

Government of Jammu & Kashmir
Housing & Urban Development Department
Civil Secretariat, J&K

Jammu and Kashmir
Real Estate
(Regulation & Development)
Rule, 2020



GOVERNMENT OF JAMMU & KASHMIR
Housing & Urban Development Department
Civil Secretariat - Jammu/Srinagar

Notification,
Srinagar, the 31st July, 2020

S.O 2357. In exercise of the powers conferred by Section 84 of the Real Estate (Regulation and Development) Act, 2016, the Lieutenant Governor of Jammu and Kashmir hereby makes the following rules, namely:-

CHAPTER I
PRELIMINARY

1. **Short title and commencement.**-(1) These rules may be called the Jammu and Kashmir Real Estate (Regulation and Development) Rules, 2020.

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

2. **Definitions.**-(1) In these Rules unless the context otherwise requires:-

(a) "Act" means the Real Estate (Regulation and Development) Act, 2016;

(b) "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 authorised representatives of the allottees;

(c) "authenticated copy" shall mean a self-attested copy of any document;

(d) "Form" means a Form appended to these rules;

(e) "Government" means the Government of Union territory of Jammu and Kashmir; and

(f) "Section" means a section of the Act.

(2) Words and expressions used but not defined in these rules, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

CHAPTER II
REAL ESTATE PROJECT

3. **Information and documents to be furnished by promoter for registration of real estate project.**- (1) A promoter shall furnish the following information and documents, along with those specified under section 4 of the Act, for registration of the project with the Authority, namely:-

(a) authenticated 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 loss account, balance sheet, cash flow statement and the auditors report of the promoter for the immediately preceding three financial years;

(c) the number of open parking areas and the number of covered parking areas available in the real estate project;

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

(e) 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 party in or over such land or non-encumbrance certificate through an advocate having experience of at least ten years from the revenue authority not below the rank of tehsildar, as the case may be;

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

(g) name, photograph, contact details and address of the promoter if it is an individual and the name, photograph, contact details and address of the chairman, partners, directors, as the case may be, and the 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 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;

(d) in case of plotted development projects, five rupees per square meter, but shall not be more than two lakhs rupees.

(4) The declaration to be submitted under clause (1) of sub-section (2) of section 4, 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 building, as the case may be.

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

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

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

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

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

(3) The promoter shall disclose the size of the apartment based on carpet area even if earlier sold on any other basis such as super area, super built up area, built up area etc. which shall not affect the validity of the agreement entered into between the promoter and the allottee to that extent.

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

(5) For projects that are ongoing and have not received 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 (1) of sub-section (2) of section 4, which shall be used for the purposes specified therein.

5. Grant or rejection of registration of project.- (1) Upon the registration of a project as per section 5 read with rule 3 and rule 4, as the case may be, the Authority shall issue a registration certificate with a registration number in Form 'C' to the promoter.

(2) In case of rejection of the application as per section 5, the Authority shall inform the applicant in Form 'D':

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

6. 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 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 provided as per local laws for completion of the project or phase thereof, as the case may be.

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

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

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

CHAPTER III

REAL ESTATE AGENT

8. Application for registration by the real estate agent.- (1) Every real estate agent required to register as per subsection (2) of section 9 shall make an application in writing to the Authority in Form 'G', in triplicate, until the application procedure is made web based, along with the following documents, namely:-

(a) the brief details of his enterprise including its name, registered address, type of enterprise (proprietorship, societies, partnership, company etc.);

(b) the particulars of registration (whether as a proprietorship, partnership, company, society etc.) including the bye-laws, memorandum of association, articles of association etc, as the case may be;

(c) name, address, contact details and photograph of the real estate agent, if it is an individual and the name, address, contact details and photograph of the partners, directors etc. in case of other entities;

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

(e) the authenticated copy of the address proof of the place of business.

(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 through online payment, as the case may be, for a sum of ten thousand rupees in case of the applicant being an individual or fifty thousand rupees in case of the applicant other than an individual.

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

Provided that the Authority may grant an opportunity to the real estate agent to 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.

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

(2) The application for renewal of registration shall be accompanied with a demand draft or a bankers cheque drawn on any scheduled bank or through online payment, as the case may be, for a sum of five thousand rupees in case of the real estate agent being an individual or 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 sub-rule (1) of rule 8 at the time of application for renewal.

