



Government of the National
Capital Territory of Delhi

THE REAL ESTATE REGULATORY AUTHORITY

National Capital Territory (NCT) of Delhi

RERA guidelines no:RERA/DELHI/Guidelines/Revised-1/2023

Dated: 1.06.2023

In exercise of the powers conferred by section 37 of the Real Estate (Regulation & Development) Act, 2016 (16 of 2016) and all the other powers enabling it in that behalf, The Real Estate Regulatory Authority For NCT of Delhi, hereby notify the following guidelines namely, “The National Capital Territory of Delhi Real Estate (Regulation & Development) (Registration of Projects and Extension of Registration) Guidelines, 2023”.

CHAPTER I

PRELIMINARY

1. Short Title and Commencement: (1) These guidelines may be called “The National Capital Territory of Delhi Real Estate (Regulation & Development) (Registration of Projects and Extension of Registration) Guidelines, 2023”.

(2) They shall come into force with effect from 01.06.2023.

2. Definition: (1) In these guidelines, unless the context otherwise requires;

- (a) "act" means the Real Estate (Regulation & Development) Act, 2016 (16 of 2016);
- (b) "apartment" whether called block, chamber, dwelling unit, flat, office, showroom, shop, godown, premises, suit, tenement, unit or by any other name, means a separate and self-contained part of any immovable property, including one or more rooms or enclosed spaces, located on one or more floors or any part thereof, in a building or on a plot, used or intended to be used for any residential or commercial use such as residence, office, shop, showroom or godown or for carrying any business, occupation, profession or trade, or for any other type of use ancillary to the purpose specified;
- (c) "Authority" means the Real Estate Regulatory Authority, NCT of Delhi;
- (d) "completion certificate" means the completion certificate, or such other certificate, by whatever name called, issued by the competent authority certifying that the real estate project has been developed according to the sanctioned plan, layout plan and specifications, as approved by the competent authority under the local laws;
- (e) “guidelines” means guidelines issued by the Authority under section 37 of the Real Estate (Regulation and Development) Act, 2016.

(f) "officer" means any person including any officer or official or consultants or organisation who may have been appointed or engaged by the Authority for assisting them on any matter required to be dealt with the Authority under the Act, or the Rules, or the Regulations;

(g) "lease" means a legal agreement that allows a person or entity to use a building or land for a fixed period of time in return for some consideration;

(h) occupancy certificate" means the occupancy certificate, or such other certificate by whatever name called, issued by the competent authority permitting occupation of any building, as provided under local laws, which has provision for civic infrastructure such as water, sanitation and electricity;

(Note: As per the Delhi bye-laws Unified Building Bye-laws, 2016, Chapter 2, Paragraph 2.7.1/2.7.3, perform a D-1 i.e. "Completion-cum-Occupancy Certificate" issued by the Competent Authority shall be acceptable for both "occupancy" and "completion")

(i) "plot" means a parcel of land carved out of a larger piece of land which is intended to be used for residential, commercial or any other purpose;

(j) "real estate project" means the development of a building or a building or a building consisting of apartments, or converting an existing building or a part thereof into apartments, or the development of land into plots or apartments, as the case maybe, for the purpose of selling all or some of the said apartments or plots or building, as the case maybe, and includes the common areas, the development works, all improvements and structures thereon, and all easement, rights and appurtenances belonging thereto,

(k) "registration certificate" means an official document providing proof of registration with the Authority;

(l) "rules" means the National Capital Territory of Delhi Real Estate (Regulation and Development) (General) Rules, 2016;

(m) "section" means a section of the Act;

(2) Words and expressions used but not defined in these guidelines, but defined in the Act or the Rules, as the case may be, shall have the same meaning respectively as assigned to them in the Act or the Rules.

3. Purpose: These guidelines are meant to define categories of the real estate projects that require prior registration with the Authority, prescribe procedures for registration of real estate projects, grant of registration, extension of registration, allow changes in the details of the registered projects, include fresh details and prescribe fees for such purposes.

