

## **MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY**

‘A’ Wing, Slum Rehabilitation Authority Building,

Prof. Anant Kanekar Road, Bandra (East),

Mumbai 400 051, dated 24th April 2017

## **MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY (GENERAL) REGULATIONS, 2017**

No. MahaRERA. 2017/Gen. Regulations/18.— In exercise of the powers conferred on it under sub-sections (1) and clause (i) of sub-section (2) of Section 85 of the Real Estate (Regulations and Development) Act, 2016 and of all other powers enabling it in that behalf, the Maharashtra Real Estate Regulatory Authority, with the approval of the State Government, hereby makes the following Regulations :—

*Short Title, Object, Commencement and Extent :-*

**1.** (a) These regulations may be called the Maharashtra Real Estate Regulatory Authority (General) Regulations 2017.

(b) The object of these Regulations is to establish procedures regarding the general functioning of the Authority and for the conduct of business of the Authority.

(c) These Regulations shall come into force on the date of their notification in the *Official Gazette*.

(d) These Regulations shall apply in relation to all matters falling within the jurisdiction of the Authority in the State of Maharashtra.

### *Definitions*

**2.** (a) In these Regulations, unless the context otherwise requires :—

(i) “Act” means the Real Estate (Regulation and Development) Act, 2016 as amended from time to time ;

(ii) “Adjudication” means the process of arriving at decisions on complaints submitted to the Authority or the Adjudicating Officer under section 31 of the Act ;

(iii) “Chairperson” means the Chairperson of the Authority ;

(iv) “Authority” means the Maharashtra Real Estate Regulatory Authority ;

(v) “Consultant” includes any person not in the employment of the Authority who may be appointed as such to assist the Authority on any matter required to be dealt with by the Authority under the Act and the rules and regulations made there under ;

(vi) “Member” means a member of the Authority ;

(vii) “Proceedings” mean and include proceedings of all nature that the Authority may

(viii) "Secretary" means the Secretary of the Authority ;

(ix) "Officer" means an Officer of the Authority ;

(x) "Regulations" mean the Maharashtra Real Estate Regulatory Authority (General) Regulations, 2017 as amended from time to time ;

(xi) "Rules" mean the rules framed by Government of Maharashtra, under the Real Estate (Regulation and Development) Act, 2016 and as amended from time to time.

(b) Words or expressions occurring in these Regulations and not defined herein but defined in the Act or the Rules shall bear the same meanings respectively assigned to them in the Act and the Rules.

(c) In construing these Regulations, the singular shall include the plural and *vice versa*.

*Formats of Certificates of Architect, Engineer and Chartered Accountant :-*

**3.** The certificates, issued by the project architect, project engineer, chartered accountant and submitted to the banks for getting release of money from the separate account shall be in Forms 1, 2 and 3 respectively. The certificate issued by the project architect on completion of each of the building/wing of the real estate project shall be in Form 4.

*Additional Disclosures by Promoters on the Website and Project site :-*

**4.** In addition to all the details of the proposed Real Estate project, to be uploaded by the promoter on his webpage on the website of the Authority, as required under sub-section (1) of section 11 of the Act and clause (1) and (2) of Rule 3 of the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017, the promoter shall additionally upload the following details :-

(a) The annual report on statement of accounts, in Form 5 [issued in accordance with the third proviso to section 4 (2) (l) of the Act] duly certified and signed by the chartered accountant who is the statutory auditor of the promoter's enterprise.

*Explanation 1 :-* The chartered accountant certifying the progress of the registered real estate project for the purpose of withdrawal of amounts from the separate account should be a different entity than the chartered accountant who is the statutory auditor of the promoter's enterprise.

*Explanation 2 :-* If the Form 5 issued by the statutory auditor reveals that any certificate issued by the project architect, engineer or the chartered accountant has false or incorrect information and the amounts collected for a particular project have not been utilized for the project and the withdrawal has not been in compliance with the proportion to the percentage of completion of the project, the Authority, in addition to taking penal actions as contemplated in the Act and the Rules, shall also take up the matter with the concerned regulatory body of the said professionals of the architect, engineer or chartered accountant, for necessary penal action against them, including dis-memberment.

(b) The sanctioned plans, layout plans, along with specifications, approved by the Competent

*Authority's office, office hours and sittings :-*

5. The head office of the Authority shall be at Mumbai. The Authority may, by order, establish benches comprising one or more members, at places other than Mumbai.

6. The Authority shall follow the office timings and holidays as notified from time to time by the State Government for its offices in Mumbai and elsewhere, unless otherwise decided by the Authority.

7. The Authority may conduct its proceedings at the head office or at any other place within its jurisdiction on days and time as directed by the Chairperson.

*Language of the Authority :-*

8. The proceedings of the Authority shall be conducted in English, provided that the Authority shall allow any person to plead or represent his case in Marathi.

9. The Authority, at its sole discretion, may accept complaint petitions made in any language other than in English or Marathi, provided that the same is accompanied by a translation thereof in English.

Provided that such translation may be dispensed with at the discretion of the Authority.

10. Any translation which is agreed to by the parties to the proceedings or which any of the parties furnish, may be accepted by the Authority as a true translation.

11. The Authority may, in appropriate cases, direct translation of Petitions and their accompanying documents into English or Marathi.

