

JHARKHAND REAL ESTATE REGULATORY AUTHORITY

7th Floor, Ranchi Municipal Corporation Building, Kutchery Road,

Ranchi – 834 001

NOTIFICATION

Date:

**JHARKHAND REAL ESTATE REGULATORY AUTHORITY
REGULATIONS (General), 2022**

File Name: JHARERA/GENERAL REGULATIONS-08/2021- In exercise of the powers conferred on it under sub-section (1) and sub-section (2) of section 85 of the Real Estate (Regulatory and Development) Act, 2016 and of all other powers enabling it in that behalf, the Jharkhand Real Estate Regulatory Authority, hereby makes the following Regulation to copy out the purpose of this Act:-

Short Title, Object, Commencement and Extent:

1. (a) These regulations may be called the Jharkhand Real Estate Regulatory Authority Regulations (General), 2022.
2. (b) The object of these Regulations is to establish procedures regarding the general functioning of the Authority and for the conduct of business of the Authority.

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

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

Definitions

3. (a) In these regulations, unless the context otherwise requires:-
 - (I) “Act” or “RERA Act” means the Real Estate (Regulation and Development) Act 2016, notified on 25th March, 2016 in the Gazette of India, as amended from time to time;
 - (II) “JHARERA” means Jharkhand Real Estate Regulatory Authority;
 - (III) “JHARERA rules” means Jharkhand Real Estate (Regulation and Development) Rules, 2017 notified vide Notification No. 06/TCPO (vividh) 09/2016- Na. Vi. 326 dated 18-05-2017 by Urban Development and Housing Department Government of Jharkhand;

- (IV) “Adjudication” means the process of arriving at decisions on complaints submitted to the Authority or the Adjudicating officer under section 31 of the Act;
- (V) “Chairperson” means the Chairperson/Chairman of the Authority;
- (VI) “Authority” means the Jharkhand Real Estate Regulatory Authority;
- (VII) “Consultant” includes any person not in the employment of the Authority who may be appointed as such to assist the Authority on any matter required to be dealt with by the Authority under the Act and the rules and regulations made there under;
- (VIII) “Member” means a member of the Authority;
- (IX) “Proceedings” means and includes proceedings of all natures that the Authority may conduct in the discharge of its functions under the Act and the rules and regulations;
- (X) “Secretary” means the secretary of the Authority;
- (XI) “Officer” means an officer of the Authority;
- (XII) “Regulations” mean the Jharkhand Real Estate Regulatory Authority Regulations (General), 2021 as amended from time to time;
- (XIII) “Rules” mean the rules framed by Government of Jharkhand, under the Real Estate (Regulation and Development) Act 2016 and as amended from time to time;

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

Formats of Certificates of Architect, Engineer and Chartered Accountant:

4. For each project developed by a developer/builder, he shall open an Escrow account in a nationalized bank, earmarked for the concerned project, in which 70% of the amounts collected from the allottees/purchasers of flats/plots shall have to be kept. Any withdrawal by the builder/developer from this account can be done only for the work of the earmarked project based on the certificate about the progress of work, jointly given by Project Architect, Project Engineer and the Chartered Accountant in Form -1, Form-2 and Form -3.

5. The certificates, issued by the Project Architect, Project Engineer and Chartered Accountant is to be should be submitted to the banks for getting release of money from the earmarked account for the particular project shall be in the form 1, 2 and 3 respectively. The Certificate issued by the Project Architect on completion of each of the building/wing of the real estate project, shall be in the form 4.

Additional Disclosures by promoters on the website and project site:

6. In addition to all the details of the proposed Real Estate project, uploaded by the promoter on his webpage on the website of the Authority, as required under sub-section (1) of section 11 of the Act and Rule 3.1 of the Jharkhand Real Estate (Regulation and Development) Rules 2017, the promoter shall additionally upload the following details; every years:-
 - (a) The annual report on statement of accounts, in Form 5 (issued in accordance with the third proviso to section 4(2) (L) of the Act) duly certified and signed by the Chartered Accountant who is the statutory auditor of the promoter's enterprise.