CHAPTER II

REAL ESTATE PROJECTS THAT REQUIRE PRIOR REGISTRATION WITH THE AUTHORITY

4. Projects which require prior registration with the Authority: (1) The following real estate projects, which the promoter either develops himself or in collaboration and proposes to sell, in full or part, anywhere in NCT of Delhi, in both planned and un-planned areas, including *lal doras*, *extended abadi areas*, shall require prior registration with the Authority, in terms of section 3 of the Act;

- i. where, the area of land proposed for development of a building or converting an existing building or a part thereof into apartments, or development of plots for residential, commercial, farm houses or residential cum industrial purposes, as the case may be, exceeds five hundred sq. meter;
- ii. where, the number of apartments (*whether called block, chamber, tower, dwelling unit, flat, office, showroom, shop, godown, premises, suit, tenement, unit or by any other name, means a separate and self-contained part of any immovable property, including one or more rooms or enclosed spaces, located on one or more floors or any part thereof, in a building or on a plot of land, used or intended to be used for any residential or commercial use such as residence, office, shop, showroom or godown or for carrying on any business, occupation, profession or trade, or for any other type of use ancillary to the purpose specified*) proposed to be developed exceed eight in all phases; irrespective of the area of plot;
- iii. any real estate project falling in any of the above categories, in respect of which the promoter had not received completion certificate before 1.5.2017.

CHAPTER III

PROCEDURE FOR REGISTRATION OF PROJECTS

5. Procedure for registration of projects: (1) The promoter shall submit an application for registration of real estate project in “Form A”, appended to the Rules, along with all required details, documents and declarations as detailed in clause 6, 7 & 8, as the case maybe, online on the website of the Authority.

(2) The promoter shall, within three days of uploading the application, shall submit three sets of the application and all other documents, in hard copy, along with prescribed fee as per clause 9 below to the Authority.

(3) All pages of hard copies of the application including annexures shall be serial numbered, indexed and bounded.

6. Details to be submitted along with application: (1) The promoter shall submit the following details along with application for registration of the project;

i. promoter details: (a) in case of an individual, the name, address, contact details and photograph and email Id of the promoter(s); (b) brief details of promoter group profile including its name, registered address, contact details, email Ids and photograph(s) of the chairman, directors, partners etc. as the case may be and that of the authorised persons, type of entity (proprietorship, limited liability partnership, partnership, company, society, trust etc), particulars of registration. 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, limited liability partnership, partnership, company, society, trust etc);

ii. background of the promoter: work experience of the promoter and in case of a newly incorporated or registered entity work experience of the chairman, directors, partners etc. as the case may be and that of the authorized persons of the parent entity;

- iii. 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 National Capital Territory of Delhi;
- (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 during past five years and area constructed therein including the status of the projects, delay in their completion, details of type of land, litigations 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, litigations and payments pending;
- (e) details and profile of ongoing, completed, abandoned and default projects during last five years;
- iv. financial details of the promoter:** (a) the authenticated copy of the PAN card of the promoter;
- (b) the annual report including audited profit and loss account, balance sheet, cash flow statement, directors report and the auditors report of the promoter for the immediately preceding three financial years and where annual report is not available then the audited profit and loss account, balance sheet, cash flow statement and the 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;
- v details of litigation:** details of litigation, which are pending or have been disposed of by the concerned court of law in past five years in relation to the real estate projects developed or being developed by the promoter;
- vi. details of land:** details of the extent of land with 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 of chain of title with authentication of such title; including the latitudes and longitudes of the land;
- vii. details of location of the land for the project:** details of the project land along with names of revenue estates, clear demarcation of land dedicated for the project, survey numbers, cadastral numbers, khasra numbers and area of each parcels of the project land including the longitudes and latitudes of land. Geographical Map of the site project and landmarks near the site;
- viii. details of the cost of project:** details of cost of project specifying cost of land & construction including that of common area;
- ix. details of encumbrances and / or liabilities:** details of encumbrances and / or liabilities created on the land or the project to be supported by a non-encumbrance certificate through an advocate having experience of at least ten years or from the revenue Authority not below the rank of Tehsildar, as the case may be;

x. details of collaboration: 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, memorandum of understanding, 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 deeds and other documents reflecting the title of such owner on the land on which project is proposed to be developed;

xi. details of development plans:

- a. copies of approved sanctioned and layout plans in full scape.
- b. details of the numbers, types 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;
- c. detail of common facilities proposed to be provided in project.
- d. details of covered and open parking area;
- e. details of parking areas open for sale;
- f. details of commercial area with unit details;
- g. details of community shopping area with unit details;
- h. details of emergency evacuation services;
- i. details about the use of renewable energy etc.;
- j. 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;
- k. gantt charts or quarterly milestones including financial and physical progress.

xii. details regarding subsequent phases:

- a. if the project is to be developed in phases, broad details of each phase. phases planned;
- b. common facilities that will be part of a particular phase and facilities that would be common among different phases.

xiii. details of compliance:

