

நகராட்சி நிர்வாக ஆணையரகம்,  
நகர் நிர்வாக அலுவலகம்,  
ராஜா அண்ணாமலைபுரம்,  
சென்னை-28.

### சுற்றறிக்கை

ந.க.எண். 31982 / 2018 / டிபி3

நாள்:17.02.2021

பொருள்: தமிழ்நாடு ரியல் எஸ்டேட் ஒழுங்குமுறை ஆணையம் - வரன்முறை திட்டத்தில் ஒப்புதல் அளிக்கப்பட்ட மனைப்பிரிவுகள் உள்பட அனைத்து ஒப்புதல் அளிக்கப்பட்டுள்ள மனைப்பிரிவுகள் - 500 சதுர மீட்டர் அல்லது 8 குடியிருப்புகளுக்கு மேல் (Apartment) அனுமதிக்கப்பட்டுள்ள கட்டிட வரைபடங்கள் - தமிழ்நாடு ரியல் எஸ்டேட் ஒழுங்குமுறை ஆணையத்திற்கு அனுப்புதல் - தொடர் நடவடிக்கை மேற்கொள்ளுதல் - தொடர்பாக.

- பார்வை:
1. அரசாணை எண்.112, வீட்டு வசதி மற்றும் நகர்புற வளர்ச்சி துறை, நாள். 22.06.2017
  2. அரசாணை எண்.166, வீட்டு வசதி மற்றும் நகர்புற வளர்ச்சி துறை, நாள். 29.11.2018
  3. இவ்வலுவலக சுற்றறிக்கை ந.க. எண். 31982/2018/டிபி3, நாள் 10.12.2018
  4. அரசு கடித எண்.330/MA1/2021-1, நாள்.25.01.2021.
  5. தலைவர், தமிழ்நாடு ரியல் எஸ்டேட் ஒழுங்குமுறை ஆணையம் அவர்களின் 29.12.2020-ம் தேதிய நே.மு.க.எண்.TNRERA/A3/7516/2020.

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பார்வை (3)-ல் காணும் இவ்வலுவலக சுற்றறிக்கையின் வாயிலாக 500 சதுரமீட்டர் பரப்பிற்கு மேலான மனையில் கட்டப்படும் கட்டிடங்கள் அல்லது 8 குடியிருப்புகளுக்கு மேல் (அனைத்து கட்டிடங்களையும் (phase) சேர்த்து) கட்டப்படும் கட்டுமானங்கள் முதலானவற்றிற்கு (Apartment) ஒப்புதல் அளிக்கப்பட்டுள்ள கட்டிட வரைபடங்களின் நகல்கள் மற்றும் உத்தரவு நகல் முதலானவற்றை ரியல் எஸ்டேட் ஒழுங்குமுறை ஆணையத்திற்கு அனுப்பி வைக்கும்படி அறிவுறுத்தப்பட்டிருந்தது.

தற்போழுது பார்வை (4)-ல் காணும் அரசு கடிதம் மற்றும் பார்வை (5)-ல் காணும் தலைவர், ரியல் எஸ்டேட் ஒழுங்குமுறை ஆணையம் அவர்களின் கடிதத்தின் பேரில் கீழ்க்காணும் அறிவுரைகள் வழங்கப்படுகிறது.



- 1) புதிதாக ஒப்புதல் அளிக்கப்படும் அனைத்து மனைப்பிரிவுகள், வரன்முறை திட்டத்தின் கீழ் ஒப்புதல் அளிக்கப்படும் மனைப்பிரிவுகளின் வரைபட நகல்கள் மற்றும்
- 2) 500 சதுரமீட்டர் பரப்பிற்கு மேலான மனையில் கட்டப்படும் கட்டிடங்கள் அல்லது 8 குடியிருப்புகளுக்கு மேல் ( inclusive of all phases) கட்டப்படும் கட்டுமானங்கள் முதலானவற்றிற்கு (Apartment) ஒப்புதல் அளிக்கப்பட்டுள்ள கட்டிட வரைபடங்களின் நகல்கள் மற்றும் உத்தரவு நகல் முதலானவற்றை ரியல் எஸ்டேட் ஒழுங்குமுறை ஆணையத்திற்கு அனுப்பி வைக்கும்படி மீண்டும் வலியுறுத்தப்படுகிறது.
- 3) திட்ட அனுமதி வழங்கப்படும் 500 சதுர மீட்டருக்கு மேல் பரப்புள்ள இடங்கள் அல்லது 8 குடியிருப்புக்கு மேல் உள்ள கட்டிடங்களுக்கு அனுமதி வழங்கும் அனைத்து உத்தரவுகளிலும் கீழ்காணும் வாசகத்தை சேர்க்குமாறும் தெரிவிக்கப்படுகிறது.

“As approved by Tamil Nadu Government in G.O (Ms) No.112, Housing and Urban Development [UDI (2)] Department, Dated.22.06.2017, to carryout the provision of Real Estate (Regulation & Development) Act 2016, the promoter has to advertise, market, book, sell or for sale, or invite persons to purchase in any manner, any plot, apartment or building as the case may be, in any real estate project or part of it, only after registering the real estate project with the Real Estate Regulatory Authority.”

எனவே, ரியல் எஸ்டேட் ஒழுங்குமுறை ஆணையத்தின் கடிதத்தில் கேட்டுக்கொண்டவாறு உரிய தொடர் நடவடிக்கையினை மேற்கொள்ளும்படியும், இதற்கு என தனியாக பதிவேடு ஏற்படுத்தி பராமரிக்கும்படியும், இப்பொருள் மீது மேற்கொள்ளப்பட்ட நடவடிக்கையின் விவரத்தினை இவ்வலுவலகத்திற்கு அனுப்பி வைக்கவும் தெரிவித்துக்கொள்ளப்படுகிறது.

இணைப்பு: பார்வையில் காணும் அரசாணைகள் மற்றும்  
மற்றும் கடிதங்கள்

ஓம்/- கா. பாஸ்கரன்  
நகராட்சி நிர்வாக ஆணையர்,

பெறுநர்

அனைத்து மாநகராட்சி ஆணையர்கள்.

அனைத்து நகராட்சி ஆணையர்கள்.

நகல்

அனைத்து நகராட்சி நிர்வாக மண்டல இயக்குநர்கள்.

//ஆணைப்படி அனுப்பப்படுகிறது//

கண்காணிப்பாளர்.

சீ.ஏ  
17/02/21





Municipal Administration and  
Water Supply (MA1) Department,  
Secretariat, Chennai - 600 009.

**Letter No.330/MA1/2021-1, Dated 25.01.2021**

From  
Thiru. M. Vadivel M.A, M.Phil.,  
Additional Secretary to Government.

To  
✓ The Commissioner of Municipal Administration,  
Chennai - 600 028. (w.e)

The Director of Town Panchayats,  
Chennai - 600 028. (w.e)

The Commissioner,  
Greater Chennai Corporation,  
Chennai - 600 003. (w.e)

Sir,

Sub: Registration of Real Estate Projects with  
TNRERA - Copies of Building plans approved by  
the Local Bodies to be forwarded to TNRERA -  
Remarks - Regarding.

