....  
 .....

To

The Real Estate Regulatory Authority (Name of Place)

.....  
 .....  
 .....

Sir,

[I/We] hereby apply for extension 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. / Bankers Cheque 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 authenticated copy of the 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 sub-rule (4) of rule 7]**

**CERTIFICATE FOR EXTENSION OF REGISTRATION OF PROJECT**

This extension of registration is granted under section 6, 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 of Karnataka; OR  
[in the case of a firm / society / company / competent authority etc.] [firm / society / company / competent authority etc.] \_\_\_\_\_ having its [registered office/principal place of business] at .....
2. This extension 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, plot or building, as the case may be, or the common areas as per section 17;
  - (ii) The promoter shall deposit seventy per cent. 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 (l) of sub-section (2) of section 4;
  - (iii) The registration shall be extended by a period of \_\_\_\_\_ [days / weeks / months] and shall be valid until \_\_\_\_\_;
  - (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.

Date:  
Place

Signature and seal of the  
Authorised Officer Real Estate  
Regulatory Authority

**FORM-G**  
**[See sub-rule (1) of rule 9]**  
**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 \_\_\_\_\_ Government of Karnataka 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. \_\_\_\_\_ Taluk \_\_\_\_\_ District \_\_\_\_\_ State \_\_\_\_\_  
\_\_\_\_\_;

OR

(in the case of a firm or societies or co-operative society or company) \_\_\_\_\_ firm or society or company  
\_\_\_\_\_ having its registered office or principal place of business at \_\_\_\_\_.

2. The requisite particulars are as under:-

(i) Status of the applicant, whether individual or company or proprietorship firm or societies or co-operative society or partnership firm or limited liability partnership;

(ii) In case of individual,-

- (a) Name;
- (b) Father's Name;
- (c) Occupation;
- (d) Permanent address;
- (e) Photograph.

OR

In case of firm or societies or companies -

- (a) Name;
- (b) Address;
- (c) Copy of registration certificate;
- (d) Major activities;
- (e) Name, photograph and address of partners / directors etc.

income tax returns filed under the provisions of the Income Tax Act, 1961 for three financial years preceeding the application or in case the applicant was exempted from filing returns under the provisions of the Income Tax Act, 1961 for any of the three year preceeding the application, a declaration to such effects;  
particulars of registration including the bye-laws, memorandum of association, articles of association etc. as the case may be;  
authenticated copy of the address proof of the place of business;  
Details of registration in any other State or Union territory; and  
Any other information the applicant may like to furnish.

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 10 of these rules;

(ii) Income tax returns of the last 3 years or declaration as the case may be;

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

(iv) 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.

Dated:

Place:

Yours faithfully,  
Signature and seal of the applicant(s)

**FORM-H**  
**[See sub-rule (2) of rule 10]**

**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. \_\_\_\_\_ Taluk \_\_\_\_\_ District \_\_\_\_\_ State \_\_\_\_\_  
\_\_\_\_\_;

OR



(in the case of a firm or society or company) \_\_\_\_\_ firm or society or 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 in terms of the Act  
and the rules and regulations made thereunder,

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 regulatory authority;

(ii) The real estate agent shall maintain and preserve such books of account, records and  
documents as provided under rule 14;

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

(iv) 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.

(v) The real estate agent shall comply with the provisions of the Act and the rules and  
regulations made thereunder;

(vi) The real estate agent shall not contravene the provisions of any other law for the time  
being in force in the area where the project is being developed;

(vii) The real estate agent shall discharge such other functions as may be specified by the  
regulatory authority by regulations;

3. The registration is valid for a period of five years commencing from \_\_\_\_\_ and  
ending with \_\_\_\_\_ unless renewed by the regulatory authority in  
accordance with the provisions of the Act or the rules and regulations made thereunder.

4. If the above mentioned conditions are not fulfilled by the real estate agent, the regulatory  
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 thereunder.