- a. commencement certificate received from the competent Authority as provided under clause (c) of sub-section (2) of section 4 of the Act;
- b. clearance from the Environment and Pollution angle;
- c. clearance from the Forest Department;
- d. clearance from the Electricity Board for electricity connection;
- e. clearance from the Delhi Jal Board for water connection;
- f. clearance from the Delhi Jal Board for sewerage connection;
- g. clearance from the Delhi Urban Arts Commission;
- h. clearance from the Airport Authority of India;
- i. clearance from the Fire Department.

xiv. details of project accounts: (1) details of following three project accounts to be opened by the promoter:

- a. "Project Master Account" (hereinafter referred to as 'Master Account') means a separate bank account to be maintained by the promoter in a scheduled bank, wherein the entire amounts realised from the allottees for the project shall be deposited.
- b. "Project RERA Escrow Account" (hereinafter referred to as 'RERA Account') means the separate bank account to be maintained by the promoter in a scheduled bank wherein 70% of the amount realised from the allottees of the project is to be deposited as per section 4(2)(1)(D) of the Act to cover the cost of construction and the land cost of the project.
- c. "Project Free Account" (hereinafter referred to as 'Free Account') means a separate bank account to be maintained by the promoter in a scheduled bank wherein the residual amount of 30% after depositing 70% of the amount realised from the allottees in RERA account shall be kept.

xv. details of real estate agents for the project: names, addresses, e-mail, mobile numbers and RERA registration details of the real estate agents for the project;

xvi. details of contractor, architect, structural engineer: names, addresses, e-mail, mobile numbers of the contractors, architect(s) and structural engineer along with contact details.

xvii. details of the promoter and project website:

- (a) web link of the promoter or parent entity, as the case may be;
- (b) web link of the project;

7. Details of documents and declarations to be submitted along with the application: (1)

The promoter shall submit the following documents along with the application for the registration of the project:

- i. copies of the advertisement, prospectus, application form, draft allotment letter, agreement for sale and the conveyance deed (the conditions listed in the allotment letter shall be consistent with the information and averments made in the applications filed before the Authority for registration of the project);
- ii. 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;
- iii. land title search report from an advocate having experience of at least ten years;
- iv. a non-encumbrance certificate through an advocate having experience of at least ten years or from the revenue Authority not below the rank of Tahsildar,
- v. documents regarding mortgage or charge, if any, created on the land and the project along with mortgage deed;
- vi. details of project accounts as per clause 6 sub-clause (xii) of these guidelines.

(2) The promoter shall furnish following declarations along with the application for the registration of the project;

- i. declaration, supported by an affidavit, signed by the promoter or any person authorised by the promoter, stating that he has a legal title to the land on which the development is proposed along with legally valid documents with authentication of

such title, if such land is owned by another person then a declaration to the effect that the land is free from all encumbrances, or as the case may be details of the encumbrances on such land including any rights, title, interest or name of any party in or over such land along with details;

- ii. declaration stating the time period within which promoter proposes to complete the project or phase thereof, as the case may be;
- iii. declaration in "Form B" attached to the Rules, 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.

(3) if the promoter has started a real estate project without registration, he shall also submit a declaration to the effect that he has not advertised, marketed, booked, sold or offered to sale or invited any person to purchase in any manner any plot, apartment or building in the project.

8. Registration of on-going projects and additional disclosures to be made by the promoters of an ongoing project: (1) The promoter of any real estate project falling in categories (i) & (ii) of sub-guidelines (1) of guidelines 4 above in respect of which no Completion Certificate was issued by the Competent Authority before 1.05.2017, shall make an application for its registration with the Authority as per section 4 of the Act as provided in Rule 3 and 4.

(2) The promoter shall in addition to the details, documents and declarations as provided in guidelines 6 & 7 above, shall disclose the following information namely:

- i. the original sanctioned and layout plans along with specifications and the subsequent modifications carried out, if any, including the existing sanctioned plan, layout plan and specifications;
- ii. 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 along supported by relevant bank account statements; the promoter shall file a statement before the Authority, and also host on the website, about funding of the project along with projected cash flow.
- iii. 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 / ongoing projects, which shall commensurate with the extent of development already carried out, and this information shall be certified by an engineer, an architect and a chartered accountant in practice supported by an affidavit of an engineer, an architect and a chartered accountant in practice.
- iv. size of the apartment(s) 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.
- v. In case of plotted development, the area of the plot being sold to the allottees as per the layout plan including area covered for connecting roads, cost of construction of roads etc.