Ref: 1. G.O.(Ms) No.166, Housing and Urban  
Development [UD4(3)] Department, dated  
29.11.2018.  
2. From Thiru.K. Gnanadesikan, I.A.S., (Retd.)  
Chairperson, TNRERA, D.O.Lr.No.TNRERA/  
A3/7516/2020/, dated 29.12.2020.

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I am directed to enclose a copy of the reference 2<sup>nd</sup> cited and  
request you to send your remarks thereon to Government.

Yours faithfully,

*R. K. Mahalingam*  
25.1.2021

for Additional Secretary to Government

*Sh.*  
25.1.2021

*Put up & circular*





10/1/01  
KOT/DA

10/1/01





# Tamil Nadu Real Estate Regulatory Authority



**K. GNANADESIKAN, I.A.S., (Retd.)**  
CHAIRPERSON

**D.O Letter No.TNRERA/A3/7516/2020 Dated : 29.12.2020**

Dear Thiru Harmander Singh,



Sub: TNRERA – Registration of Real Estate Projects with  
TNRERA – Copies of Building plans approved by the Local  
Bodies to be forwarded to TNRERA - Reg.

Ref: G.O.(Ms) No.166, Housing and Urban Development [UD4  
(3)] Department, dated 29.11.2018.

330  
06/01/21

ADSCD You are aware that the Government of India has promulgated the Real Estate (Regulation and Development) Act, 2016 on 26.03.2016. The Government of Tamil Nadu vide G.O.Ms.No.112, H&UD Dept., dated 22.06.2017 has notified the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017 to implement the Central Act.

2. Under Section 3 (1) "No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act".

3. The Government in the reference cited has directed the Member Secretary, CMDA and Commissioner of Town and Country Planning to include the registration of projects with TNRERA as one of the conditions in the planning permission and its compliance is a pre-requisite for issue of Completion Certificate, where the area of land proposed to be developed exceeds 500 sq.m or the number of apartments proposed to be developed exceeds 8 inclusive of all phases. The compliance of this condition shall also be checked and ensured before issue of Completion Certificate. A copy of the G.O. has also been marked to you. A copy of G.O. is enclosed for ready reference.

4. I request you to kindly issue the following instructions to all the Municipal Corporations, Municipalities and Town Panchayats within the State of Tamil Nadu.

(i) Copies of approved layouts including layouts approved under the Regularisation Scheme shall be forwarded to TNRERA;

(ii) All copies of Residential and Commercial/Office Building plans where the area of land proposed to be developed exceeds 500 sq.m or the number of apartments proposed to be developed exceeds 8 inclusive of all phases shall be forwarded to TNRERA;

(PTO)

CMDA Tower-II, 1<sup>st</sup> Floor, No.1A, Gandhi Irwin Bridge Road, Egmore, Chennai – 600 008.

Phone No.: 91-44-28525710 / 91-44-28887921, E-mail: chairperson.tnrera@tn.gov.in, Website: www.rera.tn.gov.in



..2..

(iii) While issuing Planning Permissions for buildings, layouts including the layouts approved under Regularisation Scheme, the following Clause is to be added:

*"As approved by Tamil Nadu Government in G.O.(Ms) No.112, Housing and Urban Development [UD1(2)] Department, dated 22.06.2017, to carry out the provisions of Real Estate (Regulation and Development) Act, 2016, the Promoter has to advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, only after registering the real estate project with the Real Estate Regulatory Authority.*

*Regards,*

Yours sincerely,

*M. Gnanadevikan.*

Encl: As above

To  
Thiru Harmander Singh, I.A.S.,  
Additional Chief Secretary to Government,  
Municipal Administration and Water Supply Department,  
Secretariat,  
Chennai-600 009.





### **ABSTRACT**

Urban Development – Implementation of Real Estate (Regulation and Development) Act, 2016 – Tamil Nadu Real Estate (Regulation and Development) Rules, 2017 – Approved - Notification – Orders – Issued.

### **HOUSING AND URBAN DEVELOPMENT [UD1(2)] DEPARTMENT**

G.O.(Ms) No.112

Dated: 22.06.2017  
ஹேவிளம்பி வருடம், ஆனி 08,  
திருவள்ளூர் ஆண்டு 2048

### **ORDER:**

The Government of India have enacted an Act to regulate and promote Real Estate Sector. Presidential assent for the Act known as the 'Real Estate (Regulation & Development) Act 2016' was obtained on 26<sup>th</sup> March 2016. The Act consists of 92 sections and deals with establishment of Real Estate Regulatory Authority its powers and functions, mandatory registration of all the real estate projects with the authority, Penal provisions for violation of the provisions of the act and adjudication and arbitration mechanism including establishment of Real Estate Tribunal. As per Section 84 of the Act, the State Government shall within a period of 6 months (i.e before 30.10.2016) of the commencement of this Act, by notification, make rules for carrying out the provisions of this Act. The Ministry of Housing and Urban Poverty Alleviation have prepared draft rules for the Union Territories of Chandigarh, Andaman and Nicobar Islands, Daman and Diu, Dadra and Nagar Haveli and Lakshadweep.

2. Based on the draft rules issued by the Ministry of Housing and Urban Poverty Alleviation for the adoption in union territories, and after detailed discussions with Director of Town and Country Planning and Chennai Metropolitan Development Authority officials and Real Estate Promoter Associations draft rules for Tamil Nadu have been prepared. Thereafter, objections and suggestions were invited from the public through newspaper publication in Tamil and English besides hosting the rules on the website of the Director of Town and Country Planning, Chennai Metropolitan Development Authority and Government of Tamil Nadu. Objections and Suggestions received from the general public, the Consumers Association of India and Confederation of Real Estate Developers Association of India (CREDAI) on the draft rules were duly considered.

3. The Government after careful examination approve the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017 to carryout the provisions of Real Estate (Regulation and Development) Act 2016. Accordingly, the Government hereby orders to issue notification to the above effect.

4. The appended notification will be published in the Tamil Nadu Government Gazette, Extra-ordinary, dated 22.6.2017.

(BY ORDER OF THE GOVERNOR)

**DHARMENDRA PRATAP YADAV**  
**SECRETARY TO GOVERNMENT**

To  
The Works Manager,  
Government Central Press,  
Mint Street, Chennai - 79.  
(for publication of the notification in the Extra-ordinary issue of  
Tamil Nadu Government Gazette)



.2.

The Secretary to Governor, Raj Bhavan, Chennai-22.  
The Registrar General, High Court of Madras, Chennai-104.  
All Principal Secretaries / Secretaries to Government ,  
Secretariat, Chennai-9.  
The Commissioner of Town and Country Planning, Chennai-2.  
The Member Secretary,  
Chennai Metropolitan Development Authority, Chennai-8.  
The Managing Director,  
Tamil Nadu Slum Clearance Board, Chennai-5/  
Tamil Nadu Housing Board, Chennai-35/  
Tamil Nadu Police Housing Corporation, Chennai.  
All District Collectors.  
The Registrar of Co-operative Societies (Housing), Chennai.