(4) In case of renewal of registration, the Authority shall inform the real estate agent about the same in Form 'K' and in case of rejection of the application for renewal of registration, the Authority, shall inform the real estate agent in Form 'I'.

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

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

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

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

12. Books of accounts, records and documents.- The real estate agent shall maintain and preserve its books of account, records and documents in accordance with the provisions of the Income Tax Act, 1961 (43 of 1961), as amended from time to time, and the rules made thereunder.

13. 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 fulfil 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

14. Details to be published on website.- (1) The Authority shall ensure that the following information, as applicable, shall be made available on its website in respect of each project registered under the Act, namely:-

(a) details of the promoter including the following, namely:-

(i) promoter or group profile,-

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

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

(C) name, address, contact details and photograph of the promoter in case of an individual and the name, address, contact details and photograph of the chairman, directors, partners, 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, as the case may be, in real estate development in the Union Territory of Jammu and Kashmir;

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

(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;

(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.

(iii) litigations,- Details of litigation, if any, which have been disposed of by the concerned court in the past five years in relation to the real estate projects developed or being developed by the promoter;

(iv) website,-

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

(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 received 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 subsection (2) of section 4;

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

(iii) apartment, plot and garage related details,-

(A) details of the number, type and carpet area of apartments for sale in the project along with the area of the exclusive 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 and area of garage for sale in the project;

(C) details of the number of open parking areas and covered parking areas available in the real estate project;

(iv) registered Agents,- names and addresses of real estate agents for the project.

(v) consultants,- Details, including name and addresses, of contractors, architect, structural engineers and other persons concerned with the development of the real estate project such as-

(A) name and address of the person;

(B) names of promoters;

(C) year of establishment;

(D) names and profile of key projects completed;

(vi) location,- the details of the location of the project, with clear demarcation of land dedicated for the project along with its boundaries including the latitude and longitude of the end points of the project;

(vii) development Plan,-

(A) the plan of development works to be executed in the proposed project and the proposed facilities to be provided thereof including fire fighting facilities, drinking water facilities, emergency evacuation services, use of renewable energy etc.;

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

(C) gantt charts or milestone charts and project schedule:- the plan of development works to be executed in the project and the details of the proposed facilities to be provided thereof and the timelines to achieve the same;

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

(c) financial details of the promoter,-

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

(ii) the annual report including audited profit and loss account, balance sheet, cash flow statement, directors report and the auditors report of the promoter for the immediately preceding three financial years and where annual report is not available then the audited profit and 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, namely:-

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

(ii) list of number of garages booked;

(iii) status of the project:- (A) status of construction of each building with photographs; (B) status of construction of each floor with photographs; (C) status of construction of internal infrastructure and common areas with photographs.

(iv) status of approvals:-

(A) approvals received;

(B) approvals applied and expected date of receipt;

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

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

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

(i) approvals:-

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

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

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

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

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

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

(ii) legal documents:-

(A) the 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 of project is proposed along with legally valid documents for chain of title with authentication of such title;

(C) land title search report from an advocate having experience of at least ten years;

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

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

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

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

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

(a) For real estate agents registered with the Authority:-

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

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

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

(iv) name, address, contact details and photograph of the real estate agent, if it is an individual and the name, address, contact details and photograph of the partners, directors etc. in case of other persons;

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

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

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

(iii) status of the project,- (A) status of construction of each building with photographs; (B) status of construction of each floor with photographs; (C) status of construction of internal infrastructure and common areas with photographs.

(iv) status of approvals:-

(A) approvals received;

(B) approvals applied and expected date of receipt;

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

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

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

(i) approvals-

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

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

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

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

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

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

(ii) legal documents-

(A) the 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 of project is proposed along with legally valid documents for chain of title with authentication of such title;

(C) land title search report from an advocate having experience of at least ten years;

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

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

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

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

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

(a) For real estate agents registered with the Authority:-

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

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

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

(iv) name, address, contact details and photograph of the real estate agent, if it is an individual and the name, address, contact details and photograph of the partners, directors etc. in case of other persons;

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

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

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

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

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

(iii) name, address, contact details and photograph of the real estate agent if it is an individual and the name, address, contact details and photograph of the partners, directors etc. in case of other persons;

(c) such other documents or information as may be specified by the Act or the rules and regulations made thereunder.

(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

INTEREST PAYABLE BY PROMOTER AND ALLOTTEE AND TIMELINES FOR REFUND

15. **Interest payable by promoter and 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 highest Jammu and Kashmir Bank Marginal Cost of Funds based Lending Rate (MCLR) plus two per cent.