Explanation 1: The Chartered Accountant certifying the progress of the registered real estate project for the purpose of withdrawal of amounts from the separate earmarked account of a particular project, should be a different entity than the Chartered Accountant who is the statutory auditor of the promoter's enterprise.

Explanation 2: If the Form 5 issued by the statutory auditor reveals that any certificate issued by the Project Architect, Engineer or the Chartered Accountant has false or incorrect information and the amount collected for a particular project have not been utilized for the project and the withdrawal has not been in proportion to the percentage of work completion of the project, the Authority, in addition to taking penal actions as contemplated in the Act and the Rules, shall also take up the matter with the concerned regulatory professional body for Architecture, Engineer or Chartered accountancy, for necessary penal action against them, including disqualifications and/or termination of membership.

7. The sanctioned plans, layout plans, along with specifications, approved by the Competent Authority shall be prominently displayed by the promoter at the project land site.

Authority's office, office hours and sittings:

8. The Authority shall follow the office timings and holidays as notified from time to time by Government of Jharkhand, unless otherwise decided by the

Authority. Chairman of the Authority may in special circumstance order to open the office of the Authority on holidays.

9. The Authority may conduct its proceeding in the office or at any other place within its jurisdiction on days and time as directed by the Chairperson.

Language of the Authority:

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

Authority to have seal of its own:

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

Officers of the Authority:

12. (a) The Authority shall have the power to appoint the secretary, officers and other employees for discharging various duties. The qualification, experience and condition of service and appointment of such secretary, officers and other employees shall be subject to such conditions as may be specified by the Authority.

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

13. (a) The Secretary shall be the Chief Administrative Officer of the Authority and shall exercise his powers and perform his duties under the control of the Chairperson.

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

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

(i) He shall have custody of the records and the seal of the Authority.

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

- (iii) He shall scrutinize documents, including, inter alia, complaints, applications or reference and shall be entitled to seek clarifications or rectifications upon the same and issue appropriate directions pertaining to the acceptance or rejection of such documents.
 - (iv) He shall prepare or cause to be prepared the briefs and summaries of pleadings presented by various parties in cases filed before the Authority.
 - (v) He shall carry out such functions under the Act or the Rules, as may be delegated to him by the Chairperson, by general or special order.
 - (vi) He shall assist the Authority in the proceedings relating to the powers exercisable by the Authority, as directed by the Chairperson.
 - (vii) He shall provide notice for meeting, prepare the agenda for meetings and minute the proceedings of the Authority's meetings.
 - (viii) He shall authenticate the orders passed by the Authority.
 - (ix) He shall, so far as it is possible, monitor compliance of the orders passed by the Authority and shall forthwith bring to the Authority any non-compliance thereof.
 - (x) He shall have the right to collect from the state Government or other officers, companies firms or any other party, such information's, records, reports, documents, etc., as may be considered necessary for the purpose of efficient discharge of the functions of the Authority under the Act and the Rules and place the same before the Authority.
14. In the absence of the Secretary, an officer of the Authority, designated by the Chairperson in this behalf, shall exercise the functions of the secretary.
15. The Chairperson shall, at all times, have the power, either on an application made by any interested or affected party or suo-motu, to review, revoke, revise, modify, amend, alter or otherwise change any order issued or action taken by the Secretary or any Officer of the Authority, if considered appropriate.
16. The Secretary may, delegate any function required by these Regulations exercisable by the secretary, to any other officer of the Authority with the written approval of the Chairperson.

Meetings

17. The provisions contain in Regulations 20, 21, 22, 23 and 24 shall be applicable to the meetings of the Authority, other than the adjudicatory proceedings of the Authority.
18. The Quorum for the meetings of the Authority shall be two.
19. If in any meeting of the Authority duly convened, the quorum is not present, the meeting shall stand adjourned for the next day at the same time and venue.
20. The Chairperson shall preside over the meetings and conduct the business. Members stationed at benches, may participate in the meetings through video conferencing. If the Chairperson is unable to be in the meetings for any reason, or where there is no Chairperson, the senior most Member present shall preside at the meeting.
21. (a) All questions which come up before any meetings of the Authority shall be decided by a majority of votes of the Members present and voting. In the event of an equality of votes, the Chairperson or in his absence, the Member presiding shall have a second or casting vote.