*Authority to have seal of its own :-*

12. Any document requiring authentication by the Authority shall be issued under the seal of the Authority, and shall be signed by the Secretary or other Officer authorized by the Chairperson in this behalf.

*Officers of the Authority :-*

13. (a) The Authority shall have the power to appoint the Secretary, Officers and other employees for discharging various duties. The qualifications, experience and terms and conditions of service and appointment of such Secretary, Officers and other employees shall be subject to such regulations as may be specified by the Authority.

(b) The Authority may appoint or engage Consultants to assist the Authority in the discharge of its functions.

14. (a) The Secretary shall be the Principal Executive Officer of the Authority and shall exercise his powers and perform his duties under the control of the Chairperson.

(b) The Authority, in the discharge of its functions under the Act, may take such assistance from the Secretary as it may deem fit.

(c) In particular, and without prejudice to the generality of the provisions of sub-regulations (a) and (b) of this regulation, the Secretary shall have the following powers and perform the following duties, *viz* :-

(ii) He shall receive or cause to receive all documents, including, *inter alia*, complaints, applications or reference pertaining to the Authority.

(iii) He shall scrutinize documents, including, *inter alia*, complaints, applications or references and shall be entitled to seek clarifications or rectifications upon the same and issue appropriate directions pertaining to the acceptance or rejection of such documents.

(iv) He shall prepare or cause to be prepared briefs and summaries of pleadings presented by various parties in cases filed before the Authority.

(v) He shall carry out such functions under the Act or the Rules, as may be delegated to him by the Chairperson, by general or special order.

(vi) He shall assist the Authority in the proceedings relating to the powers exercisable by the Authority, as directed by the Chairperson.

(vii) He shall provide notice for meeting, prepare the agenda for meetings and minute the proceedings of the Authority's meetings.

(viii) He shall authenticate the orders passed by the Authority.

(ix) He shall, so far as it is possible, monitor compliance of the orders passed by the Authority and shall forthwith bring to the notice of the Authority any non-compliance thereof.

(x) He shall have the right to collect from the State Government or other offices, companies and firms or any other party as may be directed by the Chairperson, such information and record, report, documents, etc., as may be considered necessary for the purpose of efficient discharge of the functions of the Authority under the Act and the Rules and place the same before the Authority.

**15.** In the absence of the Secretary, the Officer of the Authority designated by the Chairperson in this behalf, shall exercise the functions of the Secretary.

**16.** The Chairperson shall, at all times, have the power, either on an application made by any interested or affected party or *suo motu*, to review, revoke, revise, modify, amend, alter or otherwise change any order issued or action taken by the Secretary or any Officer of the Authority, if considered appropriate.

**17.** The Secretary may, with the written approval of the Chairperson, delegate to any Officer of the Authority any function required by these Regulations or otherwise to be exercised by the Secretary.

#### *Meetings*

**18.** This section shall be applicable to the meetings of the Authority, other than the adjudicatory proceedings of the Authority.

**19.** The quorum for the meetings of the Authority shall be two.

**20.** If in any meeting of the Authority duly convened, the quorum is not present, the meeting

**21.** The Chairperson shall preside over the meetings and conduct the business. Members stationed at Benches, outside Mumbai, may participate in the meetings through video conferencing. If the Chairperson is unable to be present in the meetings for any reason, or where there is no Chairperson, the senior most Member present shall preside at the meeting.

**22.** (a) All questions which come up before any meetings of the Authority shall be decided by a majority of votes of the Members present and voting. In the event of an equality of votes, the Chairperson or in his absence, the Member presiding shall have a second or casting vote.

(b) Save as otherwise provided in these Regulations, every Member shall have one vote.

**23.** (a) The Secretary or in his absence an Officer of the Authority designated by the Chairperson, shall record the minutes of the meetings and maintain a register which will, amongst other things, contain the names and designation of Members and invitees present in the meeting, a record of proceedings and notes of dissent, if any. The draft minutes shall, as soon as practicable, be sent to the Chairperson and the attending Members.

(b) The decision taken in a meeting of the Authority shall be recorded in the minutes in a clear and concise manner, alongwith reasons. In case the minutes record any statement/submission made by an invitee, a copy of the minutes shall be sent to such invitee.

(c) The minutes of the previous meeting shall be confirmed by circulation or at the next meeting of the Authority.

*Adjudication proceedings :-*

**24.** For adjudication proceedings with respect to complaints filed with the Authority, the Authority may, by order, direct that specific matters or issues be heard and decided by a single bench of either the Chairperson or any Member of the Authority.

*Vacancies, etc., not to invalidate proceedings :-*

**25.** No act or proceedings of the Authority shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Authority.

*Authorized Representative :-*

**26.** A person who is a party to any proceedings before the Authority may either appear in person or authorise any other person to present his case before the Authority and to do all or any of the acts for the purpose :

Provided that, the person appearing on behalf of any person in any proceeding before the Authority shall file a Memorandum of Authorisation, in Form 6 herein.

Provided further that, for matters pertaining to Rule 6 (a) of the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017 the Authority may, from time to time, determine the terms and conditions subject to which the allottees may authorise representative(s) to plead on their behalf. In such cases the Authority shall have the power to summon and enforce the attendance of all persons who are concerned with the Real Estate Project, including lenders, as well as the persons who have accorded permissions to the Real Estate Project,

*Orders of the Authority :-*

**27.** The Authority Chairperson/Member (s) hearing a proceeding shall pass orders in such proceedings, and such orders shall be signed by the Chairperson/Members of the Authority hearing such proceeding. Every order made by the Authority shall be a reasoned order.