Dated:

Place:

Signature and seal of the Authorized Officer  
Real Estate Regulatory Authority

**FORM 'I'**

**[See sub-rule (3) of rule 10 and sub rule (4) of rule 11 and rule 12]**

**INTIMATION OF  
REJECTION OF APPLICATION FOR REGISTRATION OF REAL ESTATE AGENT OR  
REJECTION OF APPLICATION FOR RENEWAL OF REGISTRATION OF REAL ESTATE  
AGENT OR REVOCATION OF REGISTRATION OF REAL ESTATE AGENT**

From:

The Real Estate Regulatory Authority,  
\_\_\_\_\_  
\_\_\_\_\_

To

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Application or 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 sub-rule (1) of rule 11]

**APPLICATION FOR RENEWAL OF REGISTRATION OF REAL ESTATE AGENT**

From:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To

The Real Estate Regulatory 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;
- (ii) The original registration certificate; and
- (iii) Status of the applicant, whether individual or company or proprietorship firm or societies or co-operative society or partnership firm or limited liability partnership;
- (iv) In case of individual –
  - (a) Name;
  - (b) Father's Name;
  - (c) Occupation;
  - (d) Permanent address; and
  - (e) Photograph.

OR

In case of firm or societies or co-operative society or companies -

- (a) Name;
- (b) Address;
- (c) Copy of registration certificate;
- (d) Major activities; and
- (e) Name, photograph and address of partners or directors.
- (v) income tax returns filed under the provisions of the Income Tax Act, 1961 for three financial years preceding the application or in case the applicant was exempted from filing returns under the provisions of the Income Tax Act, 1961 for any of the three year preceding the application, a declaration to such effect;

- (vi) particulars of registration including the bye-laws, memorandum of association, articles of association etc. as the case may be;
- (vii) authenticated copy of the address proof of the place of business; and
- (viii) Details of registration in any other State or Union territory;
- (ix) Any other information as specified by regulations.

Dated:

Place:

Yours faithfully,  
Signature and seal of the applicant(s)

**FORM-K**  
[See sub-rule(4) of rule 11]

**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. \_\_\_\_\_ Taluk \_\_\_\_\_ District \_\_\_\_\_  
\_\_\_\_\_ State \_\_\_\_\_;

OR

(in the case of a firm / society / company) \_\_\_\_\_ firm / society / company  
\_\_\_\_\_ 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 regulatory authority;
- (ii) The real estate agent shall maintain and preserve such books of account, records and documents as provided under rule 14 of these rules;
- (iii) The real estate agent shall not involve himself in any unfair trade practices as specified under clause (c) of section 10 of the Act;
- (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 thereunder;
- (vii) The real estate agent shall not contravene the provisions of any other law for the time being in force in the area where the project is being developed; and
- (viii) The real estate agent shall discharge such other functions as may be specified by the regulatory authority by regulations.

3. The registration is valid for a period of five years commencing from \_\_\_\_\_ and ending with \_\_\_\_\_ unless renewed by the regulatory authority in accordance with the provisions of the Act or the rules and regulations made thereunder.

4. If the above mentioned conditions are not fulfilled by the real estate agent, the regulatory 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 thereunder.

Dated:

Place:

Signature and seal of the Authorized Officer  
Real Estate Regulatory Authority



**FORM-L****[See sub rule (1) of rule 21]****Form of Oath of Office for the Chairperson or Members of the Real Estate Regulatory Authority**

I, \_\_\_\_\_, having been appointed as the Chairperson or Member (cross the portion not applicable) solemnly affirm and (or) do swear in the name of God I will faithfully and conscientiously discharge my duties as the Chairperson or Member (cross the portion not applicable), of the Real Estate Regulatory Authority, to the best of my ability, knowledge and judgement, without fear or favour, affection or ill-will.

(Name of the Chairperson / Member)  
Real Estate Regulatory Authority

Dated :

**FORM-M****[See sub-rule (1) of rule 21]****Form of Oath of Secrecy for the Chairperson or Members of the Real Estate Regulatory Authority**

I, \_\_\_\_\_, having been appointed as the Chairperson or Member (cross the portion not applicable) solemnly affirm and do swear in the name of God I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as the Chairperson or Member (cross the portion not applicable), of the said Real Estate Regulatory Authority, except as may be required of my duties as the Chairperson or Member (cross the portion not applicable).