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

CHAPTER VI

REAL ESTATE REGULATORY AUTHORITY

17. **Selection of Chairperson and other Members of Authority.-** (1) As and when vacancies of Chairperson or any other Member in the Authority exist or arise, or are likely to arise, the Government may make a reference to the Selection Committee in respect of the vacancies to be filled.

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

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

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

(5) The Government shall within thirty days from the date of receipt of the recommendation by the Selection Committee, appoint one of the two persons

recommended by the Selection Committee for the vacancy of the Chairperson or other Member, as the case may be.

18. Salary and allowances payable and other terms and conditions of service of Chairperson and other Members of Authority.- (1) The salaries and allowances payable to the Chairperson and other Members of the Authority shall be as follows-

(a) the Chairperson shall be paid salary and allowances equal to last drawn salary minus pension; —

(b) the Member shall be paid salary and allowances equal to last drawn salary minus pension; and —

(c) the Member, who has not been a Government Servant shall be paid salary and allowances as may be notified by the Government in this behalf. —

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

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

19. Administrative powers of the Chairperson of Authority.- (1) The Chairperson of the Authority shall exercise the administrative powers in respect of-

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

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

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

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

(e) officiating against sanctioned posts;

(f) authorisation of tours to be undertaken by any Member, officer or employee of the Authority within and outside India;

(g) matters in relation to reimbursement of medical claims;

(h) matters in relation to grant or rejection of leaves;

(i) permission for hiring of vehicles for official use;

(j) nominations for attending seminars, conferences and training courses in India or abroad;

(k) permission for invitation of guests to carry out training course;

(l) matters pertaining to staff welfare expenses;

(m) sanction or scrapping or write-off of capital assets which due to normal wear and tear have become unserviceable or are considered beyond economical repairs;

(n) matters relating to disciplinary action against any Member, officer or employee of the Authority.

(2) The Chairman of the Authority shall also exercise such other powers that may be required for the efficient functioning of the Authority and enforcement of the provisions of the Act and the rules and regulations made thereunder.

20. Salary and allowances payable to and the other terms and conditions of service of the officers and of the employees of Authority.- (1) The conditions of service of the officers and employees of the Authority 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 Government and drawing the corresponding scales of pay.

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

21. Functioning of Authority.- (1) The office of the Authority shall be located at such place as may be determined by the Government by notification.

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

(3) The official common seal and emblem of the Authority shall be such as the 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.

22. Additional powers of Authority.- (1) In addition to the powers specified in clause (iv) of sub-section (2) of section 35, the Authority shall exercise the following additional powers,-

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

(b) requisitioning, subject to the provisions the Indian Evidence Act, any public record or document or copy of such record or document from any office.

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

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



(a) withdrawn the said amounts from the account maintained under sub-clause (D) of clause (f) of sub-section (2) of section 4; or

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

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

23. **Recovery of interest, penalty and compensation.**- The recovery of the amounts due such as interest, penalty or compensation shall be recovered as arrears of land revenue in the manner provided under the Jammu and Kashmir Land Revenue Act, 5.1996.

CHAPTER VII

REAL ESTATE APPELLATE TRIBUNAL

24. **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 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 'L', in triplicate, until the application procedure is made web based, along with the following documents, namely:-

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

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

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

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

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

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

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

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

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

(b) the Member shall be paid a monthly salary equivalent to the salary drawn at the maximum of the scale of pay of Additional Secretary to the Government of India minus pension:

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

(c) the Member, who is not a Government Servant shall be paid Salary and allowances as may be notified by the Government in this behalf.

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

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

27. Inquiry of the charges against Chairperson or Member of Authority or Appellate Tribunal.- (1) The Government shall on the occurrence of any of the circumstances specified in clause (d) or clause (e) of sub-section (1) of section 26 in case of a Chairperson or Member of the Authority or as specified under subsection (1) of section 49 in case of a Chairperson or Member of the Appellate Tribunal, either by receipt of a complaint in this

regard or ~~sumotu~~, as the case may be, make a preliminary scrutiny with respect to such charges against the Chairperson or any Member of the Authority or Appellate Tribunal, as the case may be.

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

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

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

(b) material documents relevant to the inquiry.