**28.** All orders and decisions issued by the Authority shall be certified by the signature of the Secretary or an Officer empowered in this behalf by the Chairperson and shall bear the official seal of the Authority and be communicated as expeditiously as possible from the date of passing thereof to all parties in the proceeding.

*Commission's records-documentation, inspection, confidentiality and accessibility .-*

**29.** The Authority shall, as soon as may be practicable, maintain an indexed database of its records including, *inter alia*, complaints filed, details of hearings conducted, orders / documents issued from time to time.

**30.** (a) Subject to sub-regulation (c) herein, records of the Authority shall be open to inspection by all, subject to the payment of the fee and complying with the terms as the Authority may direct.

(b) The Authority shall, on such terms and conditions as the Authority considers appropriate, provide for supply of certified copies of documents and papers available with the Authority to any person, applying in Form 7, subject to the payment of fee and complying with the terms as the Authority may direct. The Authority shall designate an Officer for ensuring timely response to requests received for supply of certified copies of documents who shall endeavour to dispatch the certified copies of documents requested for within a period of fourteen (14) working days from the date of receipt of request.

(c) The Authority may, by order, direct that any information, documents and papers / materials maintained by the Authority, shall be confidential or privileged and shall not be available for inspection or supply of certified copies, and the Authority may also direct that such document, papers, or materials shall not be used in any manner except as specifically authorised by the Authority.

**31.** The Authority shall endeavour to make information involving public interest accessible and available to the public, including, *inter alia*, through its website.

*Interim Orders, investigation, inquiry, collection of information, etc :-*

**32.** The Authority may pass such ad-interim or interim orders, as the Authority may consider appropriate at any stage of any proceedings, having regard to the facts and circumstances of the case.

**33.** The Authority may make such direction or order as it thinks fit for collection of information, inquiry, investigation, entry, search, seizure and, without prejudice to the generality of its powers, including, *inter alia*, the following :-

(a) The Authority may, at any time, direct the Secretary or any one or more Officers or any other person as the Authority considers appropriate to study, investigate or furnish information with respect to any matter within the jurisdiction of the Authority under the Act

(b) The Authority may, for the above purpose, give such other directions as it may deem fit and state the time within which the report is to be submitted or information furnished.

(c) The Authority may issue or authorise the Secretary or an Officer to issue directions to any person to produce before it and allow to be examined and kept by an Officer of the Authority directed in this behalf the books, accounts, etc., or to furnish any information to the designated Officer.

(d) The Authority may issue such directions, for the purpose of collection of any information, particulars or documents that the Authority considers necessary in connection with the discharge of its functions under the Act and the Rules.

(e) If any such report or information obtained appears to the Authority to be insufficient or inadequate, the Authority or the Secretary or an Officer authorised for the purpose may give directions for further inquiry, report and furnishing of information.

(f) The Authority may direct such incidental, consequential and supplemental matters to be attended to which may be considered relevant in connection with the above.

**34.** If the report or information obtained in accordance with Regulation 34 above or any part thereof is proposed to be relied upon by the Authority for forming its opinion or view in any proceedings, the parties to the proceedings shall be given a reasonable opportunity for filing objections and making submissions on such report or information.

*Confidentiality :*

**35.** (a) The Authority shall appraise and determine whether any document or evidence provided to it by any party and claimed by that party to be of a confidential nature merits being withheld from disclosure to other parties as being confidential and shall provide brief reasons in writing for arriving at its conclusion.

(b) If the Authority is of the view that the claim for confidentiality is justified the Authority may direct that the same be not provided to such parties as the Authority may deem fit. However, the party claiming the confidentiality shall provide a brief non-confidential summary of the substance of the documents found to be confidential and the import of the same.

(c) Notwithstanding the above, it shall be open to the Authority to take into consideration the contents of the documents found to be confidential in arriving at its decision.

*Review of decisions, directions, and orders :*

**36.** (a) Any person aggrieved by a direction, decision or order of the Authority, from which (i) no appeal has been preferred or (ii) from which no appeal is allowed, may, upon the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the direction, decision or order was passed or on account of some mistake or error apparent from the face of the record, or for any other sufficient reasons, may apply for a review of such order, within forty-five (45) days of the date of the direction, decision or order, as the case may be, to the Authority.

(b) An application for such review shall be filed in the same manner as a complaint under

(c) The Authority, shall for the purposes of any proceedings for review of its decisions, directions and orders be vested with the same powers as are vested in a civil court under the Code of Civil Procedure, 1908.

(d) When it appears to the Authority that there is no sufficient ground for review, the Authority shall reject such review application.

(e) When the Authority is of the opinion that the review application should be granted, it shall grant the same provided that no such application will be granted without previous notice to the opposite side or party to enable him to appear and to be heard in support of the decision or order, the review of which is applied for.

*Continuance of Proceedings after death, etc. :*

**37.** (a) Where in a proceeding, any of the parties to the proceeding dies or is adjudicated as an insolvent or in the case of a company under liquidation / winding-up, the proceeding shall continue with the successors-in-interest, the executor, administrator, receiver, liquidator or other legal representative of the party concerned, as the case may be.