(Name of the Chairperson / Member)  
Real Estate Regulatory Authority

Dated :

**FORM 'N'****[See sub-rule (1) of rule 29]****COMPLAINT TO REGULATORY AUTHORITY**Complaint under section 31 of the Act

For use of Regulatory Authority(s) office:

Date of filing: \_\_\_\_\_

Date of receipt by post: \_\_\_\_\_

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:
2. Particulars of the respondents:
  - (i) Name(s) of respondent:
  - (ii) Office address of the respondent:
  - (iii) Address for service of all notices:
3. Jurisdiction of the regulatory authority:  
The complainant declares that the subject matter of the claim falls within the jurisdiction of the regulatory 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 36:

- (i) Amount
- (ii) Name of the bank on which drawn
- (iii) Demand draft number

9. List of enclosures:

[Specify the details of enclosures with the complaint]

### 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)

### **FORM 'O'** [See sub-rule (1) of rule 30] **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 by post: \_\_\_\_\_

Application 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 appellant:
- (iii) Address for service of all notices:
- (iv) 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) Registration no. and address of project:

3. Jurisdiction of the Adjudicating Officer:

The applicant 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 applicant 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 applicant 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 36:

(iv) Amount

(v) Name of the bank on which drawn

(vi) Demand draft number

8. List of enclosures:

[Specify the details of enclosures with the application]

**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 applicant(s)

**FORM-P**

[See rule 38]

**Form of Oath of Office for the Chairperson or Members of the Appellate Tribunal**

I, \_\_\_\_\_, having been appointed as the Chairperson or Member (cross the portion not applicable) solemnly affirm and (or) do swear in the name of God I will faithfully and conscientiously discharge my duties as the Chairperson or Member (cross the portion not applicable), of the Real Estate Regulatory Authority, to the best of my ability, knowledge and judgement, without fear or favour, affection or ill-will.

Dated :

(Name of the Chairperson / Member)  
Appellate Tribunal

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**FORM-Q**

[See rule 38]

**Form of Oath of Secrecy for the Chairperson or Members of the Appellate Tribunal**

I, \_\_\_\_\_, having been appointed as the Chairperson or Member (cross the portion not applicable) solemnly affirm and do swear in the name of God I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as the Chairperson or Member (cross the portion not applicable), of the said Real Estate Regulatory Authority, except as may be required + of my duties as the Chairperson or Member (cross the portion not applicable).

Dated :

(Name of the Chairperson / Member)  
Appellate Tribunal

**FORM-R**  
**[See sub-rule (2) of rule 33]**  
**APPEAL TO APPELLATE TRIBUNAL**  
Appeal under section 44 of the Act

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 centimetres 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.

For use of Appellate Tribunal's office:

Date of filing: \_\_\_\_\_

Date of receipt by post: \_\_\_\_\_

Registration No.: \_\_\_\_\_

Signature: \_\_\_\_\_

Registrar: \_\_\_\_\_

IN THE REAL ESTATE APPELLATE TRIBUNAL

xx

.....

xx – here specify the place of Tribunal

Between

\_\_\_\_\_ Appellant(s)

And

\_\_\_\_\_ Respondent(s)

Details of appeal:

1. Particulars of the appellants:
  - (i) Name of the appellant;
  - (ii) Address of the existing office / residence of the appellant;
  - (iii) Address for service of all notices.
2. Particulars of the respondents:
  - (i) Name(s) of respondent;
  - (ii) Office address of the respondent;
  - (iii) Address for service of all notices.
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 regulatory authority or the adjudicating officer, as the case may be passed under section(s) \_\_\_\_\_ of the Act.
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:  
 [specify 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 28 of the rules:
  - (i) Amount
  - (ii) Name of the bank on which drawn
  - (iii) Demand draft number
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.

**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)

**FORM- S**  
**[See sub-rule (1) of rule 48]**  
**ANNUAL STATEMENT OF ACCOUNTS**  
Receipts and Payments Account  
For the year ended \_\_\_\_\_

A/c Code	Receipts	Current year As On (in rupees)	Previous Year As on (in rupees)	A/c Code	Payments	Current year As on (in rupees)	Previous year As on (in rupees)
1.	To Balance Brought down:			13.	By Chairperson and Members:		
1.1.	To Bank			13.1.	By Pay and Allowances		
1.2.	To Cash in hand			13.2.	By Other benefits		
2.	To Fee, Charges and Fine:			13.3.	By Travelling expenses:		
2.1.	To Fees			13.3.1.	By Overseas		
2.2.	To Charges			13.3.2.	By Domestic		
2.3.	To Fines			14.	By Officers:		
2.4.	To Others (specify)			14.1.	By Pay and Allowances		
3.	To Grants:			14.2.	By Retirement benefits		
3.1.	To Accounts with Government			14.3.	By Other benefits		
3.2.	To Others (specify)			14.4.	By Travelling expenses:		
4.	To Gifts			14.4.1.	By Overseas		
5.	To Seminars and conferences			14.4.2.	By Domestic		
6.	To Sale of Publications			15.	By Staff:		
7.	To Income on investments and Deposits :			15.1.	By Pay and Allowances		
7.1.	To Income on investments			15.2.	By Retirement benefits		
7.2.	To Income on Deposits			15.3.	By Other benefits		
8.	To Loans:			15.4.	By Travelling expenses:		
8.1.	To Government			15.4.1.	By Overseas		
8.2.	To Others (specify)			15.4.2.	By Domestic		