Copy to:

Law/Finance/Public (SC/Special-A) Department, Chennai-9.  
The Secretary to Chief Minister, Chennai-9.  
The Senior Personal Assistant to Minister (Housing), Chennai-9.  
The Senior Private Secretary to Chief Secretary, Chennai-9.  
Housing and Urban Development (OP-1) Department, Chennai-9.  
SF/SC

**// FORWARDED BY ORDER //**

22/6/17  
**SECTION OFFICER**



## APPENDIX.

### NOTIFICATION.

In exercise of the powers conferred by section 84 of the Real Estate (Regulation and Development) Act, 2016 (Central Act 16 of 2016), the Governor of Tamil Nadu, hereby makes the following rules, namely:-

#### CHAPTER I. PRELIMINARY.

**1. Short title and commencement.-** (1) These rules may be called the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017.

(2) It shall come into force on the 22<sup>nd</sup> June 2017

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

- (a) "Act" means the Real Estate (Regulation and Development) Act, 2016 (Central Act 16 of 2016);
- (b) "Agreement for Sale" means an agreement for sale and/or construction agreement as prescribed in Annexure 'A' to these rules;
- (c) "Association" means the Association referred to in rule 10;
- (d) "authenticated copy" means a self-attested copy of any document required to be provided by any person under these rules;
- (e) "Form" means a form appended to these rules;
- (f) "Government" means the Government of Tamil Nadu;
- (g) "layout plan" means a plan of the project depicting the division or proposed division of land into plots, roads, open spaces, amenities, etc., and other details as may be necessary;
- (h) "Ongoing project" means, a project where development is going on and for which completion certificate has not been issued but excludes such projects which fulfill any of the following criteria on the date of coming into force of sub-section (1) of section 3 of the Act:-
  - (i) in layout projects i.e., where land is developed into plots, the roads and open spaces gifted to the local body concerned;
  - (ii) the projects in Chennai Metropolitan Area for which application for completion certificate has been filed with Chennai Metropolitan Development Authority subject to furnishing certificate from the architect/licensed surveyor/structural engineer associated with the project to the effect that all the buildings in the projects have been structurally completed i.e. all the columns, beams and slabs have been erected supported with photographs. Chennai Metropolitan Development Authority will issue, completion certificate for those projects in compliance with Completion Certificate norms prescribed. In Completion Certificate filed cases, if the Completion Certificate is rejected by Chennai Metropolitan Development Authority for violation of norms, such projects will be intimated to the Real Estate Regulatory Authority and will be bound for registration with Real Estate Regulatory Authority. The details of all projects where Completion Certificate application has been filed with Chennai Metropolitan Development Authority prior to notification of these rules will be disclosed to the public by publishing the list of all such



projects on the website of Chennai Metropolitan Development Authority and Real Estate Regulatory Authority immediately after notification of these rules.

(iii) in the case of projects under execution outside Chennai Metropolitan Area, as no provision and procedure has yet been prescribed for issue of completion certificate, if the construction is structurally completed meaning that all the columns, beams and slabs have been erected and certified by the architect or structural engineer/licensed surveyor associated with the project supported with photographs. Such projects shall be intimated to the concerned Local Planning Authority or Regional Deputy Director of the Town and Country Planning Department within 15 days from the date of notification of these rules with a copy marked to the office of the Director of Town and Country Planning. The Director of Town and Country Planning will make public the list of all such projects in his official website, on the 16<sup>th</sup> day of notification of the rules besides publication of the same in the website of Real Estate Regulatory Authority.

- (i) "project land" means any parcel or parcels of land on which the project is developed and constructed by a promoter;
  - (j) "Parking" means the parking space(s) as shown in the plans approved by the planning authority;
  - (k) "Reserved Car Park" means an enclosed or unenclosed, covered or open area which is sufficient in size to park vehicles and which may be provided in basements and/or stilt and/or podium and/or independent structure built for providing parking spaces and/or parking provided by mechanized parking arrangements and which is not a garage and
- (2) Words and expressions used herein and not defined, but defined in the Act, shall have the same meaning, respectively, assigned to them in the Act.

## CHAPTER II. REAL ESTATE PROJECT.

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

- (a) authenticated copy of the PAN card of the promoter;
- (b) audited balance sheet of the promoter firm/company for the preceding financial year;
- (c) copy of the legal title deed reflecting the title of the promoter to the land on which development is proposed to be developed along with legally valid documents with authentication of such title, if such land is owned by another person;
- (d) the details of encumbrances on the land on which development is proposed including any rights, title, interest or name of any party in or over such land along with details;
- (e) where the promoter is not the owner of the land on which development is proposed, the details of the consent of the owner of the land along with a copy of 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) latitude and longitude details of the project site to monitor the progress of the work by the Authority;
- (g) copies of the approved plan and approval letter along with the No objection Certificates submitted while obtaining planning permission and building licence;
- (h) parking spaces(s) as shown in the approved plan of the said real estate project;
- (i) detailed design and drawing for Structural Stability, Electrical Wiring, plumbing, Sewage Treatment Plans, etc.;
- (j) such other information and documents, as may be specified by the Authority in its regulations.

(2) The application referred to in sub-section (1) of section 4 of the Act, shall be made in writing in Form 'A', which shall be submitted in triplicate, until the application procedure is made web based as provided under sub-section (3) of section 4 of the Act.

(3) The promoter shall pay a registration fee at the time of application for registration for a sum calculated at the rate as specified by the Authority, from time to time. The registration fee shall not be levied for the Tamil Nadu Slum Clearance Board developed projects, Affordable Housing projects of the Tamil Nadu Housing Board and Housing projects executed by the Tamil Nadu Police Housing Corporation.

(4) The declaration to be submitted under clause (f) of sub-section (2) of section 4 of the Act, 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.

(5) In case the promoter applies for withdrawal of application for registration of the project before the expiry of the period of thirty days provided under sub-section (1) of section 5 of the Act, registration fee as specified in the regulations made by the Authority shall be retained as processing fee by the Authority and the remaining amount shall be refunded to the promoter within thirty days from the date of such withdrawal.

**4. Disclosure by promoters of existing projects.-** (1) On the date of coming into force of sub-section (1) of section 3 of the Act, promoters of all ongoing projects shall within the time specified in the said sub-section, make an application to the Authority in the form and manner provided in rule 3.

**Explanation I.-** Any agreement already entered between the promoter and the allottee before commencement of these rules shall not be affected.