(b) The Authority may, for reasons to be recorded, treat the proceedings as abated in case the Authority so directs and dispense with the need to bring the successors-in-interest on the record of the case.

(c) In case any person wishes to bring on record the successors-in-interest, etc., the application for the purpose shall be filed within ninety (90) days from the event requiring the successors-in-interest to be brought on record. The Authority may condone the delay, if any, for sufficient reasons.

*Issue of orders and directions :*

**38.** Subject to the provisions of the Act, Rules and Regulations, the Authority may, from time to time issue orders and directions in regard to the implementation of the Regulations and procedure to be followed.

*Saving of inherent power of the Authority :*

**39.** Nothing in the Regulations shall be deemed to limit or otherwise affect the inherent power of the Authority to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of the process of the Authority.

**40.** Nothing in these Regulations shall bar the Authority from adopting in conformity with the provisions of the Act or Rules, a procedure, which is at variance with any of the provisions of these Regulations including summary procedures, if the Authority, in view of the special circumstance of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for so dealing with such a matter or class of matters.

**41.** Nothing in the Regulations shall bar the Authority to deal with any matter or exercise any power under the Act or Rules for which no regulations have been framed, and the Authority may deal with such matters, powers and functions in a manner it thinks fit.

*General power to amend/rectify :*

**42.** The Authority may, at any time and on such terms as to costs or otherwise, as it may think fit, amend any defect or error in any proceedings before it (including any clerical or arithmetical error in any order passed by the Authority), and all necessary amendments, rectifications shall be made for the purpose of determining the real question or issue arising in

Provided that if the Authority desires to make amendments or rectifications in order to determine the real question or issue arising the Authority shall provide an opportunity to the parties affected by such amendment or rectification touching the real question or issue to make representations and submissions with respect to the proposed amendment or rectification.

*Power to remove difficulties :-*

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

*Extension or abridgement of time prescribed :-*

**44.** Subject to the provisions of the Act or the Rules, the time prescribed by the Regulations or by order of the Authority for doing any act may be extended (whether it has already expired or not) or abridged for sufficient reason by an order of the Authority.

*Effect of non-compliance :-*

**45.** Failure to comply with any requirement of the Regulations shall not invalidate any proceeding merely by reason of such failure unless the Authority is of the view that such failure has resulted in miscarriage of justice.

*Costs :-*

**46.** (a) Subject to such condition and limitation as may be directed by the Authority, the costs of and incidental to, all proceedings shall be awarded at the discretion of the Authority and the Authority shall have full power to determine by whom or out of what funds and to what extent such costs are to be paid and give all necessary directions for the aforesaid purposes.

(b) The costs shall be paid within thirty (30) days from the date of the order or within such time as the Authority may, by order, direct. If a party fails to comply with an order for costs within the permitted period, the order of the Authority awarding costs shall be executed forthwith in the same manner as a decree/order of a Civil Court.

*Administrative Charges and Standard Fees :-*

**47.** The administrative charges to be retained by the Authority in cases of withdrawal of application for registration of any Real Estate Project in accordance with Rule 3 (7) of the Maharashtra Real Estate(Regulation and Development)(Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017 shall be Rupees five thousand only. The remaining amount of registration fees shall be refunded to the promoter within 15 days through RTGS or NEFT system or any other digital transaction mode.

**48.** The Authority may, by order, fix standard fees, including annual fees, to be levied on the promoters or real estate agents or allottees for inspection of documents, certified copies of

FORM 1

[see Regulation 3]

ARCHITECT'S CERTIFICATE

(To be submitted at the time of Registration of Ongoing Project and for  
withdrawal of Money from Designated Account)

Date

To,

The \_\_\_\_\_ (Name & Address of Promoter),

Subject : Certificate of Percentage of Completion of Construction Work of \_\_\_\_\_ No. of Building(s)/\_\_\_\_\_ Wing(s) of the\_\_\_\_\_ Phase of the Project [MahaRERA Registration Number] situated on the Plot bearing C.N. No/CTS No./Survey No./ Final Plot No. \_\_\_\_\_ demarcated by its boundaries (latitude and longitude of the end points) \_\_\_\_\_ to the North \_\_\_\_\_ to the South \_\_\_\_\_ to the East \_\_\_\_\_ to the West of Division \_\_\_\_\_ village \_\_\_\_\_ taluka \_\_\_\_\_ District \_\_\_\_\_ PIN \_\_\_\_\_ admeasuring \_\_\_\_\_ sq.mts. area being developed by [Promoter's Name]

Sir,

I/ We \_\_\_\_\_ have undertaken assignment as Architect /Licensed Surveyor of certifying Percentage of Completion of Construction Work of the \_\_\_\_\_ Building(s)/ \_\_\_\_\_ Wing(s) of the \_\_\_\_\_ Phase of the Project, situated on the plot bearing C.N. No/ CTS No./Survey No./Final Plot No. \_\_\_\_\_ of Division \_\_\_\_\_ village \_\_\_\_\_ taluka \_\_\_\_\_ District \_\_\_\_\_ PIN \_\_\_\_\_ admeasuring \_\_\_\_\_ sq.mts. area being developed by [Promoter's Name]

1. Following technical professionals are appointed by Owner / Promoter :—
  - (i) M/s/Shri/Smt. \_\_\_\_\_ as L.S. / Architect ;
  - (ii) M/s /Shri / Smt. \_\_\_\_\_ as Structural Consultant
  - (iii) M/s /Shri / Smt. \_\_\_\_\_ as MEP Consultant
  - (iv) M/s /Shri / Smt. \_\_\_\_\_ as Site Supervisor

Based on Site Inspection, with respect to each of the Building/Wing of the aforesaid Real Estate Project , I certify that as on the date of this certificate, the Percentage of Work done for each of the building/Wing of the Real Estate Project as registered *vide* number \_\_\_\_\_ under MahaRERA is as per table A herein below. The percentage of the work executed with respect to each of the activity of the entire phase is detailed in Table B.