9.	To Sale of Assets			16.	By Hire of Conveyance		
10.	To Sale on Investments			17.	By Wages		
11.	To Recoveries from pay bills			18.	By Overtime		
11.1.	To Loans and Advances Principal Amount			19.	By Honorarium		
11.2.	To Interest on Loans and Advances			20.	By Other office expenses		
11.3.	To Miscellaneous			21.	By Expenditure on Research		
51	To Others (specify)			22.	By Consultation expenses		
				23.	By Seminars and conferences		
				24.	By Publications of Authority		
				25.	By Rent and Taxes		
				26.	By Interest on Loans		
				27.	By Promotional Expenses		
				28.	By Membership fee		
				29.	By Subscription		
				30.	By Purchase of Fixed Assets (specify)		
				31.	By Investments and Deposits:		
				31.1	By Investments		
				31.2	By Deposits		
				32.	By Security Deposits		
				33.	By Loans and Advances to:		
				33.1	By Employees:		
				33.1.1.	By Bearing Interest		
				33.1.2.	By Not bearing Interest		
				33.2.	By Suppliers/contractors		
				33.3.	By others (specify)		
				34.	By Repayment of loan		
				35.	By Others		
				35.1.	By Leave Salary and Pension		
				35.2.	Contribution		
				35.3.	By Audit Fee		
				35.4.	By Misc:		
				36.	By Balance carried down:		
				36.1	By Bank		
				36.2	By Cash in hand		
	Total				Total		

Member(s) (Signature)

Chairperson (Signature)

## Income and Expenditure Account

For the 1<sup>st</sup> April \_\_\_\_\_ to 31<sup>st</sup> March \_\_\_\_\_

A/c Code	Expenditure	Current Year As on (in rupees)	Previous Year As on (in rupees)	A/c Code	Income	Current Year As on (in rupees)	Previous Year As On (in rupees)
37.	To Chairperson and Members			61.	By Fee, Charges and Fine		
37.1.	To Pay and Allowances			61.1.	By Fee		
37.2.	To Other benefits			61.2.	By Charges		
37.3.	To Travelling Expenses			61.3.	By Fines		
37.3.1.	To Overseas			61.4.	By Others (specify)		
37.3.2.	To Domestic			62.	By Grants		
38.	To Officers			62.1.	By Account with Government		
38.1.	To Pay and Allowances			62.2.	By Others (Specify)		
38.2.	To retirement Benefits			63.	By Gifts		
38.3.	To Other Benefits			64.	By Seminars and Conferences		
38.4.	To Traveling Expenses			65.	By Sale of Publications		
38.4.1.	To Overseas			66.	By Income on investments and Deposits		
38.4.2.	To Domestic			66.1.	By Income on investments		
39.	To Staff			66.2.	By Income on Deposits		
39.1.	To Pay and Allowances			66.3.	By Interest on Loan and Advances		
39.2.	To Retirement Benefits			67.	By Miscellaneous Income		
39.3.	To Other Benefits			67.1.	By Gain on Sales of Assets		
39.4.	To Traveling expenses			67.2.	By Excess of expenditure over income		
39.4.1.	To Overseas			67.3.	(Transferred to Capital Fund Account)		
39.4.2.	To Domestic						
40.	To hire of Conveyance						
41.	To Wages						
42.	To Overtime						
43.	To Honorarium						
44.	To Other office expenses						

45.	To expenditure on Research						
46.	To Consultation expenses						
47.	To Seminars and conferences						
48.	To Publications of Real Estate Regulatory Authority						
49.	To Rent and Taxes						
50.	To Interest on loans						
51.	To Promotional Expenses						
52.	To membership fee						
53.	To Subscription						
54.	To Others						
54.1.	To Leave Salary and Pension						
54.2.	Contribution						
54.3.	To Audit Fee						
54.4.	To Misc.						
55.	To Depreciation						
56.	To Loss on sale of assets						
57.	To Bad Debts written off						
58.	To Provision for bad & doubtful debts						
59.	To Excess of income over Expenditure						
60.	(Transferred to capital Fund Account)						
	Total				Total		