**Explanation II .-** If the project has been conceived to be developed in phases, where the plans for the initial phase are approved by the planning authority prior to the date



of coming into force of sub-section (1) of section 3 of the Act, then for such projects the requirement of obtaining two third consent from existing allottee, under clause (ii) of sub-section (2) of section 14 of the Act is exempted for addition/revision/modification of plans for subsequent phase/s of development, provided the scheme of developing the project in phased manner has been agreed upon by the allottee and promoter in the agreements executed between them;

**Explanation III.-** If the approval from the planning authority is obtained for larger extent of land, but where the development is conceived to be in phases, the promoter shall be permitted to register each phase as an independent project with the Authority. In such case, the requirement of obtaining two third consent from existing allottee under clause (ii) of sub-section (2) of section 14 of the Act is exempted for addition/revision/modification of plans for subsequent phases of development, provided the development in phases has been agreed upon by the allottee and promoter in the agreements executed between them, when there is no reduction in the common area and there is no change in the total built up area of the registered phase/project.

**Explanation IV.-** It is not mandatory to substitute the prescribed form of agreement for sale, construction or any other documents executed by the allottee, in respect of the apartment, plot or building for the on going projects prior to the date of coming into force of sub-section (1) of section 3 of the Act, the same shall be legally valid and enforceable and shall not be construed to limit the rights of the allottee under the Act and the rules and regulations made thereunder.

- (2) The promoter shall disclose all project details as required under the Act and the rules and regulations made thereunder, including the status of the project and the extent of completion.
- (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 actual area of the plot even if earlier sold on any other basis such as including the cost of Open Space Reservation area and splay area, development charges, etc., which shall not affect the validity of the agreement entered into between the promoter and the allottee to that extent.



**5. Withdrawal of sums deposited in separate account.-** (1) For the purposes of sub-clause (D) of clause (I) of sub-section (2) of section 4 of the Act, the land cost shall be the market value of the land including the costs incurred by the promoter towards the stamp duty and the registration fees for acquiring ownership over the land either for freehold or leasehold

(2) For the purposes of sub-clause (D) of clause (I) of sub-section (2) of section 4 of the Act, the construction cost shall be the cost incurred by the promoter, towards the on-site expenditure for the physical development of the project including the cost incurred by way of fees/charges paid towards obtaining necessary statutory clearances including cost of Transfer of Development Rights, premium Floor Space Index charges, Finance Cost for the construction of the project and professional consulting charges.

Explanation: For the purpose of sub-clause (D) of clause (I) of sub-section (2) of section 4 of the Act, the engineer shall certify that the items shown in the cost of construction is matching to the physical condition at the site of the real estate project; the architect shall certify that the physical condition at the site is built as per the sanctioned plan; and chartered accountant shall certify the cost incurred on construction cost and land cost; the chartered accountant shall also certify the proportion of the cost incurred on construction and land cost to the total estimated cost of the project. After completion of the project, the promoter shall be entitled to withdraw the balance amount lying in the separate account subject to obtaining the certificate from the engineer, architect and chartered accountant as mentioned above.

**6. Grant or rejection of registration of the project.-** (1) Upon the registration of a project as per section 5 read with section 3 of the Act, 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 under section 5 of the Act, the Authority shall inform the applicant in Form 'D'.

**7. Extension of registration of the project.-** (1) The registration granted under section 5 of the Act, may be extended as provided under section 6 of the Act, on an application made by the promoter in Form 'E' which shall not be less than three months prior to the date of expiry of the registration granted. The Authority may condone the delay for filing the renewal application after the date of expiry, upon collection of late fee of ten percent of the registration fee as fixed by the Authority.

(2) The application for extension of registration shall be accompanied with a demand draft drawn on any scheduled bank, for an amount as may be specified by regulations



made by the Authority as provided 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 extension of registration is due to force majeure, the authority may, at its discretion, waive the fee for extension of registration.

(3) 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 the same in Form 'F' and in case of rejection of the application for extension of registration, the Authority shall, after giving an opportunity to the applicant to be heard in the matter as provided in the second proviso to section 6 of the Act, inform the promoter about the same in Form 'D'.

(5) Any sale of an unit in any development project after the lapse of registration period with the Authority and after obtaining the completion certificate from the Competent Authority within the prescribed period as per local laws shall not be treated as offence as prescribed in sub section (2) of section 59 of the Act.

**8. Revocation of registration of the project.-** Upon revocation of registration of a project under section 7, the Authority shall inform the promoter about such revocation in Form 'D'. The details of such revocation of registration shall be released to press periodically and hosted in the website of the Authority.

**9. Agreement for sale and construction agreement.-** (1) For the purpose of sub-section (2) of section 13 of the Act, the agreement for sale of undivided share of land or plot of land and construction agreement for construction of apartment, as the case may be, shall be in the Form in Annexure 'A'.

(2) Any application, allotment letter or any other document signed by the allottee, in respect of the apartment, plot or building, prior to the execution and registration of the agreement for sale and construction agreement for such apartment, plot or building, as the case may be, shall not be construed to limit the rights and interests of the allottee under the agreement for sale or the construction agreement or under the Act or under the rules or regulations made thereunder.

(3) Project relating to construction of apartment, the promoter may convey the undivided share of land including the proportionate share in the common area directly to the respective allottees.

(4) Under the agreement for sale or construction agreement, the promoter is permitted to allocate exclusive right of usage of Reserved Car Park to the allottee and such right of exclusive usage shall form an indivisible part of the apartment and shall be transferable along with the apartment.



**10. Formation of association.-** The association of allottees shall be formed, registered and governed by the provisions contained in the Tamil Nadu Apartment Ownership Act, 1994 (Tamil Nadu Act 7 of 1995), and the applicable rules for the time being in force. The Association shall take over the maintenance of the project including the common areas and amenities provided in the project within 3 months from the date of intimation by the promoter upon completion of the project.

### **CHAPTER III. REAL ESTATE AGENT.**

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

- (a) brief details of his enterprise including its name, registered address, type of enterprise (proprietorship, societies, partnership, companies, etc.);
- (b) particulars of registration including the bye-laws, or memorandum of association and articles of association, etc. as the case may be;
- (c) photograph of the real estate agent if he is an individual and the photograph of the partners, directors, etc., in case of other entities;
- (d) authenticated copy of the PAN Card;
- (e) authenticated copy of the address proof of the place of residence and business; and
- (f) such other information and documents, as may be specified by the Authority in regulations.

(2) The real estate agent shall pay a registration fee at the time of application for registration by way of a demand draft drawn on any scheduled bank for a sum of rupees twenty-five thousand in case of the applicant being an individual; or a sum of rupees fifty thousand in case of the applicant being anyone other than an individual.

**12. Grant of registration to the real estate agent.-** (1) 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.

(2) In case of rejection of the application, of registration, the Authority shall inform the applicant in Form 'I'.

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

**13. Renewal of registration of real estate agent.-** (1) The registration granted under section 9 of the Act may be renewed as provided in section 6 of the Act, on an application made by the real estate agent in Form 'J' which shall be minimum one month prior to expiry of the registration granted. The Authority may condone the delay for filing the renewal application after the date of expiry upon collection of late fee of Rs.500/- and



Rs.5000/- (10 per cent of renewal fee) in case of individual and other than individual respectively.