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

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

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

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

28. Salary and allowances payable and other terms and conditions of service of officers and other employees of Appellate Tribunal.- (1) The conditions of service of the officers and employees of the Appellate Tribunal and any other category of employees in the matter of pay, allowances, leave, joining time, joining time pay, age of superannuation and other conditions of service, shall be regulated in accordance with such rules and regulations as are, from time to time, as applicable to officers and employees of the Government and drawing the corresponding scales of pay.

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

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

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

(b) requisitioning, subject to the provisions of the Indian Evidence Act, 1920; any public record or document, or copy of such record or document from any office.

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

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

- (a) matters pertaining to staff strength, wages and salary structures, emoluments, perquisites and personnel policies;
- (b) matters pertaining to creation and abolition of posts;
- (c) matters pertaining to appointments, promotions and confirmation for all posts;
- (d) acceptance of resignations by any Member, officer or employee;
- (e) officiating against sanctioned posts;
- (f) authorisation of tours to be undertaken by any Member, officer or employee: within and outside the Union Territory or India;
- (g) matters in relation to reimbursement of medical claims;
- (h) matters in relation to grant or rejection of leaves;
- (i) permission for hiring of vehicles for official use;
- (j) nominations for attending seminars, conferences and training courses in India or abroad;
- (k) permission for invitation of guests to carry out training course;
- (l) matters pertaining to staff welfare expenses;
- (m) sanction or scrapping or write-off of capital assets which due to normal wear and tear have become unserviceable or are considered beyond economical repairs;
- (n) all matters relating to disciplinary action against any Member, officer or employee.

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

31. Functioning of Appellate Tribunal.- (1) The office of the Appellate Tribunal shall be located at such place as may be determined by the Government 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.

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

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

[3] The procedure 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.

34. Filing of complaint with the adjudicating officer and inquiry by adjudicating officer.-

(1) Any aggrieved person may file a complaint with the adjudicating officer for interest and compensation as provided under section 12, 14, 18 and 19 in Form 'N', in triplicate, until the application procedure is made web based, which shall be accompanied by a fees of one thousand rupees in the form of a demand draft or a bankers cheque drawn on a scheduled bank in favour of the Authority and payable at the branch of that bank at the station where the seat of the said Authority is situated or through online payment, as the case may be.

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

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

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

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

(d) On the date so fixed, the adjudicating officer 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 thereunder and if the respondent,-

(i) pleads guilty, the adjudicating officer shall record the plea, and by order in writing, order payment of interest as specified in rule 15 and such compensation as he thinks fit, as the case may be, in accordance with the provisions of the Act or the rules and regulations, made thereunder;

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

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

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

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

(h) the adjudicating officer shall have the power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any documents which in the opinion of the adjudicating 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, 1920;

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

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

(ii) not liable to any interest and compensation, as the case may be, the adjudicating officer may, by order in writing, dismiss the complaint, with reasons to be recorded in writing;

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

(3) The procedure for day to day functioning of the adjudicating officer, which have not been provided by the Act or the rules made 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 X

BUDGET AND REPORT

35. 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 'O'.

(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 Government for laying before the legislature.

36. Annual Report.- (1) The Authority shall prepare its annual report in Form 'P'.

(2) The Authority may also include in the Annual Report such other matters as deemed fit by the Authority for reporting to the 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 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 of the Government of Jammu and Kashmir.

Sd/-
Principal Secretary to the Govt.
Housing & Urban Dev. Department

No.HUD/02/2019-RERA

Dated: 22.07.2020

Copy to the:-

1. All Financial Commissioners.
2. All Principal Secretaries to the Government.
3. Principal Resident Commissioner, J&K Government, New Delhi.
4. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
5. All Commissioners/Secretaries to the Government.
6. Chief Electoral Officer, J&K.
7. Divisional Commissioner, Jammu /Kashmir.
8. All Secretaries to the Government.
9. Chairperson, J&K Special Tribunal.
10. All Deputy Commissioners.
11. Chief Executive Officer(s), Jammu/Srinagar Smart City Limited.
12. Chief Executive Officer, Economic Reconstruction Activity.
13. Vice Chairman, JDA/SDA/LAWDA.
14. Commissioner JMC/SMC.
15. Director, Information, J&K.
16. Director, Estates, J&K.
17. Director, ULB, Jammu/Srinagar.
18. Managing Director, J&K Housing Board.
19. Additional Secretary to the Chief Secretary.
20. Chief Town Planner, Town Planning Organization, Jammu/Kashmir.
21. Chief Architect, J&K Architect Organization.
22. Director, Archives, Archaeology and Museums, J&K.
23. General Manager, Government Ranbir Press, Jammu/Kashmir, for publication in Government Gazette.
24. Private Secretary to Lieutenant Governor.
25. General Manager, Government Press, Jammu/Srinagar.
26. Private Secretary to Advisor (S) to Lieutenant Governor.