**TABLE-A**

Building /Wing Number\_\_\_\_(to be prepared separately for each Building /Wing of the Project)

Sr. No.	Tasks /Activity	Percentage of work done
(1)	(2)	(3)
1.	Excavation	
2.	_____ number of Basement(s) and Plinth	
3.	_____ number of Podiums	
4.	Stilt Floor	
5.	_____ number of Slabs of Super Structure	
6.	Internal Walls, Internal Plaster, Floorings within Flats/Premises, Doors and Windows to each of the Flat/Premises.	
7.	Sanitary Fittings within the Flat/Premises, Electrical Fittings within the Flat/Premises.	
8.	Staircases, Lifts Wells and Lobbies at each Floor level connecting Staircases and Lifts, Overhead and Underground Water Tanks.	
9.	The external plumbing and external plaster, elevation, completion of terraces with waterproofing of the Building/Wing.	
10.	Installation of lifts, water pumps, Fire Fighting Fittings and Equipment as per CFO NOC, Electrical fittings to Common Areas, electro, mechanical equipment, Compliance to conditions of environment /CRZ NOC, Finishing to entrance lobby/s, plinth protection, paving of areas appurtenant to Building/Wing, Compound Wall and all other requirements as may be required to obtain Occupation / Completion Certificate.	

**TABLE-B**

Internal and External Development Works in respect of the entire Registered Phase.

S.No.	Common areas and Facilities, Amenities	Proposed (Yes/No)	Percentage of Work done	Details
(1)	(2)	(3)	(4)	(5)
1.	Internal Roads & Footpaths.			
2.	Water Supply			
3.	Sewarage (chamber, lines, Septic Tank , STP).			

(1)	(2)	(3)	(4)	(5)
5.	Landscaping & Tree Planting.			
6.	Street Lighting			
7.	Community Buildings			
8.	Treatment and disposal of sewage and sullage water.			
9.	Solid Waste management & Disposal.			
10.	Water conservation, Rain water harvesting.			
11.	Energy management			
12.	Fire protection and fire safety requirements			
. 13.	Electrical meter room, sub-station, receiving station.			
14.	Others ( Option to Add more).			

Yours Faithfully,

Signature & Name (IN BLOCK LETTERS) of L.S/ Architect

(License No. ....)

**FORM-2**  
[See Regulation 3]

**ENGINEER'S CERTIFICATE**

(To be submitted at the time of Registration of Ongoing Project and for withdrawal of Money from Designated Account- Project wise)

Date :

To,

The \_\_\_\_\_ (Name & Address of Promoter),

Subject : Certificate of Cost Incurred for Development of [Project Name] for Construction of \_\_\_\_\_ building(s)/\_\_\_\_\_ Wing(s) of the \_\_\_\_\_ Phase ( MahaRERA Registration Number) situated on the Plot bearing C.N. No./CTS No./Survey No./ Final Plot No. \_\_\_\_\_ demarcated by its boundaries ( latitude and longitude of the end points) \_\_\_\_\_ to the North \_\_\_\_\_ to the South \_\_\_\_\_ to the East \_\_\_\_\_ to the West of Division \_\_\_\_\_ Village \_\_\_\_\_ Taluka \_\_\_\_\_ District \_\_\_\_\_ PIN \_\_\_\_\_ admeasuring \_\_\_\_\_ sq.mts. area being developed by [Promoter]

Ref : MahaRERA Registration Number \_\_\_\_\_

Sir,

I/ We \_\_\_\_\_ have undertaken assignment of certifying Estimated Cost for the Subject Real Estate Project proposed to be registered under MahaRERA, being \_\_\_\_\_ Building(s)/ \_\_\_\_\_ Wing(s) of the \_\_\_\_\_ Phase situated on the plot bearing C.N. No./CTS No./Survey No./ Final Plot No. \_\_\_\_\_ of Division \_\_\_\_\_ Village \_\_\_\_\_ Taluka \_\_\_\_\_ District \_\_\_\_\_ PIN \_\_\_\_\_ admeasuring \_\_\_\_\_ sq.mts. area being developed by [Owner/Promoter]

1. Following technical professionals are appointed by Owner / Promoter :—

- (i) M/s /Shri/Smt \_\_\_\_\_ as L.S. / Architect ;
- (ii) M/s /Shri/Smt \_\_\_\_\_ as Structural Consultant
- (iii) M/s /Shri/Smt \_\_\_\_\_ as MEP Consultant
- (iv) M/s /Shri/Smt \_\_\_\_\_ as Quantity Surveyor \*

2. We have estimated the cost of the completion to obtain Occupation Certificate/ Completion Certificate, of the Civil, MEP and Allied works, of the Building(s) of the project. Our estimated cost calculations are based on the Drawings/plans made available to us for the project under reference by the Developer and Consultants and the Schedule of items and quantity for the entire work as calculated by \_\_\_\_\_ quantity Surveyor\* appointed by Developer/Engineer, and the assumption of the cost of material, labour and other inputs made by developer, and the

3. We estimate Total Estimated Cost of completion of the building(s) of the aforesaid project under reference as Rs. \_\_\_\_\_ ( Total of Table A and B). The estimated Total Cost of project is with reference to the Civil, MEP and allied works required to be completed for the purpose of obtaining occupation certificate / completion certificate for the building(s) from the \_\_\_\_\_ being the Planning Authority under whose jurisdiction the aforesaid project is being implemented.