(2) The application for renewal of registration shall be accompanied with a demand draft drawn on any scheduled bank, for a sum of rupees five thousand in case of the real estate agent being an individual or rupees fifty thousand in case of the real estate agent being anyone other than an individual.

(3) The real estate agent shall also submit all the updated documents set out in clauses (a) to (g) of rule 11 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.

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

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

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

**15. Maintenance and preservation of books of accounts, records and documents.-** The real estate agent shall maintain and preserve books of account, records and documents in accordance with the provisions of the Income Tax Act, 1961 (Central Act 43 of 1961).

**16. 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.

**17. Details to be published on the website.-** (1) For the purpose of clause (b) of section 34 of the Act, the Authority shall ensure that the following informations shall be made available on its website in respect of each project registered, namely:-

(a) Details of the promoter including the following:-



## (i) Profile of the promoter:

- (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 to be provided. In case of newly incorporated or registered entity, brief details of the parent entity including its name, registered address, type of enterprise (proprietorship, societies, limited liability partnership, partnership, companies, competent authority) to be provided;
- (b) background of promoter- educational qualification, work experience and in case of a newly incorporated or registered entity work experience of the parent entity.

## (ii) Track record of the promoter:

- (a) number of years of experience of the promoter or parent entity in real estate construction in the State of Tamil Nadu;
- (b) number of years of experience of the promoter or parent entity in real estate construction in other states or union territories;
- (c) number of completed projects and area constructed till date;
- (d) number of ongoing projects and proposed area to be constructed;
- (e) details and profile of ongoing and completed projects for the last 5 years as provided in clause (b) of sub-section (2) of section 4 of the Act.

## (iii) Litigations: Details of litigations on the land;

## (iv) Website:

- (a) web link to the developer or group website;
- (b) web link to the project website.

## (b) Details of the real estate project including the following:

## (i) Compliance and registration:

- (A) authenticated copy of the approvals received from the competent authorities as provided under clause (c) of sub-section (2) of section 4 of the Act;
- (B) the sanctioned plan, layout plan and specifications of the project or the phase thereof, and the whole project as sanctioned by the competent authority as provided under clause (d) of sub-section (2) of section 4 of the Act;
- (C) details of the registration granted by the Authority.

## (ii) Apartment and parking related details:

- (A) details of the number, type and carpet area of apartments for sale in the project as provided under clause (h) of sub-section (2) of section 4 of the Act;



(B) details of the number and areas of covered parking for sale in the project as provided under clause (i) of sub-section (2) of section 4 of the Act;

(C) details of the number of open parking areas available in the real estate project.

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

(iv) Consultants: Details, including name and addresses of contractors, architect and structural engineers, site engineers, construction engineers, Quality Auditors, Geo-Technical Engineers, Town Planners, project management consultant, if any, and other persons concerned with the development of the real estate project as provided under clause (k) of sub-section (2) of section 4 of the Act, such as -

(A) Name and address of the firm;

(B) Names of promoters;

(C) Year of establishment;

(D) Names and profile of key projects completed.

(v) Location: The location details of the project, with clear demarcation of land dedicated for the project along with its boundaries including the latitude and longitude of the end points of the project as provided under clause (f) of sub-section (2) of section 4 of the Act.

(vi) Development Plan:

(A) The plan of development works to be executed in the proposed project and the proposed facilities to be provided thereof including fire fighting facilities, drinking water facilities, emergency evacuation services, use of renewable energy etc., as provided under clause (e) of sub-section (2) of section 4 of the Act.

(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 of solid and liquid wastes and treatment and disposal of storm and sullage water, any other facilities and amenities or public health services proposed to be provided in the project.



(C) Gantt 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.

(c) Financial details of the promoter:

(i) 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 auditor's 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 auditor's report of the promoter for the immediately preceding three financial years and in case of newly incorporated or registered entity such information shall be disclosed for the parent entity.

(d) The promoter shall upload the following updates on the webpage for the project, within fifteen days from the expiry of each quarter:-

(i) List of number and types of apartments or plots, as the case may be, booked;

(ii) List of number of parking lots 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) Approval 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 licence, permit or approval for the project.

(e) The following documents should be available in a downloadable format:-

(i) Approvals:

(A) Applicable No objection certificates;

(B) Authenticated copy of the planning permission, building permit, building sanction plan from competent authority 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 planning



permission, building permit, building sanction plan, completion certificate for each of such phases;

- (C) Authenticated copy of the site plan or site map showing the location of the project land along with survey numbers/block number/ward number, village number and name/town name, taluk and district name and area of each parcels of the project land;
- (D) Authenticated copy of the layout plan of the project as sanctioned by the competent authority;
- (E) Floor plans for each tower and block including clubhouse, amenities and common areas, etc;
- (F) Any other permission, approval, or licence that may be required under applicable law;
- (G) Authenticated copy of completion certificate obtained, if applicable. In the absence of statutory provisions for obtaining completion certificate, the promoter shall upload certificate from an Architect, Town Planner and Licensed Surveyor, etc., endorsing the completion of the project.

ii) Legal Documents:

- (A) Details including the proforma of the application form, allotment letter, agreement for sale and the conveyance deed;
- (B) Authenticated copy of the legal title deed including an upto date encumbrance certificate, extract/certificate of Revenue Authorities reflecting the title of the promoter to the land on which development is proposed to be developed along with legally valid documents with authentication of such title, if such land is owned by another person;
- (C) 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 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;
- (D) Sanction letters:
  - From banks for construction finance;
  - From banks for home loan tie-ups.



- (f) Contact details: Contact address, contact numbers and email-ids of the promoter handling the project.
- (g) Such other documents or information as may be specified by the Act or the rules and regulations made thereunder.

(2) For the purpose of clause (c) of section 34 of the Act, 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) For the purpose of clause (d) of section 34 of the Act, 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:-

- (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 (proprietorship, societies, partnership, companies, etc.);
  - (iii) particulars of registration including the bye-laws, memorandum of association, articles of association, etc., as the case may be;
  - (iv) photograph of the real estate agent if it is an individual and the photograph of the partners, directors etc. in case of other persons;
  - (v) authenticated copy of the address proof of the place of business and the contact address, contact numbers and email-id of the real estate agent.
- (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 (proprietorship, societies, partnership, companies, etc.);
  - (iii) photograph of the real estate agent if it is an individual and the photograph of the partners, directors, etc., in case of other persons.
- (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.**

#### **RATE OF INTEREST PAYABLE BY PROMOTER AND ALLOTTEE AND TIMELINES FOR REFUND.**

**18. Rate of interest payable by the promoter and the allottee.-** The rate of interest payable by the promoter to the allottee or by the allottee to the promoter, as the case may



be, shall be the State Bank of India highest Marginal Cost of Lending Rate plus two per cent.