27. Private Secretary to Advisor (F) to Lieutenant Governor.
28. Private Secretary to Advisor (B) to Lieutenant Governor.
29. Private Secretary to Advisor (BK) to Lieutenant Governor.
30. Private Secretary to Principal Secretary to the Government, H&UDD.
31. In-charge Website, H&UDD.
32. In-charge Website, GAD.
33. Government Order file/Stock file.

(Rajesh Basotra) KAS
Deputy Secretary to Govt.

FORM 'A'

[See rule 3(2)]

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 _____ Jammu and Kashmir.

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.

(ii) 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 (1) of subsection (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 loss 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 tehsildar, as the case may be;

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

(vi) an authenticated copy of the approvals and commencement certificate from the competent authority obtained in accordance with the laws as may be applicable for the real estate project mentioned in the application, and where the project is proposed to be developed in phases, an authenticated copy of the approvals and commencement certificate from the competent authority for each of such phases;

(vii) the sanctioned plan, layout plan and specifications of the proposed project or the phase thereof, and the whole project as sanctioned by the competent authority;

(viii) the plan of development works to be executed in the proposed project and the proposed facilities to be provided thereof including firefighting 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.

Yours faithfully,

Dated:

Place:

Signature and seal of the applicant(s)

FORM 'B'

[See rule 3(4)]

DECLARATION, SUPPORTED BY AN AFFIDAVIT, WHICH SHALL BE
SIGNED BY THE PROMOTER OR ANY PERSON AUTHORISED BY THE
PROMOTER

Affidavit cum Declaration

Affidavit cum Declaration of [Mr./Ms.] _____ [promoter of the project / duly authorised by the promoter of the project, vide its/his/their authorisation dated _____];

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

1. That [I / promoter] [have / has] a legal title to the land on which the development of the project is proposed or _____ [have/has] a legal title to the land on which the development of the proposed project is to be carried out and
a legally valid authentication of title of such land along with an authenticated copy of the agreement between such owner and promoter for development of the real estate project is enclosed herewith.
2. That the said land is free from all encumbrances,

or

That details of encumbrances _____ including details of any rights, title, interest, dues, litigation and name of any party in or over such land.
3. That the time period within which the project shall be completed by [me / the promoter] is _____.
4. That seventy per cent. of the amounts realised by [me / the promoter] for the real estate project from the allottees, from time to time, shall be deposited in a separate account to be maintained in a scheduled bank to cover the cost of construction and the land cost and shall be used only for that purpose.
5. That the amounts from the separate account, to cover the cost of the project, shall be withdrawn by [me / the promoter] in proportion to the percentage of completion of the project.
6. That the amounts from the separate account shall be withdrawn by [me / the promoter] after it is certified by an engineer, an architect and a chartered accountant in practice that the withdrawal is in proportion to the percentage of completion of the project.
7. That [I / the 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 / the promoter] shall take all the pending approvals on time, from the competent authorities.
9. That [I / the promoter] [have / has] furnished such other documents as have been prescribed by the Act and the rules and regulations made thereunder.
10. That [I / the promoter] shall not discriminate against any allottee at the time of allotment of any apartment, plot or building, as the case may be.

Deponent

Verification

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

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

Deponent

FORM 'C'

[See rule 5(1)]

REGISTRATION CERTIFICATE OF PROJECT

This registration is granted under section 8 to the following project under project registration number _____ [Specify Details of Project including the project address].

1. [In the case of an individual] [Mr./Ms.] _____ son of [Mr./Ms.] _____ Tehsil _____ District _____ State/Union Territory _____;

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

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

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

(iii) The promoter shall deposit seventy 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;

(iv) The registration shall be valid for a period of _____ years commencing from _____ and ending with _____ unless extended by the Authority in accordance with the Act and the rules made thereunder;

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

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

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

Dated:

Place:

Signature and seal of the Authorised Officer
Real Estate Regulatory Authority

FORM 'D'

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

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

From:

The Real Estate 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 rule 6(1)]

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 subrule (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.