4. The Estimated Cost Incurred till date is calculated at Rs. \_\_\_\_\_ (Total of Table A and B). The amount of Estimated Cost Incurred is calculated on the base of amount of Total Estimated Cost.

5. The Balance cost of Completion of the Civil, MEP and Allied works of the Building(s) of the subject project to obtain Occupation Certificate / Completion Certificate from \_\_\_\_\_ (planning Authority) is estimated at Rs. \_\_\_\_\_ ( Total of Table A and B).

6. I certify that the Cost of the Civil, MEP and allied work for the aforesaid Project as completed on the date of this certificate is as given in Table A and B below :

TABLE A

Building /Wing bearing Number\_\_\_\_\_ or called \_\_\_\_\_

(to be prepared separately for each Building /Wing of the Real Estate Project)

Sr. No (1)	Particulars (2)	Amounts (3)
1	Total Estimated cost of the building/wing as on _____ date of Registration is	Rs. _____
2	Cost incurred as on _____ (based on the Estimated cost )	Rs. _____
3	Work done in Percentage (as Percentage of the estimated cost )	_____ %
4	Balance Cost to be Incurred (Based on Estimated Cost)	Rs. _____
5	Cost Incurred on Additional /Extra Items as on _____ not included in the Estimated Cost (Annexure A)	Rs. _____

TABLE B

(to be prepared for the entire registered phase of the Real Estate Project)

Sr. No. (1)	Particulars (2)	Amounts (3)
1	Total Estimated cost of the Internal and External Development Works including amenities and Facilities in the layout as on _____ date of Registration is	Rs. _____

(1)	(2)	(3)
2	Cost incurred as on _____ (based on the Estimated cost).	Rs. _____
3	Work done in Percentage (as Percentage of the estimated cost).	_____ %
4	Balance Cost to be Incurred (Based on Estimated Cost).	Rs. _____
5	Cost Incurred on Additional /Extra Items as on _____ not included in the Estimated Cost (Annexure A).	Rs. _____

Yours Faithfully,

Signature of Engineer.

(Licence No. ....)

**\* Note :**

1. The scope of work is to complete entire Real Estate Project as per drawings approved from time to time so as to obtain Occupation Certificate/Completion Certificate.
2. (\*) Quantity survey can be done by office of Engineer or can be done by an independent Quantity Surveyor, whose certificate of quantity calculated can be relied upon by the Engineer. In case of independent quantity surveyor being appointed by Developer, the name has to be mentioned at the place marked (\*) and in case quantity are being calculated by office of Engineer, the name of the person in the office of Engineer, who is responsible for the quantity calculated should be mentioned at the place marked (\*).
3. The estimated cost includes all labour, material, equipment and machinery required to carry out entire work.
4. As this is an estimated cost, any deviation in quantity required for development of the Real Estate Project will result in amendment of the cost incurred / to be incurred.
5. All components of work with specifications are indicative and not exhaustive.

**Annexure A**

List of Extra/Additional Items executed with Cost

(which were not part of the original Estimate of Total Cost)

### **FORM-3**

[see Regulation 3]

## CHARTERED ACCOUNTANT'S CERTIFICATE (On Letter Head)

(FOR REGISTRATION OF A PROJECT AND SUBSEQUENT WITHDRAWAL OF MONEY)

Cost of Real Estate Project MahaRERA Registration Number:

Sr. No. (1)	Particulars (2)	Amount (Rs.) Estimated      Incurred (3)
----------------	--------------------	--

#### **i. Land Cost :**

- a. Acquisition Cost of Land or Development Rights, lease Premium, lease rent, interest cost incurred or payable on Land Cost and legal cost.
  - b. Amount of Premium payable to obtain development rights, FSI, additional FSI, fungible area, and any other incentive under DCR from Local Authority or State Government or any Statutory Authority.
  - c. Acquisition cost of TDR (if any)
  - d. Amounts payable to State Government or competent authority or any other statutory authority of the State or Central Government, towards stamp duty, transfer charges, registration fees etc ; and
  - e. Land Premium payable as per annual statement of rates (ASR) for redevelopment of land owned by public authorities.
  - f. Under Rehabilitation Scheme :
    - (i) Estimated construction cost of rehab building including site development and infrastructure for the same as certified by Engineer.
    - (ii) Actual Cost of construction of rehab building incurred as per the books of accounts as verified by the CA.