Provided that in case the State Bank of India Marginal Cost of Lending Rate is not in use it would be replaced by such benchmark lending rates which the State Bank of India may fix from time to time for lending to the general public.

**19. Timelines for refund.-** (1) 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 Ninety days from the date on which such refund along with applicable interest and compensation, if any, becomes due.

(2) In case of termination of the agreement as per the terms recorded therein, such refund and/or penalty and/or compensation shall be made by the party-in-breach to the other party simultaneous to the execution of appropriate cancellation agreement and registration, if required. If the defaulting party fails to come forward for execution of registration agreement, the Authority shall have the right to execute such agreement on behalf of the defaulting party.

The entitling allottee shall get full refund at any time if the builder has not followed the time schedule. The builder shall not keep 10% of the booked value of the property. If the allottee defaults in making timely payment as per terms of the agreement, the allottee shall not have the right of claiming any interest or compensation from the promoter.

## **CHAPTER VI. REAL ESTATE REGULATORY AUTHORITY.**

**20. Manner of selection of chairperson and members of the Authority.-** (1) As and when vacancies of Chairperson or a 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 a 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 possessing the requisite qualification and experience and suitability for being considered 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 the recommendation by the Selection Committee, appoint one of the two persons recommended by the Selection Committee for the vacancy of the Chairperson or Member, as the case may be.

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

- (a) The Chairperson shall be paid a monthly salary equivalent to the salary and allowances eligible to the Additional Secretary to Central Government;
- (b) The whole-time member shall be paid monthly salary equivalent to the salary and allowances eligible to the Joint Secretary to Central Government;
- (c) Every part-time member, who is not a servant of the Government shall be paid a sitting fee for each day he attends the meetings of the authority as may be determined by the Government, from time to time, and they shall not be entitled to any allowance relating to house and vehicle.

(2) The other allowances and conditions of service of the Chairperson and the whole-time member shall be as per notification issued by the Government from time to time.

**22. Administrative powers of the Chairperson of the Authority.-** The administrative powers of the Chairperson of the authority will be with regard to the following:-

- (a) matters pertaining to human resources, wages and salaries structures, emoluments, perquisites and personnel policies;
- (b) matters pertaining to appointments, promotions and confirmation for all posts;
- (c) acceptance of resignations by any officer or employee;
- (d) In addition, the Chairperson will be responsible for officiating against sanctioned posts;
- (e) authorization of tours to be undertaken by any member, officer or employees within India and allowance to be granted for the same;
- (f) all matters in relation to grant or rejection of leaves;
- (g) permission for hiring of vehicles for official use;
- (h) nominations for attending seminars, conferences and training courses in India;
- (i) permission for invitation of guests to carry out training course;
- (j) sanction, scrapping or write-off of capital assets which due to normal wear and tear have become unserviceable or are considered beyond economical repairs;
- (k) matters relating to disciplinary action against officer and employee;
- (l) any other powers that may be required for the efficient functioning of the Authority and enforcement of the provisions of the Act and these rules.



**23. Salary and allowances payable and other terms and conditions of service of the officers and other employees of the Authority and experts and consultants engaged by the Authority.-**

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

(2) Consultants or experts that may be engaged by the Authority after a due selection process.

(a) shall be paid a monthly honorarium as may be determined by the Government from time to time;

(b) shall not be deemed to be regular members of the staff borne on the establishment of the Authority;

(c) may be appointed for a tenure of one year or less, extendable on year to year basis or part thereof;

(3) The terms of their appointment may be terminated by the Authority by serving one month's notice.

(4) 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 or consultants and experts, as the case may be.

**24. Functioning of the 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 Government.

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

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

(a) To 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 sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), 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, town planning, competition, construction,



architecture, or engineering or from any other discipline as it deems necessary, to assist the Authority in the conduct of any inquiry or proceedings before it.

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

- (a) withdrawn the said amounts from the account maintained as provided under sub-clause (D) of clause (I) of sub-section (2) of section 4 of the Act; or
- (b) used any amounts paid to such promoter by the allottees for the real estate project for which the penalty, interest or compensation is payable, or any other real estate project;
- (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.

(4) The Authority shall have the powers to levy fee and prescribe advertisement charges and collect the same from the developers and advertisers willing to advertise on the website of the authority besides prescribing and collecting any other charges or fees/penalties from the developers/promoters/real estate agents or any other individual or agency.

(5) The Authority shall advertise the vacancies and qualification and complete selection process at least one month prior to the date on which vacancy arises in order to avoid any gap in the office and to provide uninterrupted service of the Authority.

**26. Manner of recovery of interest, penalty and compensation.-** Subject to the provisions of sub-section (1) of section 40 of the Act, the recovery of the amount due under the Act shall be made as an arrear of land revenue under the Tamil Nadu Revenue Recovery Act, 1864 (Tamil Nadu Act II of 1864).

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

**28. Grants, Fees and Penalties.-** (a) The grants from the Government, the registration fee paid by the promoters, at the time of registration of application, the revenue generated from advertisement charges on the website of the Authority, the registration fees paid by the Real Estate Agent at the time of registration received under the Act and interest accrued on the grants and fees will accrue to the Real Estate Regulatory Fund.



(b) All sums realized by way of penalties imposed by the Appellate Tribunal or the Authority shall be credited to the Consolidated Fund of State Government.

## **CHAPTER VII.**

### **REAL ESTATE APPELLATE TRIBUNAL.**

**29. Form for filing appeal and the fees payable.-** (1) Every appeal filed under sub-section (1) of section 44 of the Act, shall be accompanied by a fee of rupees One thousand in the form of a demand draft drawn on a scheduled bank in favour of the Appellate Tribunal and payable at the main branch of that Bank at the station where the seat of the said Appellate Tribunal is situated.

(2) Every appeal shall be filed in Form 'L' along with the following documents:-

- (a) An attested 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;
- (c) An index of the documents.

(3) Procedure for filing the appeal shall be as decided by the Appellate Tribunal.

**30. Manner of selection of members of the Appellate Tribunal.-** (1) As and when vacancies of a member in the Appellate Tribunal exist or arise, or are likely to arise, the Government 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 possessing the requisite qualification and experience and suitable for being considered 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 recommendation by the Selection Committee, appoint one of the two persons recommended by the Selection Committee for the vacancy of the Member.

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



- (a) The Chairperson shall be paid a monthly salary equivalent to the last drawn salary by such person, as a Judge of a High Court;
- (b) The whole-time member shall be paid a monthly salary equivalent to the last drawn salary at the post held by such person, prior to his appointment as a member of the Appellate Tribunal;
- (c) Every full-time member, who is not a servant of the Government, shall be paid a monthly salary equivalent to the Additional Secretary to the Government of India;
- (d) Every part-time Member, who is not a servant of the Government, shall be paid a sitting fee for each day he attends the meetings of the Appellate Tribunal as may be determined by the Government, from time to time.

(2) The other allowances and conditions of service including leave of the Chairperson and the whole-time member shall be as prescribed by the Government, from time to time.