Yours faithfully,

Place:

Dated:

Signature and seal of the applicant(s)

FORM 'F' [See rule 6(4)]

CERTIFICATE FOR EXTENSION OF REGISTRATION OF PROJECT

This extension of registration is granted under section 6, 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/U
nion Territory _____;

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 (I) 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.

Dated:

Place:

Signature and seal of the Authorised Officer
Real Estate Regulatory Authority

FORM 'G'

[See rule 8(1)]

APPLICATION FOR REGISTRATION OF REAL ESTATE AGENT

To

The Real Estate Regulatory Authority (Name of Place) _____

Sir,

[I/We] 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 Union Territory of Jammu and Kashmir in terms of the Act and the rules and regulations made thereunder,

1. [in the case of an individual] [Mr./Ms.] _____ son of
[Mr./Ms.] _____ Tehsil _____ District _____
State/Union Territory _____.

OR

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

2. The requisite particulars are as under:-

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

(ii) In case of individual -

(a) Name of [Individual / Proprietorship firm] -

(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 proprietor.

OR

In case of [firm / societies / company etc.] -

(a) Name

(b) Address

(c) Copy of registration certificate as [firm / societies / company etc.]

(d) Major activities

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

(f) Name, photograph, contact details and address of [partners / directors etc.]

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

(iv) Authenticated copy of the address proof or the place of business;

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

(v) Any other information as specified by regulations.

3. [I/We] enclose the following documents along with, namely:-

- (i) Demand Draft / Bankers Cheque No. _____ dated _____ for a sum of Rs. _____, in favour of _____, drawn on _____ bank as registration fee as per sub-rule (2) of rule 8 or through online payment as the case may be _____ (give details of online payment such as date paid, transaction no. etc.);
- (ii) Authenticated copy of the PAN card of the real estate agent; and
- (iii) Authenticated copy of the registration as a real estate agent in any other State or Union Territory, if applicable.

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

Dated:

Yours faithfully,

Place:

Signature and seal of the applicant(s)

FORM 'H'

[See rule 9(2)]

REGISTRATION CERTIFICATE OF REAL ESTATE AGENT

1. This registration is granted under section 9 with registration certificate bearing No. _____ to -

[In the case of an individual] [Mr./Ms.] _____ son of
[Mr./Ms.] _____ Tehsil _____ District _____
State/Union Territory _____

OR

[in the case of a firm / society / company etc.] _____ [firm / society / company
etc.] _____ 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 Union Territory of Jammu and Kashmir 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 Authority;

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

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

(iv) The real estate agent shall facilitate the possession of all information and 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 as applicable to him;

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

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

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

Dated:

Place:

Signature and seal of the Authorised Officer

Real Estate Regulatory Authority

FORM 'Y'

[See rule 9(3), 10(4), 11]

INTIMATION OF REJECTION OF APPLICATION FOR REGISTRATION OF REAL ESTATE AGENT / REJECTION OF APPLICATION FOR RENEWAL OF REGISTRATION OF REAL ESTATE AGENT / REVOCATION OF REGISTRATION OF REAL ESTATE AGENT

From:

The Real Estate Regulatory Authority (Name of Place) _____

To

[Application / Registration] No.: _____

Dated: _____

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

or

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

or

You are hereby informed that the registration granted to you as real estate agent is hereby revoked for the reasons set out:- _____

Place:

Dated:

Signature and seal of the Authorised Officer
Real Estate Regulatory Authority

FORM 'J'

[See rule 10(1)]

APPLICATION FOR RENEWAL OF REGISTRATION OF REAL ESTATE AGENT

From:

To:

The Real Estate Regulatory Authority (Name of Place) _____

Sir,

[I/We] apply for renewal my/our registration as a real estate agent under registration certificate bearing No. _____, which expires on _____.

1. As required [I/We] submit the following documents and information, namely:-

(i) A demand draft / bankers cheque no. _____ dated _____ for rupees _____ in favour of _____ drawn on _____ bank as renewal fee as per sub-rule (2) of rule 10 or through online payment as the case may be _____ (give details of online payment such as date paid, transaction no. etc.);

(ii) The authenticated copy of the registration certificate; and _____

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

(iv) In case of individual –

- (a) Name of [Individual / Proprietorship Firm]
- (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 proprietor

OR

In case of [firm / societies / company etc.] –

- (a) Name
- (b) Address
- (c) Copy of registration certificate as [firm / societies / company etc.]
- (d) Major activities
- (e) Contact Details (Phone number, e-mail, Fax Number etc.)
- (f) Name, photograph, contact details and address of [partners / directors etc.];

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

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

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

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

(ix) Any other information as specified by regulations.