(b) Save as otherwise provide in these Regulations, every Member shall have one vote.
22. (a) The secretary or in his absence an officer of the Authority designated by the Chairperson, shall record the minutes of the meetings and maintain a register which will, amongst other things, contain the names and designation of Members and invitees present in the meeting, a record of proceedings and notes of dissent, if any. The minutes shall, as soon as practicable, be sent to the Chairperson and the attending Members.

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

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

Adjudication proceedings:

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

Vacancies, etc., not to invalidate proceedings:

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

Authorized Representative:

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

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

Provided further that for matters pertaining to Rule 43 of the Jharkhand Real Estate (Regulation and Development) Rules 2017 the Authority may, from time to time, determine the terms and conditions subject to which the allottees may authorize representative (s) to plead on their behalf. In such cases the Authority shall have the power to summon and enforce the attendance of all persons who are concerned with the Real Estate project, including lenders, as well as the persons who have accorded permissions to the Real Estate Project, as Competent Authority.

Orders of the Authority:

26. All orders and decisions issued by the Authority shall be certified by the signature of the Secretary or any other officer of the Authority specially empowered in this behalf by the Chairperson. The certified copy shall bear the official seal of the Authority and be communicated as expeditiously as possible to all parties in the proceeding.

Authority's records- documentation, inspection, confidentiality and accessibility:

- 26(A). At the time of filing the application for registration of a project, the developer/builder shall furnish the following information in **Form – 8**

- (a) Tentative cost of construction per square feet of Super Built-up area;
- (b) Tentative cost of common facilities and cost of development of common areas;
- (c) Total cost of land of the project;

27. A promoter/builder/developer must ensure to provide copies of sanctioned plan, layout plan, specifications approved by the competent authority and the work program of the project, to each allottee/purchaser of flat, while booking a flat or executing Agreement for Sale. The copies of sanctioned plan, layout plan, specifications approved by the competent authority and the work program of the project, shall form part of the Agreement for Sale.

28. The builder/promoter shall maintain and prominently display at the project site, all details of the project, as required by building bye-laws;

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

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

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

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

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

Interim orders, investigation, inquiry, collection of information, etc:

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

33. The Authority may make such direction or order as it thinks fit for collection of information, inquiry, investigation, entry, search, seizure and without prejudice to the generality of its powers, including, inter alia, the following :-
- (a) The Authority may, at any time, direct the Secretary or any one or more officers or any other person as the Authority considers appropriate to study, investigate or furnish information with respect to any matter within the jurisdiction of the Authority under the Act and Rules.
 - (b) The Authority may, for the above purpose, give such other direction as it may deem fit and state the time within which the report is to be submitted or information furnished.
 - (c) The Authority may issue or authorize the Secretary or an officer to issue directions to any person to produce before it and allow to be examined and kept by an officer of the Authority directed in this behalf the books, accounts, etc., or to furnish any information to the designated officer.
 - (d) The Authority may issue such directions, for the purpose of collection of any information, particulars or document that the Authority considers necessary in connection with the discharge of its function under the Act and the Rules.
 - (e) If any such report or information obtained appears to the Authority to be insufficient or inadequate, the Authority or the Secretary or an officer authorized for the purpose, may give directions for further inquiry, report and furnishing of information.
 - (f) The Authority may direct such incidental, consequential and supplemental matters to be attended to which may be considered relevant in connection with the above.
34. If the report for information obtained in accordance with Regulation 30 above or any part thereof is proposed to be relied upon by the Authority for forming its opinion or view in any proceedings, the parties to the proceedings shall be given a reasonable opportunity for filing objections and making submissions on such report or information.