- vi. details of bank accounts opened in a scheduled bank, in which the promoter shall, within a period of three months of the application for registration of the project with the Authority, deposit seventy percent 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 (I) of sub-section (2) of section 4 of the Act, which shall be used for the purposes specified therein.
- vii. facilities to be provided by the promoter on the additional land/area/space, if any, which is not included in the total cost of the project, which the promoter will retain and operate on commercial basis.

9. Registration fee: The promoter shall pay a registration fee at the time of application for registration of projects 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 following rate as per rule 3(3) of the Rules;

- i. 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;
- ii. 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;
- iii. 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;
- iv. in case of plotted development projects: five rupees per square meter, but shall not be more than two lakhs rupees.

10. Scrutiny of applications and registration: (1) The Authority on receipt of any application for registration of the project shall scrutinize it and shall either grant registration or communicate the deficiencies in application within 30 days from the date of submission of application in physical form.

(2) Once deficiencies communicated to the promoter are cured, application shall be re-considered by the Authority for registration of the project.

(3) The Authority may call for a presentation on the project proposed or developed by the promoter, if considered necessary.

(4) The Authority, after considering any application, may register the project and shall issue a registration certificate with the registration number or reject the registration application for the reasons to be recorded in writing and communicate its decision to the applicant in Form C or D appended to the Rules, as the case may be.

11. Quarterly Progress Reports (QPRs): (1) The promoter shall file and upload QPRs with the Authority in the manner prescribed in "The National Capital Territory of Delhi Real Estate

(Regulation & Development) (Quarterly Progress Reports) Regulations, 2023” within fifteen days from the expiry of each financial quarter, inter-alia detailing the following:

- i. number and types of apartments or plots, booked;
- ii. number of garages booked;
- iii. status of the project:
 - a. status of construction of each tower / building with photographs;
 - b. status of construction of each floor with photographs;
 - c. status of construction of internal infrastructure and common areas with photographs.
 - d. physical progress in percentage terms;
 - e. financial progress in percentage terms;
 - f. status of approvals;
 - g. approvals received during last quarter;
 - h. approvals applied and expected date of receipt;
 - i. approvals to be applied during next quarter and dates planned for application;
 - j. details of modifications, amendment or revisions, in any of approvals, issued by the competent Authority;
- iv. details of total money collected deposited in escrow account and utilized from the said account
- v. details of new encumbrance / liabilities created on the land and project;
- vi. details of pending litigation relating to project;
- vii. estimated date for applying for the completion certificate.
- viii. details of any change in facts provided at the time of registration.

(2) A certificate issued by an engineer, an architect and a chartered accountant in practice, to the effect that money withdrawn by the promoter till the quarter under report is in proportionate to the percentage of work completed. The certificate shall clearly mention the amount withdrawn by the promoter till the last day of quarter under report and percentage of work completed.

CHAPTER IV

DETAILS OF THE PROJECT TO BE PUBLISHED BY THE PROMOTER ON THE WEBSITE OF THE AUTHORITY

12. Details to be published on website: (1) After registration, the Authority shall provide a login Id and password to the promoter for accessing the website of the Authority and create a web page and upload all details of project as mentioned in guidelines 6, 7 and 8 above *ad seriatum*.

(2) These details shall be available for public view at all times.

CHAPTER V

COMPLETION OF THE PROJECT

13. Completion of projects: (1) The project shall be deemed to be completed; the day the completion or completion-cum-occupancy certificate is issued by the Competent Authority.

(2) Every promoter shall deposit the completion certificate or completion-cum-occupancy certificate issued by the Competent Authority within fifteen days of its issue.

14. Occupancy in project: No occupancy shall be allowed by the promoter in the project unless the occupancy or completion-cum-occupancy certificate has been issued by the Competent Authority.

CHAPTER VI

PUBLICITY OF THE PROJECT

15. Publicity of the project: (1) No promoter shall issue any advertisement, including issuance of brochures, pamphlets, words of mouth, or in any other manner, for booking or purchase of flats, apartments, plots commercial or office space or any part of the real estate project without getting the project registered with the Authority.

(2) The advertisement, pamphlets, brochures or any other literature published for inviting buyers for booking or purchase of flats, apartments, plots commercial or office space or any part of the real estate project shall be factual and true picture thereof. No fact in the advertisement material shall misrepresented or concealed which may lead to creation of any incorrect or false impression in the mind of the buyers regarding the proposed project and the property. The liability for any such incorrect or false statement shall lie exclusively on the promoter.