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

Dated:

Yours faithfully,

Place:

Signature and seal of the applicant(s)

FORM 'K'

[See rule 10(4)]

CERTIFICATE FOR RENEWAL OF REGISTRATION OF REAL ESTATE AGENT

1. This renewal of registration is granted under section 9 to -
[in the case of an individual] [Mr./Ms.] _____ son of _____
[Mr./Ms. _____ Tehsil _____ District _____
State/Union Territory _____]

OR

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

In continuation to registration certificate bearing No. _____ of _____.

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

(i) The real estate agent shall not facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a real estate project or part of it, being sold by the promoter which is required but not registered with the Authority;

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

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

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

(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 as applicable to him;

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

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

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

Dated:

Place:

Signature and seal of the Authorised Officer

Real Estate Regulatory Authority

FORM 'L' [See rule 24(2)]
APPEAL TO APPELLATE TRIBUNAL
Appeal under section 44

For use of Appellate Tribunal's office:

Date of filing: _____

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

Appeal No.: _____

Signature: _____

Registrar: _____

IN THE REAL ESTATE APPELLATE TRIBUNAL (Name of place)

Between _____ Appellant(s)

And

_____ Respondent(s)

Details of appeal:

1. Particulars of the appellants:

(i) Name(s) of the appellant:

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

(iii) Address for service of all notices:

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

2. Particulars of the respondents:

(i) Name(s) of respondent:

(ii) Office address of the respondent:

(iii) Address for service of all notices:

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

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

4. Limitation:

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

OR

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

5. Facts of the case:

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

6. Relief(s) sought:

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

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

7. Interim order, if prayed for:

Pending final decision on the appeal the appellant seeks issue of the following interim order: [Give here the nature of the interim order prayed for with reasons]

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

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

9. Particulars of [demand draft / bankers cheque or online payment] in respect of the fee in terms of sub-rule (1) of rule 24:

— (i) Amount: _____

— (ii) Name of the bank on which drawn: _____

— (iii) [Demand draft number / bankers cheque / online payment transaction no.]: _____

10. List of enclosures:

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

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

(iii) An index of the documents

(iv) Other documents as annexed along with the complaint

Signature of the appellant(s)

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: _____

Signature of the appellant(s)

Date: _____

Instructions:

(1) Every appeal shall be filed in English and in case it is in some other 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.

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

FORM 'M'
[See rule 33(1)]
COMPLAINT TO AUTHORITY
Complaint under section 31

For use of Regulatory Authority(s) office:

Date of filing: _____

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

Complaint No.: _____

Signature: _____

Registrar: _____

IN THE REGULATORY AUTHORITIES OFFICE (Name of place)

Between _____ Complainant(s)

And

_____ Respondent(s)

Details of claim:

1. Particulars of the complainant(s):

(i) Name(s) of the complainant:

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

(iii) Address for service of all notices:

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

2. Particulars of the respondents:

(i) Name(s) of respondent:

(ii) Office address of the respondent:

(iii) Address for service of all notices:

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

3. Jurisdiction of the Authority:

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

4. Facts of the case:

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

5. Relief(s) sought:

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

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

6. Interim order, if prayed for:

Pending final decision on the complaint the complainant seeks issue of the following interim order: [Give here the nature of the interim order prayed for with reasons]

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

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

8. Particulars of [demand draft / bankers cheque or online payment] in respect of the fee in terms of sub-rule (1) of rule 33:

(i) Amount:

(ii) Name of the bank on which drawn

(iii) [Demand draft number / bankers cheque / online payment transaction no.]

9. List of enclosures:

- (i) Copies of the documents relied upon by the complainant and referred to in the complaint
- (ii) An index of documents
- (iii) Other documents as annexed along with the complaint

Signature of the complainant(s)

Verification

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

Place:

Date:

Signature of the complainant(s)

Instructions:

(1) Every complaint shall be filed in English and in case it is in some other 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.