**32. Procedure for inquiry of the charges against the Chairperson or Member of the Authority or the Appellate Tribunal.-**

(1) In the event of the Government becoming aware of occurrence of any of the circumstances specified in clause (d) or clause (e) of sub-section (1) of section 26 of the Act in case of a Chairperson or member of the Authority or as specified under sub-section (1) of section 49 of the Act in case of a Chairperson or Member of the Appellate Tribunal, or by receipt of a complaint in this regard or suo motu, as the case may be, the Government shall 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 a Judge of the High Court appointed for the purpose by the Chief Justice of the High Court on the request of the Government.

(3) The Government shall forward to the Judge, 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 leveled against him within such time period as may be specified in this behalf by the Judge.

(5) Where it is alleged that the Chairperson or member of the Authority or the Appellate Tribunal as the case may be 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 Authority or the Appellate Tribunal, as the case may be.

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

**33. Salary and allowances payable and other terms and conditions of service of the officers and other employees of the 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, 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 or consultants and experts, as the case may be.

**34. Additional powers of the Appellate Tribunal.-** The Appellate Tribunal may call upon such experts or consultants from the fields of economics, commerce, accountancy, real estate, town planning, competition, construction, architecture or engineering or from any other discipline as it deems necessary, to assist the Appellate Tribunal in the conduct of any inquiry or proceedings before it.

**35. Administrative powers of the Chairperson of the Appellate Tribunal.-** The administrative powers of the Chairperson of the Appellate Tribunal will be with regard to the following:-

- (a) matters pertaining to human resources, wages and salaries structures, emoluments, perquisites and personnel policies;
- (b) matters pertaining to appointments, promotions and confirmation for all posts;
- (c) acceptance of resignations by any officer or employee;
- (d) In addition, the Chairperson will be responsible for officiating against sanctioned posts;
- (e) authorization of tours to be undertaken by any Member, officer or employee within India and allowance to be granted for the same;
- (f) all matters in relation to grant or rejection of leaves.
- (g) permission for hiring of vehicles for official use;



- (h) nominations for attending seminars, conferences and training courses in India;
- (i) permission for invitation of guests to carry out training course;
- (j) sanction scrapping or write-off of capital assets which due to normal wear and tear have become unserviceable or are considered beyond economical repairs;
- (k) matters relating to disciplinary action against any officer or employee;
- (l) any other powers that may be required for the efficient functioning of the Appellate Tribunal and enforcement of the provisions of the Act and these rules.

### CHAPTER VIII. OFFENCES AND PENALTIES.

**36. Terms and conditions and the fine payable for compounding of offence.-** (1) The court shall, for the purposes of compounding any offence specified under section 70 of the Act, accept a sum of money as specified in the Table below:-

| Offence.                                          | Money to be paid for compounding the offence.                                                                                                                           |
|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Imprisonment under sub section (2) of section 59. | upto 10% of the estimated cost of the real estate project.                                                                                                              |
| Imprisonment under section 64.                    | upto 10% of the estimated cost of the real estate project.                                                                                                              |
| Imprisonment under section 66.                    | upto 10% of the estimated cost of the plot, apartment or building, as the case may be, of the real estate project, for which the sale or purchase has been facilitated. |
| Imprisonment under section 68.                    | upto 10% of the estimated cost of the plot, apartment or building, as the case may be:                                                                                  |

Provided that the Government may, by notification, amend the rates specified in the Table.

(2) On payment of the sum of money in accordance with the table, any person in custody in connection with that offence shall be set at liberty and no proceedings shall be instituted or continued against such person in any court. If the promoter is restrained, restricted or limited by operation of law in providing specific amenities as per the plans sanctioned, in such case, the promoter shall be absolved from all liabilities for not providing such amenities in the real estate project.

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



(4) The promoter, allottee or real estate agent, as the case may be, shall comply with the orders of the Authority or the Appellate Tribunal, within the period specified by the court, which shall not be more than 30 days from the date of compounding of the offence.

**37. Manner of filing a complaint with the Authority and the manner of holding an inquiry by the Authority.-** (1) Any aggrieved person may file a complaint with the Authority for any violation under the Act or the rules and regulations made thereunder, save as those provided to be adjudicated by the adjudicating officer, in Form 'M' which shall be accompanied by a fee as specified by the Authority.

(2) The Authority shall, for the purposes of deciding any complaint as specified under sub-rule (1), follow summary procedure for inquiry in the following manner:-

- (a) Upon receipt of the complaint the Authority shall issue a notice along with particulars of the alleged contravention and the relevant documents to the respondent;
- (b) The notice shall specify a date and time for further hearing;
- (c) On the date so fixed, the Authority shall explain to the respondent about the contravention alleged to have been committed in relation to any of the provisions of the Act or the rules and regulations made thereunder and if the respondent -
  - (i) pleads guilty, the Authority shall record the plea, and pass such orders including imposition of penalty as it thinks fit in accordance with the provisions of the Act or the rules and regulations, made thereunder;
  - (ii) does not plead guilty and contests the complaint the Authority shall demand an explanation from the respondent;
- (d) In case the Authority is satisfied on the basis of the submissions made that the complaint does not require any further inquiry, it may dismiss the complaint;
- (e) In case the Authority is satisfied on the basis of the submissions made that there is need for further hearing into the complaint, it may order production of documents or other evidence on a date and time fixed by it;
- (f) The Authority shall have the power to carry out an inquiry, into the complaint, on the basis of documents and submissions;
- (g) On the date so fixed, the Authority upon consideration of the evidence produced before it and other records and submissions is satisfied that -
  - (i) the respondent is in contravention of the provisions of the Act or the rules and regulations made there under it shall pass such orders including imposition of penalty as it thinks fit in accordance with the provisions of the Act or the rules and regulations made there under;
  - (ii) the respondent is not in contravention of the provisions of the Act or the rules and regulations made there under the Authority may, by order in writing, dismiss the complaint, with reasons to be recorded in writing.
- (h) 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.

**38. Manner of filing a complaint with the adjudicating officer and the manner of holding an inquiry by the Adjudicating officer.-** (1) Any aggrieved person may file a complaint with the adjudicating officer for compensation under section 12, 14, 18 and 19 in Form 'N' which shall be accompanied by a fee of rupees five thousand in the form prescribed by the Authority.