Member(s) (Signature)

Chairperson (Signature)

Balance Sheet as on 31<sup>st</sup> March \_\_\_\_\_

A/c Code	Liabilities	Current Year As on (in rupees)	Previous Year As on (in rupees)	A/c Code	Assets	Current Year As on (in rupees)	Previous Year As On (in rupees)
68.	Funds			72.	Fixed Assets		
68.1	Capital Fund			72.1.	Gross Block at Cost		



68.2	Add Excess of Income over Expenditure/ less excess of Expenditure over Income			72.2.	Less Cumulative depreciation		
68.3	Other Funds (Specify)			72.3.	Net Block		
69.	Reserves			73.	Capital Work-in-progress		
70.	Loans			74.	Investments & Deposits		
70.1	Government			74.1.	Investment		
70.2	Others			74.2.	Deposits		
71.	Current Liabilities and provisions			75.	Loans and Advances		
				75.1.	Account with Government		
				76.	Sundry Debtors		
				77.	Cash and Bank Balances		
				78.	Other Current Assets		
	Total				Total		
Accounting Policies and Notes:							

Member(s) (Signature)

Chairperson (Signature)

**FORM-T****[See sub-rule (1) of rule 49]****ANNUAL REPORT TO BE PREPARED BY REGULATORY AUTHORITY**

- (i) Chairman's statement:
- (ii) Objectives:
- (iii) Important achievements:
- (iv) The year in review:
  - a. Landmark decisions:
  - b. Legislative work:
  - c. Outreach programme:
- (v) Capacity building:
- (vi) International engagements:
- (vii) Impact on:
  - a. Allottees:
  - b. Promoters:
  - c. Real Estate Agents:
  - d. Economy:

B. Registration of promoters and real estate agents under the Act:

## I. In relation to Promoters:

Serial Number	Name of promoter	Address of promoter	Description of project for which registration has been	Fee paid	Registration Number
1	2	3	4	5	6

Date of issue of registration	Date on which registration expires	Date of extension of registration with period of extension	Remark
7	8	9	10

## II. In relation to Real Estate Agents:

Serial Number	Name of Real Estate Agent	Address of Real Estate Agent	Registration Fee paid	Registration Number	Date of issue of registration certificate	Date on which registration certificate expires	Date and period of renewal of registration certificate	Remark
1	2	3	4	5	6	7	8	9

## C. Number of cases filed before the Authority and the adjudicating officer for settlement of disputes and number of cases disposed:

Sl. No.	No. of cases pending in the last quarter with the Authority	No. of cases received during the quarter by the Authority	No. of cases disposed of by the Authority

Sl. No.	No. of cases pending in the last quarter with the adjudicating officer	No. of cases received during the quarter by the adjudicating officer	No. of cases disposed of by the adjudicating officer

## D. Statement on the periodical survey conducted by the Authority to monitor the compliance of the provisions of the Act by the promoters, allottees and real estate agents:

Sl. No.	Survey conducted during the quarter with details	Observation of Authority	Remedial steps taken

## E. Statement on steps taken to mitigate any non-compliance of the provisions of the Act and the rules and regulations made thereunder by the promoters, allottees and real estate agents:

Sl. No.	Subject	Steps taken	Results achieved

- F. Statements on directions of the Authority and the penalty imposed for contraventions of the Act and the rules and regulations made thereunder and statement on interest and compensations ordered by the adjudicating officer:

Sl. No.	Name of the promoter	Details of the directions issued by the Authority / adjudicating officer	Penalty / interest / compensations imposed	Whether paid

Sl. No.	Name of the allottee	Details of the directions issued by the Authority / adjudicating officer	Penalty / interest / compensations imposed	Whether paid

Sl. No.	Name of the real estate agent	Details of the directions issued by the Authority / adjudicating officer	Penalty / interest / compensations imposed	Whether paid