**Note :** (for total cost of construction incurred, Minimum of (i) or (ii) is to be considered).

- (iii) Cost towards clearance of land of all or any encumbrances including cost of removal of legal/illegal occupants, cost for providing temporary transit accommodation or rent in lieu of Transit Accommodation, overhead cost,
  - (iv) Cost of ASR linked premium, fees, charges and security deposits or maintenance deposit, or any amount whatsoever payable to any authorities towards and in project of rehabilitation.

(1)	(2)	(3)
-----	-----	-----

**ii. Development Cost/ Cost of Construction :**

- a. (i) Estimated Cost of Construction as certified by Engineer.
- (ii) Actual Cost of construction incurred as per the books of accounts as verified by the CA.

**Note : ( for adding to total cost of construction incurred, Minimum of (i) or (ii) is to be considered).**

(iii) On-site expenditure for development of entire project excluding cost of construction as per (i) or (ii) above, i.e. salaries, consultants fees, site overheads, development works, cost of services (including water, electricity, sewerage, drainage, layout roads etc.), cost of machineries and equipment including its hire and maintenance costs, consumables etc. All costs directly incurred to complete the construction of the entire phase of the project registered.

- b. Payment of Taxes, cess, fees, charges, premiums, interest etc. to any statutory Authority.
- c. Principal sum and interest payable to financial institutions, scheduled banks, non-banking financial institution (NBFC) or money lenders on construction funding or money borrowed for construction ; \_\_\_\_\_

**Sub-Total of Development Cost** \_\_\_\_\_

2. Total Estimated Cost of the Real Estate Project  
[1(i) + 1(ii)] of Estimated Column.
3. Total Cost Incurred of the Real Estate Project  
[1(i) + 1(ii)] of Incurred Column.
4. % completion of Construction Work  
(as per Project Architect's Certificate) %
5. Proportion of the Cost incurred on Land Cost and Construction Cost to the Total Estimated Cost. ( 3/2 %) \_\_\_\_\_ %
6. Amount Which can be withdrawn from the Designated Account.

**Total Estimated Cost \* Proportion of cost incurred  
( Sr. number 2 \* Sr. number 5)**

7. Less: Amount withdrawn till date of this certificate as per \_\_\_\_\_

(1)	(2)	(3)
8.	Net Amount which can be withdrawn from the Designated Bank Account under this certificate.  This certificate is being issued for RERA compliance for the Company [Promoter's Name] and is based on the records and documents produced before me and explanations provided to me by the management of the Company.	

Yours Faithfully,

Signature of Chartered Accountant (Membership Number.....)

-----  
Name

#### **(ADDITIONAL INFORMATION FOR ONGOING PROJECTS)**

1. Estimated Balance Cost to Complete the Real Estate Project  
(Difference of Total Estimated Project cost less Cost incurred)  
(calculated as per the Form IV )
2. Balance amount of receivables from sold apartments as per Annexure A to this certificate(as certified by Chartered Accountant as verified from the records and books of Accounts)
3. (i) Balance Unsold area (to be certified by Management and to be verified by CA from the records and books of accounts)  
(ii) Estimated amount of sales proceeds in respect of unsold apartments (calculated as per ASR multiplied to unsold area as on the date of certificate, to be calculated and certified by CA)as per Annexure A to this certificate
4. Estimated receivables of ongoing project. Sum of 2 + 3 (ii)
5. Amount to be deposited in Designated Account – 70% or 100%  
IF 4 is greater than 1, then 70 % of the balance receivables of ongoing project will be deposited in designated Account  
IF 4 is lesser than 1, then 100% of the of the balance receivables of ongoing project will be deposited in designated Account %

This certificate is being issued for RERA compliance for the Company [Promoter's Name] and is based on the records and documents produced before me and explanations provided to me by the management of the Company.

Yours Faithfully,

Signature of Chartered Accountant,  
(Membership Number.....)

## **Annexure A**

**Statement for calculation of Receivables from the Sales of the Ongoing Real Estate Project**

## Sold Inventory

Sr. No.	Flat No.	Carpet Area (in sq.mts.)	Unit Consideration as per Agreement / Letter of Allotment	Received Amount	Balance Receivable
(1)	(2)	(3)	(4)	(5)	(6)

### **(Unsold Inventory Valuation)**

## **Ready Recknor Rate as on the date of Certificate**

**of the Residential/Commercial premises Rs. \_\_\_\_\_ per sm.**

Sr. No.	Flat No.	Carpet Area (in sq.mts.)	Unit Consideration as per Read Reckoner Rate(ASR)
(1)	(2)	(3)	(4)

**FORM-4**

[see Regulation 3]

**ARCHITECT'S CERTIFICATE**

(To be issued on completion of each of the Building/Wing)

Date:

To

The \_\_\_\_\_ (Name & Address of Promoter),

Subject : Certificate of Completion of Construction Work of \_\_\_\_\_Building/  
\_\_\_\_\_ Wing of the Building of the project [MahaRERA  
Registration Number] situated on the Plot bearing C.N. No./CTS No./  
Survey No./ Final Plot No. \_\_\_\_\_ demarcated by its boundaries  
( latitude and longitude of the end points) \_\_\_\_\_ to the  
North \_\_\_\_\_ to the South \_\_\_\_\_ to the East \_\_\_\_\_ to the West  
of Division \_\_\_\_\_ Village \_\_\_\_\_ Taluka \_\_\_\_\_  
District \_\_\_\_\_ PIN \_\_\_\_\_ admeasuring \_\_\_\_\_ sq.mts. area  
being developed by [Promoter's Name] \_\_\_\_\_