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

- (a) Upon receipt of the complaint the adjudicating officer shall issue a notice along with particulars of the alleged contravention and the relevant documents to the promoter;
- (b) The notice shall specify a date and time for further hearing; and on the date so fixed, the adjudicating officer shall explain to the promoter about the contravention alleged to have been committed in relation to any of the provisions of the Act or the rules and regulations made there under and if the promoter-
  - (i) pleads guilty, the adjudicating officer shall record the plea, and award such compensation as he thinks fit in accordance with the provisions of the Act or the rules and regulations, made there under;
  - (ii) does not plead guilty and contests the complaint the adjudicating officer shall demand an explanation from the promoter;
- (c) 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;
- (d) 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;
- (e) The adjudicating officer shall have the power to carry out an inquiry into the complaint on the basis of documents and submissions;
- (f) On the date so fixed, the adjudicating officer upon consideration of the evidence produced before him and other records and submissions is satisfied that the promoter is-
  - (i) liable to pay compensation, the adjudicating officer may, by order in writing, order payment of such compensation, as deemed fit by the promoter to the complainant; or
  - (ii) not liable to any compensation, the adjudicating officer may, by order in writing, dismiss the complaint, with reasons to be recorded in writing.
- (g) 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.



## CHAPTER IX. BUDGET AND REPORT.

**39. Budget, accounts and audit.-** The Authority shall prepare a budget, maintain proper accounts and other relevant records and prepare an annual statement of accounts as provided in section 77 in Form 'O'.

**40. Report and Returns.-** The Authority shall prepare its annual report as provided in section 78 in Form 'P'.

**DHARMENDRA PRATAP YADAV**  
**SECRETARY TO GOVERNMENT**

//True Copy//

22/6/17  
**SECTION OFFICER**





**ABSTRACT**



2)

Urban - Development - Insisting TNRERA Registration by Chennai Metropolitan Development Authority, Directorate of Town and Country Planning, Local Planning Authorities and Local Bodies while issuing Planning Permission- Orders -Issued.

**Housing and Urban Development [UD4(3)] Department**

**G.O.(Ms).No.166**

**Dated: 29.11.2018**

**..U 3835**

விளம்பி, காந்திதிகை 13,  
திருவள்ளூர் ஆண்டு 2049

Read:

1. G.O.Ms.No.112, Housing and Urban Development Department, dated 22.06.2017.
2. From the Chairperson, TNRERA, Letter No.TNRERA/3277/2018, dated 02.11.2018.

=====

**ORDER:**

In the Government Order first read above the Government has notified the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017 in order to implement the Central Act. Accordingly, the Real Estate Regulatory Authority has been established on 22.06.2017.

2. Under section 3(1) of The Real Estate (Regulation and Development) Act, 2016 "No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act" and hence Registration with Tamil Nadu Real Estate Regulatory Authority is mandatory for all the projects. Tamil Nadu Real Estate Regulatory Authority has taken several steps to make the Promoters to register their project with Real Estate Regulatory Authority.

3. A clause has also been included in the final approval letter issued by Chennai Metropolitan Development Authority and Directorate of Town and Country Planning wherein it was stated that the Promoters should register their projects with Tamil Nadu Real Estate Regulatory Authority before commencing any booking or selling. In spite of several measures taken by this Authority, still certain Promoters have not registered their projects with Tamil Nadu Real Estate Regulatory Authority which ought to be registered.

4. Hence, in the letter 2<sup>nd</sup> read above, the Chairperson, Tamil Nadu Real Estate Regulatory Authority has requested the Government to issue necessary orders making mandatory to produce TNRERA Registration Certificate for issue of Completion Certificate by Chennai Metropolitan

..2..



Development Authority, Directorate of Town and Country Planning, Local Planning Authorities and Local Bodies where the area of land proposed to be developed exceeds 500 sq.m; or the number of apartments proposed to be developed exceeds 8 inclusive of all phases in the proposed Common Building Rules as Completion Certificate guidelines.

5. The Government carefully examined the request of the Chairperson, TNRERA in para 4 above and direct the Member Secretary, Chennai Metropolitan Development Authority and Commissioner of Town and Country Planning to include the registration of projects with TNRERA as one of the conditions in the planning permission and its compliance is a pre-requisite for issue of Completion Certificate, where the area of land proposed to be developed exceeds 500 sq.m. or the number of apartments proposed to be developed exceeds 8 inclusive of all phases. Compliance of this condition shall also be checked and ensured before issue of Completion Certificate. This condition is also to be incorporated in the Tamil Nadu Combined Development Regulations and Building Rules, 2018

6. The Principal Secretary / Member Secretary, Chennai Metropolitan Development Authority and the Commissioner of Town and Country Planning are directed to pursue action accordingly.

**(BY ORDER OF THE GOVERNOR)**

**S.KRISHNAN,  
PRINCIPAL SECRETARY TO GOVERNMENT.**

To

The Principal Secretary,  
Municipal Administration and Water Supply Department,  
Chennai - 600009.

The Additional Chief Secretary,  
Rural Development and Panchayat Raj Department,  
Chennai-600009.

✓ The Chairperson, Tamil Nadu Real Estate Regulatory Authority,  
Chennai-600008.

The Principal Secretary / Member Secretary,  
Chennai Metropolitan Development Authority, Chennai-600 008.

The Commissioner of Town and Country Planning, Chennai-600002.

The Director of Municipal Administration, Chennai-600005.

The Director of Rural Development, Saidapet, Chennai-600015.

The Commissioner, Greater Chennai Corporation, Chennai-600003.

Copy to:-

The Principal Private Secretary to Principal Secretary to Government,  
Housing and Urban Development Department, Chennai-600009.

**SF/SC**

**//FORWARDED BY ORDER//**

*cel-m 29/11/18*  
**SECTION OFFICER.**

*13/21/11/18*



O/o. the Commissioner of Municipal Administration,  
Chepauk, Chennai-600 005.

**CIRCULAR**

**Roc.No.31982/2018/TP3**

**Dated.10.12.2018**

Sir/Madam,

**Sub:** Registration of Real Estate Projects with RERA-  
Instruction- Reg.

**Ref:** Letter from Principal Secretary, H&UD Department &  
Chairperson, TNRERA, No. TNRERA/3169/2018,  
Dated.30.10.2018.

\*\*\*\*\*

I enclose herewith the letter cited. The Government of Tamil Nadu in G.O.MS. No.112, H&UD Department, dated.22.06.2017 have notified the Tamil Nadu Real Estate (Regulation and Development) rules 2017 in order to regulate the real estate sector.

Under section 3(2)(a) "where the area of land proposed to develop exceeds 500 sq. mtr. or the no. of apartments proposed to develop exceeds 8 inclusive of all phases" should register with TNRERA before sale, book or offer for sale etc. The applications received by TNRERA for registration, do not match with the developments in Tamil Nadu.

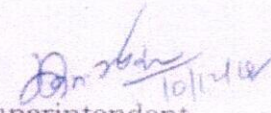
Hence, all the Commissioners of Corporations/Municipalities are instructed to send the details of planning permissions issued wherein the extent of land exceeds 500 sq. mtr. or 8 apartments to TNRERA ([contact@tnrera.in](mailto:contact@tnrera.in)).

**Encl:** as above.

Sd/- M.Ashokan,  
Additional Director of Municipal Administration

**To**  
All Commissioners of Corporations/Municipalities  
All RDMA's.

//Forwarded by orders//

  
Superintendent

  
10/12/18



U. S. Department of the Interior  
Bureau of Land Management

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