- G. Investigations and inquiries ordered by the Authority or the adjudicating officer: A brief narrative of investigations and inquiries taken up by the Authority or the adjudicating officers and references received from the competent authority or the appropriate Government.
- H. Orders passed by the Authority and the adjudicating officer: A brief narrative of orders passed by the Authority or the adjudicating officers separately for where no offence is made out, and in case offence is proved, category-wise for each category of orders passed along with a tabular statement indicating the sections under which the order was passed and brief particulars of the orders.
- I. Execution of the orders of the Authority and imposition of penalties: (i) monetary penalties – details of recovery of penalty imposed, details of penalty imposed but not recovered, total number of matters and total amount of monetary penalty levied, total amount realized by resorting to rule 23; (ii) matters referred to court under section 59 – total number of matters referred to the court during the year, total number of matters disposed of by the court during the year, total number of matters pending with the court at the end of the year; (iii) matters referred to court for execution of order under section 40 – total number of matters referred to the court during the year, total number of matters disposed of by the court during the year, total number of matters pending with the court at the end of the year.
- J. Execution of the orders of the adjudicating officer and imposition of interest and compensation: (i) interest and compensations – details of interest and compensation imposed, details of interest and compensation imposed but not paid, total number of matters and total amount of interest and compensations imposed, total amount realized by resorting to rule 23; and (ii) matters referred to court for execution of order under section 40 – total number of matters referred to the court during the year, total number of matters disposed of by the court during the year, total number of matters pending with the court at the end of the year.
- K. Appeals:
- (i) Number of appeals filed against the orders of the Authority or the adjudicating officer in the year:
  - (ii) Number of appeals pending at the beginning of the year:
  - (iii) Appeals filed during the year:

- (iv) Number of appeals allowed by the Appellate Tribunal during the year:  
 (v) Number of appeals disallowed by the Appellate Tribunal during the year:  
 (vi) Brief write up on the appeals allowed by the Appellate Tribunal:
- L. References received from the appropriate Government under section 33: a brief narrative on references received from the appropriate Government under section 33 providing for – number of references received during the year, number of references disposed of during the year, number of references pending at the end of the year.
- M. Advocacy measures under sub-section (3) of section 33: a brief narrative on activities undertaken under sub-section (3) of section 33 – (i) workshops, seminars and other interactions with public / experts / policy-makers / regulatory bodies on laws and policies relating to the real estate sector and for creating awareness on the same; (ii) papers and studies published for advocacy on laws and policies relating to the real estate sector and for creating awareness on the same; (iii) consultation papers published/placed on website of the Authority; (iv) analytical papers prepared and examined; (v) others.
- N. Administration and establishment matters: (i) report of the Secretary; (ii) composition of the Authority; (iii) details of Chairperson and Members appointed in the year and of those who demitted office (iv) details of adjudicating officers appointed in the year and those who demitted office; (v) organizational structure; (vi) a tabular statement containing information on personnel in the Authority, category-wise: sanctioned posts, posts filled up, vacancies, appointments made in the year etc.
- O. Experts and consultants engaged: details of number of experts and consultants appointed in the year and of those who demitted office.
- P. Employee welfare measures, if any, beyond the regular terms and conditions of employment, undertaken by the Authority.
- Q. Budget and Accounts: (i) budget estimates and revised estimates, under broad categories; (ii) receipts under broad categories in the Real Estate Regulatory Fund established under sub-section (1) of section 75; (iii) actual expenditure under broad categories; (iv) balance available in the Real Estate Regulatory Fund under sub-section (1) of section 75; (v) any other information.
- R. International cooperation: A brief narrative of international cooperation, if any, undertaken by the Authority.
- S. Capacity Building: A brief narrative of capacity building initiative undertaken including (i) number of employees (category wise and grade wise) trained in house with details of such programmes-like content, duration and faculty; (ii) number of employees (category wise and grade wise) trained by outside institutions (separately within Indian and outside India) with details of names of institutions and duration also to specify whether training was under internship, exchange programme, fellowships, study leave, special arrangements with foreign universities/institutions; (iii) expenditure of capacity building initiatives.
- T. Ongoing programmes: A brief narrative of ongoing programmes.
- U. Right to Information: A brief narrative of (i) number of applications received by CPIO/ACPIO seeking information under RTI Act; (ii) Number of applications for which information has been provided by CPIO; (iii) number of applications pending with CPIO; (iv) number of appeals filed before the First Appellate Authority against the order of CPIO; (v) number of appeals which have been disposed of by First Appellate Authority; (vi) number of appeals pending with the First Appellate Authority; (vii) number of applications/appeals not disposed of in the stipulated time frame.

Chairperson-

(Signature)-

Member(s)-

(Signature)-

By Order and in the name of the Governor of Karnataka

**KAPIL MOHAN**

Principal Secretary to Government  
 Department of Housing