



सत्यमेव जयते

# The Gujarat Government Gazette

## EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

#### PART IV-C

**Statutory Rules and Orders (Other than those published in Parts I, I-A and I-L) made by Statutory Authorities other than the Government of Gujarat including those made by the Government of India, the High Courts, the Director of Municipalities, the Commissioner of Police, the Director of Prohibition and Excise, the District Magistrates and the Election Commission, Election Tribunals, Returning Officers and other authorities under the Election Commission.**

#### GUJARAT REAL ESTATE REGULATORY AUTHORITY

GANDHINAGAR, DATE-15/12/2020

GUJRERA/2020/4/GujRERA.2018/Gen.Reg./Amdt.4:- Gujarat Real Estate Regulatory Authority (GENERAL) (AMENDMENT) Regulation, 2017 Formulated on 9<sup>th</sup> July, 2018 are to be Published on 15<sup>th</sup> December, 2020 for General Information.

**B.J. PATEL,**

Secretary

Gujarat Real Estate Regulatory Authority

#### THE GUJARAT REAL ESTATE REGULATORY AUTHORITY

Gandhinagar

9<sup>th</sup> July 2018

#### THE GUJARAT REAL ESTATE REGULATORY AUTHORITY

(SECOND GENERAL) (AMENDMENT) REGULATION, 2018.

No.: GujRERA.2018/Gen. Reg./Amdt 4. In exercise of the power conferred on it under sub-section (1) and sub-section (2) of section 85 of the Real Estate (Regulation and Development) Act, 2016 and all other powers enabling in that behalf the Gujarat Real Estate Regulatory Authority hereby amends the Gujarat Real Estate Regulatory Authority (General) Regulations, 2017 as follows namely:

##### 1. Short title and Commencement. -

(1) These Regulations may be called the Gujarat Real Estate Regulatory Authority (General) (Second Amendment) Regulations, 2018.

(2) It shall come into force at once.

**2. Substitution of Form-5 of the Gujarat Real Estate Regulatory Authority**

**(General) Regulations, 2017.** — For Form 5 of the Gujarat Real Estate Regulatory Authority (General) Regulations, 2017, the following new Form 5 shall be substituted, namely: -

(On the Letter head of Chartered Accountant)

**Form 5**

[Regulation 4 read with section 4 (2)(l)(D)]

**ANNUAL REPORT ON STATEMENT OF ACCOUNTS**

To,

<Name & Address of the Promoter>

\_\_\_\_\_

I/We, \_\_\_\_\_, the auditor, have examined books of accounts and all the relevant records of \_\_\_\_\_ (Promoter's Name) having PAN no. \_\_\_\_\_ related to \_\_\_\_\_ (project name) project (RERA registration no. \_\_\_\_\_) having site address as \_\_\_\_\_ for year ending on 31<sup>st</sup> March \_\_\_\_\_.

We have conducted our engagement and examination in accordance with the Standards on Auditing, Guidance Note on Reports or Certificates for Special Purposes and other applicable authoritative pronouncements issued by the Institute of Chartered Accountants of India. We confirm our compliance to all such applicable pronouncements and with the ethical requirements of the Code of Ethics issued by the Institute of Chartered Accountants of India.

It is the primary responsibility of the Management of .....[Name of the entity/company] to prepare, produce and maintain all accounting and other relevant supporting records and documents required for the purpose of this certificate. This responsibility includes the design, implementation and maintenance of necessary and appropriate internal control commensurate with the nature and size of entity.

Period under Certificate: from \_\_\_\_\_ to 31<sup>st</sup> March \_\_\_\_\_

1. Whether separate RERA Bank Account has been opened as envisaged in Gujarat RERA Bank Account Direction, 2018?

☐ Yes ☐ No

- 1.1. Whether the existing operational bank account was made known at the time of application for registration as RERA Bank Account?

☐ Yes ☐ No

2. Details of RERA Bank Account as registered with Gujarat RERA (mention all the bank accounts if there has been a change in Bank Account registered with RERA)

Bank Name	
Branch Name	
Account Name	
Account No.	
Type of Account	
IFSC Code	
Date of Account Opening	
Opening Balance (as on _____)	
Deposit during the period	
Withdrawals during the period	
Closing Balance (as on 31 <sup>st</sup> March _____)	

3. In case of change in RERA Bank Account as indicated above, whether due approval following prescribed documentation was taken from Gujarat RERA under the Gujarat RERA Bank Account Directions, 2018?