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

FORM 'N'

[See rule 34(1)]

COMPLAINT TO ADJUDICATING OFFICER

Claim for interest and compensation under section 31 read with section 71

For use of Adjudicating Officers office:

Date of filing: _____

Date of _____ [receipt at the filing counter / receipt by post / online filing]

Complaint No.: _____

Signature: _____

Authorised Officer: _____

IN THE ADJUDICATING OFFICERS OFFICE (Name of place)

Between _____ Complainant(s)

And

_____ Respondent(s)

Details of claim:

1. Particulars of the complainant(s):

(i) Name(s) of the complainant: _____

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

(iii) Address for service of all notices: _____

(iv) Contact Details (Phone number, e-mail, Fax Number etc.): _____

(v) Details of allottees apartment, plot or building, as the case may be: _____

2. Particulars of the respondents:

(i) Name(s) of respondent: _____

(ii) Office address of the respondent: _____

(iii) Address for service of all notices: _____

(iv) Contact Details (Phone number, e-mail, Fax Number etc.): _____

(v) Registration no. and address of project: _____

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

4. Facts of the case: [give a concise statement of facts and grounds of claim against the promoter]

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

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

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

7. Particulars of [demand draft / bankers cheque or online payment] in respect of the fee in terms of sub-rule (1) of rule 34:

(i) Amount:

(ii) Name of the bank on which drawn:

(iii) [Demand draft number / bankers cheque / online payment transaction no]:

8. List of enclosures:

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

(ii) An index of documents

(iii) Other documents as annexed along with the complaint Signature of the complainant(s)

Verification

I _____ (name in full block letters) [son / daughter] of _____ the complainant 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:

Signature of the complainant(s)

Date:

Instructions:

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

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

FORM 'O' [See rule 35(1)]
ANNUAL STATEMENT OF ACCOUNTS
Receipts and Payments Account For the year ended

(In Rupees)

A/c Code	Receipts	Current year As on	Previous Year As on	A/c Code	Payments	Current year As on	Previous year As on
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 Fines:			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 of 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		
11	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			

Chairperson (Signature)

Member(s) (Signature)

Secretary (Signature)

Officer In-charge (Finance and Accounts)

Income and Expenditure Account

For the period 1st _____ to 31st _____

(In Rupees)

A/c Code	Expenditure	Schedule	Current year As on	Previous Year As on	A/c Code	Payments	Schedule	Current year As on	Previous year As on
13	To Chairperson and Members				1	By Fee, Charges and Fine	A		
13.1	To Pay and Allowances				2.1	By Fee			
13.2	To Other benefits	C			2.2	By Charges			
13.3	To Travelling Expenses				2.3	By Fines			
13.3.1	To Overseas				2.4	By Others (Specify)			
13.3.2	To Domestic				3	By Grants	B		
14	To Officers				3.1	By Account with Government			
14.1	To Pay and Allowances				3.2	By Others (Specify)			
14.2	To retirement Benefits	D			4	By Gifts			
14.3	To Other Benefits	C			5	By Seminars and Conferences			
14.4	To Traveling Expenses				6	By Sale of Publications			
14.4.1	To Overseas				7	By Income on Investments and Deposits			
14.4.2	To Domestic				7.1	By Income on investments			
15	To Staff				7.2	By Income on Deposits			
15.1	To Pay and Allowances				11.2	By Interest on Loan and Advances			
15.2	To retirement Benefits	D			12	By Miscellaneous Income			
15.3	To Other Benefits	C			12.1	By Gain on Sales of Assets			
15.4	To Traveling Expenses					By Excess of expenditure over income			
15.4.1	To Overseas					(Transferred to Capital Fund Account)			
15.4.2	To Domestic								
16	To hire of Conveyance								
17	To Wages								
18	To Overtime								
19	To Honorarium								
20	To Other office expenses	E							
21	To expenditure on Research								
22	To Consultation expenses								
23	To Seminars and conferences								
24	To Publications of Authority								
25	To Rent and Taxes								
26	To Interest on loans								
27	To Promotional Expenses								
28	To membership fee	F							
29	To Subscription	G							
30	To Others								
35.1	To Leave Salary and Pension								
35.2	Contribution								
35.3	To Audit Fee								
35.4	To Misc.								
37	To Depreciation	H							
38	To Loss on sale of assets								
39	To Bad Debts written off								
40	To Provision for bad and doubtful debts								
	To Excess of income over expenditure								
	(Transferred to Capital								

Fixed Account									
Total					Total:				

Chairperson (Signature)

Member(s) (Signature)

Secretary (Signature)

Officer In-charge (Finance and Accounts)

No.	quarter with the Authority	quarter by the Authority	the Authority

S. 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:

S. 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:

S. 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:

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

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

S. 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 on 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 subsection (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 India 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.

Member(s) (Signature)

Chairperson (Signature)