Sir,

I/ We \_\_\_\_\_ have undertaken assignment as Architect /Licensed Surveyor of certifying Completion of Construction Work of \_\_\_\_\_Building/\_\_\_\_Wing of the Building situated on the plot bearing C.N. No. /CTS No. /Survey No. / Final Plot No. \_\_\_\_\_ of Division \_\_\_\_\_ Village \_\_\_\_\_ Taluka \_\_\_\_\_ District \_\_\_\_\_ PIN \_\_\_\_\_ admeasuring \_\_\_\_\_ sq.mts. area being developed by [Promoter's Name]

2. Following Technical Professionals are appointed by Owner / Promoter :—

- (i) M/s /Shri/Smt \_\_\_\_\_ as L.S. / Architect ;
- (ii) M/s /Shri/Smt \_\_\_\_\_ as Structural Consultant
- (iii) M/s /Shri/Smt \_\_\_\_\_ as MEP Consultant
- (iv) M/s /Shri/Smt \_\_\_\_\_ as Site Supervisor.

3. Based on Completion Certificate received from Structural Engineer and Site Supervisor; and to the best of my/our knowledge I/We hereby certify that \_\_\_\_\_Building/\_\_\_\_Wing of the Building has been completed in all aspects and is fit for occupancy for which it has been erected / re-erected / constructed and enlarged. The \_\_\_\_\_Building/\_\_\_\_Wing of the Building is granted Occupancy Certificate/Completion Certificate bearing number \_\_\_\_\_ dated \_\_\_\_\_ by \_\_\_\_\_(Local Planning Authority).

Yours Faithfully,

Signature and Name (IN BLOCK LETTERS) of L.S / Architect with

FORM 5

[see Regulation 4]

ON THE LETTER HEAD OF CHARTERED ACCOUNTANT (WHO IS STATUTORY AUDITOR  
OF THE PROMOTER'S COMPANY/FIRM)

ANNUAL REPORT ON STATEMENT OF ACCOUNTS

To [NAME AND ADDRESS OF PROMOTER]

SUBJECT : Report on Statement of Accounts on project fund utilization and withdrawal by [Promoter] for the period from \_\_\_\_ to \_\_\_with respect to MahaRERA Regn. Number \_\_\_\_\_

1. This certificate is issued in accordance with the provisions of the Real Estate (Regulation and Development) Act, 2016 read alongwith the Maharashtra Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017.
2. I/We have obtained all necessary information and explanation from the Company, during the course of our audit, which in my/our opinion are necessary for the purpose of this certificate.
3. I/We hereby confirm that I/We have examined the prescribed registers, books and documents, and the relevant records of [Promoter] for the period ended \_\_\_\_\_ and hereby certify that:

- i. M/S.\_\_\_\_ (Promoter) have completed \_\_\_\_\_% of the project titled \_\_\_\_(Name) MahaRERA Regn. No.\_\_\_\_ located at \_\_\_\_\_
- ii. Amount collected during the year for this project is Rs. \_\_\_\_\_ and amounts collected till date is Rs. \_\_\_\_\_
- iii. Amount withdrawn during the year for this project is Rs. \_\_\_\_\_ and amount withdrawn till date is Rs. \_\_\_\_\_

4. I/We certify that the [Name of Promoter] has utilized the amounts collected for\_\_\_\_ project only for that project and the withdrawal from the designated bank account(s) of the said project has been in accordance with the proportion to the percentage of completion of the project.

(If not, please specify the amount withdrawn in excess of eligible amount or any other exceptions).

(Signature and Stamp/Seal of the Signatory CA)

Name of the Signatory :

Place :

Full Address :

Date :

Membership No.:

Contact No. :

E mail :

FORM 6

[see Regulation 26]

BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY

Complaint No. /

In the matter of

..... Petitioner

V/s. .... Respondent(s)

Memo of Authorisation

I/We, .....the petitioner/respondent abovenamed do hereby nominate, appoint and constitute ....., to act, plead and appear on my/our behalf in the aforesaid matter.

IN WITNESS WHEREOF I/We have set and subscribed my/our hands to this writing on this ..... day of .....

Place : \_\_\_\_\_

Signature

[Petitioner/Respondent]

Date : \_\_\_\_\_

Address for Correspondence

I/We accept .....

**FORM 7**

[See Regulation 30]

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY**

**Application for inspection/obtaining copies of documents/records**

I hereby apply for grant of permission to inspect/obtain copies of the following documents / records in the above case. The details are as follows :

1. Name and Address of the person seeking permission to inspect/obtain copies of the documents/records.
2. Whether he is party to the case or he is the authorised representative of any party.  
[Furnish necessary particulars]
3. Details of papers/documents sought to be inspected/copies required.
4. Date and duration of the inspection sought
5. The amount of fee payable (as per relevant Regulations) and the mode of payment

Place :

Date :

Signature

Office Use

Granted inspection on \_\_\_\_\_ / Rejected

Granted copies of documents on \_\_\_\_\_ / Rejected

Secretary / Officer/ Nominee of the Authority

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Secretary, MahaRERA.

**GAUTAM CHATTERJEE,**  
**Officer on Duty to Hon. Chief Minister and**  
**Maharashtra Real Estate Regulatory Authority.**