☐ Yes ☐ No

4. Whether any of the Form 3 issued during the certificate period mandated deposit of 100% of the money collected from the booking of the project units (refer point 5 of Additional Information for Ongoing Projects of Form 3)?

☐ Yes ☐ No

- 4.1. If Yes, please mention the certificate date and name of certifying Chartered Accountant

Sr. No	Certifying Professional	Date of Certificate
1		
2		

5. Whether the required proportion of money collected from the allottees of the project units (as indicated in Form 3) deposited in the RERA Bank Account?

☐ Yes ☐ No

- 5.1. If no, please mention the amount not deposited under the above non - compliance

Sr. No	Period ( from to )	Amount not deposited
1		
2		

6. Whether the project registration is as New or Ongoing project?

☐ New ☐ Ongoing

- 6.1. In case of new project registration, whether there was any booking taken prior to project registration?

☐ Yes ☐ No

- 6.2. If yes, please provide details as below:

6.2.1. Number of such units booked: \_\_\_\_\_

6.2.2. Amount collected from such bookings: \_\_\_\_\_

6.2.3. Total consideration of such bookings: \_\_\_\_\_

7. Whether all amounts withdrawn from RERA Bank Account were within the withdrawal limit as certified under the relevant form 3 issued during the reporting period?

☐ Yes ☐ No

- 7.1. If no, please provide the below details:

Sr. No	Period ( from to )	Amount of Excess Withdrawals
1		
2		

8. Whether any fixed deposit was created out of funds deposited in RERA Bank Account?

☐ Yes ☐ No

- 8.1. If yes, whether the fixed deposit is created with the same RERA account bank branch in compliance with para 5(ii) of Gujarat RERA Bank Account Directions, 2018

☐ Yes ☐ No

- 8.2. If yes to 8 above, whether any lien is created on such fixed Deposit in violation of para 5(ii) of Gujarat RERA Bank Account Directions, 2018?

☐ Yes ☐ No

9. Whether there has been any instance of receipt of consideration in excess of 10% of apartment value without entering into a registered Agreement for Sale?

☐ Yes ☐ No

- 9.1. If yes, please provide the information as below

Sr. No	Unit Number	Total Consideration	Amount received in excess of 10% till registered ATS executed
1			
2			

10. Whether the project is executed by availing any loans / borrowings?

☐ Yes ☐ No

10.1 If yes, please provide detail as below

Sr. No.	Name & type of Lender	Amount of Loan Sanction(Rs.)	Sanction Date	Loan outstanding as on 31 <sup>st</sup> March _____ (Rs.)	Collateral/ Mortgage details

10.2 Whether the financial encumbrance is reported to Gujarat RERA?

☐ Yes ☐ No

10.3. If yes to 11 above, whether promoter has mortgaged or created a charge on any booked unit?

☐ Yes ☐ No

11. Whether any discrepancy noticed in forms 1, 2 and 3 with reference to their issuance in accordance with the RERA Act, rules and regulations?

☐ Yes ☐ No

11.1. If yes, please provide the details as below

Sr No	Form 1/2/3	Tick as applicable	Certifying Professional	Date of Issuance	Details of discrepancy
1	Form 1				
2	Form 2				
3	Form 3				

12. Please specify any other things which are not covered above. (Maximum 200 words)

I/We have

obtained all necessary information and explanation from the Promoter, during the course of our audit, which in my/our opinion are necessary for the purpose of this certificate. Also I/we have attached herewith the copies of Financial Statements\* and Audit Report of the \_\_\_\_\_ (Promoter name) for the financial year ending on 31<sup>st</sup> March \_\_\_\_\_.

I/We hereby confirm that I/We have examined the prescribed registers, books and documents and the relevant records of \_\_\_\_\_ (Project) for the period ended and this certificate is being issued based on the records and documents produced before me and explanations provided to me by the management of the Promoter based on the verification of books of accounts till (date) 31<sup>st</sup> March. \_\_\_\_\_

For, (Name of CA Firm)

(Signature and Stamps/Seal of the Signatory CA)

Partner / Proprietor

Name of the Signatory:

Membership No.:

Full Address:

Place:

Date:

Attachments:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

\*For this purpose Financial Statements shall include which shall also be attached:

1. Balance Sheet
2. Profit & Loss account
3. Cash Flows Statement (if applicable)

**DR. MANJULA SUBRAMANIAM,**  
**Chairperson**  
 Gujarat Real Estate Regulatory Authority.

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 Government Central Press, Gandhinagar.