(3) The copy of prospectus or brochures or any pamphlet vide which an information relating to the project is sought to be conveyed to the allottees of the apartment or prospective buyers of the apartments/plots shall be submitted to the Authority as soon as possible but not later than 15 days of its publication.

(4) Each advertisement of the project, shall prominently show RERA registration number of project and details of the website where project details could be accessed, as per these guidelines.

CHAPTER VII

CREATION OF NEW LIABILITIES OVER LAND OR THE PROJECT

16. Regarding disclosure of new liabilities: (1) The promoter, after the registration of project shall seek prior permission of the Authority for creating new or additional liability on the land or the project; as the case may be.

(2) The promoter after obtaining approval of the Authority for creation of new/ additional liability over the land or the project, inform all allottees in writing about the new/ additional liability so created.

CHAPTER VIII

PROCEDURE FOR AMENDING OR ADDING ANY DETAIL IN THE PROJECT AFTER GRANT OF REGISTRATION CERTIFICATE

17. Procedure for making change in any detail or add detail after issue of the Registration Certificate: Every promoter shall make an application to the Authority and seek prior

permission before making change in any detail or include new details over the land and project, after issue of the Registration Certificate by the Authority, with the processing fee as indicated below;

i. change in any detail or addition of any detail like creation of liabilities: Rs. 5,000/- for every change.

ii. change in layout or sanctioned plan: Half of the applicable registration fee.

Explanation: Any detail mean any type of detail. If one director or more are being changed at one time the fee payable shall be Rs. 5,000/- only.

If numbering of flats or towers is being changed then fee shall be payable: for change in numbering of flats Rs. 5,000/-, for change in numbering of towers Rs.5,000/-.

CHAPTER IX

PROCEDURE FOR SEEKING EXTENSION OF VALIDITY OF REGISTRATION

18. Procedure for seeking extension of validity of registration: Every promoter seeking extension of validity of registration shall apply to the Authority in 'Form E' in triplicate appended to the Rules with prescribed fee at least 90 days prior to the last date of validity of registration giving reasons in the following format and supported by relevant documents.

Sr.No.	Duration of disruption of work in days with dates	Reason for disruption of work	Total extension of time sought on account of disruption and re-mobilization in days	Was this reflected in QPR	Remarks, if any

19. Procedure for applying after the due date for seeking extension in validity of registration: The promoter can seek extension till last date of validity of registration by making an application in 'Form E' along with the fee and late fee as prescribed in Clause 16 below, as per the provisions of Rule 6 of National Capital Territory of Delhi Real Estate (Regulation and Development) (General) Rules, 2016.

20. Fee and late fee payable for seeking extension of validity of registration: The following fee and late fee shall payable for seeking extension of validity of registration, if not made before 90 days from the date of validity of registration:

- application made for extension of validity on or between 61st and 90th day before last date of validity of registration: Half of registration fee with late fee of Rs. 50,000/-.
- application made for extension of validity on or between 31st and 60th day before last date of validity of registration: Half of registration fee with late fee of Rs. 100,000/-.
- application made for extension of validity on or between last day and 30th day before last date of validity of registration: Half of registration fee with late fee of Rs. 200,000/-.

Provided that, no fee shall be payable for seeking extension for *force majeure* reasons. However, late application fee shall be payable as above in all cases.

21. Penalty for not seeking extension before last date of validity of Registration:

(1) If any promoter fails to make an application for seeking extension on or before last date of validity of registration in 'Form E' along with prescribed fee and / or late fee, as the case may be, the Authority may revoke the registration under section 7 of the Act or impose such penalty as it may deem fit on per day basis till such date registration is extended, subject to condition that the total penalty shall not exceed more than 10% of the total project.

(2) Before passing an order for revocation, the Authority shall grant an opportunity of being heard to the promoter.

(3) The Authority, however, instead of revocation of registration as per sub- guidelines (1) above for not seeking extension, before the last date of validity of registration, may condone the same and allow the promoter to continue by way of re-registration of the project, in the interest of allottees, on an application made by the promoter in 'Form E' along with full registration fee and late fee of Rupees five lakh (Rs. 500,000/-) only.

CHAPTER X**MISCELLANEOUS**

20. Penalty for contravention of these guidelines: (1) If any promoter fails to comply with or contravenes any of these guidelines, he shall be liable for penalties as prescribed under the Act.

21. Interpretation of guidelines: If any doubt arises as to the interpretation of these guidelines, the decision of the Authority shall be final and binding on all concerned.

(DEVESH SINGH)

SECRETARY

on behalf of Real Estate Regulatory
Authority, NCT of Delhi