Confidentiality :

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

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

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

Review of decisions, directions and orders:

36. Any person aggrieved by a decision or order of fine/ or penalty or an order of compensation passed by the Authority or the Adjudicating Officer, may file an appeal before the Appellate Tribunal within sixty days from the date of order.

37. (a) Any person aggrieved by a direction, decision or order of the Authority, from which (I) no appeal has been preferred or (II) from which no appeal is allowed, may, upon the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the direction, decision or order was passed or on account of some mistake or error apparent from the face of the record or for any other sufficient reasons, may apply for a review of such order, within thirty (30) days of the date of the direction, decision or order, as the case may be, to the Authority.

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

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

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

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

Continuance of proceedings after death, etc.:

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

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

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

Issue of orders and directions:

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

Saving of inherent power of the Authority:

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

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

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

General power to amend/rectify:

43. The Authority may, at any time and on such terms as to costs or otherwise, as it may think fit, amend any defect or error in any proceedings before it (including any clerical or arithmetical error in any order passed by the

Authority) and all necessary amendments, rectifications shall be made for the purpose of determining the real question or issue arising in the proceedings, as are versed in a Civil court under C.P.C. 1908.

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

Power to remove difficulties:

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

Extension or abridgement of time prescribed:

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

Effect of non-compliance:

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

Costs:

47. (a) Subject to such condition and limitation as may directed by the Authority, the costs of and incidental to, all proceedings shall be awarded at the discretion of the Authority and the Authority shall have full power to determine by whom or out of what funds and to what extent such costs are to be paid and give all necessary directions for the aforesaid purpose.
- (b) The costs shall be paid within thirty (30) days from the date of the order or within such time as the Authority may, by order, direct. If a party fails to comply with an order for costs within the stipulated period, the order of the Authority awarding costs shall be executed as per law.

Administrative charges, standard fees, late fees etc.:

48. (a) The Authority may, by order, fix standard fees, including annual fees, to be levied on the promoters or real estate agents or allottees for inspection of documents, certified copies of documents, the updating of website, database management and maintenance of the website.

(b) The Authority, under section 4(1) of the Act, will have the power to revise or supplement the rates of the fees for registration of different types of Real Estate Projects, from time to time, but not within a time period of one year from the date of effect of the last notified rates. Once, notified, these rates of fees will override the last notified rates, as also the originally specified rates in Rule 3.3 of Jharkhand Real Estate (Regulation and Development) Rules 2017.

(c) The Authority, under section 34(e) shall have the power to revise or supplement the rates of fees on the allottees or the promoters or real estate agents from time to time, but not within a time period of one year from the date of effect of the last notified rates. Once, notified, these rates of fees will override the last notified rates, as also the originally specified rates in JHARERA Rules.

[Note: - The ratio of enhancement of the rates should not exceed the ratio of cost inflation index during the corresponding period.]

49. (a) In case of ongoing projects, which were incomplete and ongoing on the date of commencement of RERA Act and JHARERA rules in Jharkhand, if there is a delay of more than one month in filing the application for registration of a real estate project, a late fee of additional 50% of the normal Registration fee will have to be paid;

(b) For new projects the application for registration of the project with JHARERA will have to be filed within one month from the date of approval of the Building Plan /Development Plan by the competent authority. If there is a delay of more than one months, then a late fee of additional 50% of the normal Registration fee will have to be paid;

50. The provision of this regulation will be effective from date of Publication of Notification.

By Order of Governor of Jharkhand

**Sd/-
(Seema Sinha),
Chairman**

FORM 1 [see Regulation 3]

ARCHITECT'S CERTIFICATE

(To be submitted at the time of withdrawal of money from Escrow Account)

Date:

To

The..... (Name & Address of Promoter),

Subject: Certificate of percentage of completion of construction work of _____ No. of Building (s)/_____ Wing (s) of the ____ phase of the project [JHARERA Registration Number] situated on the plot bearing C.N. No/CTS No/Survey No/Final plot no demarcated by its boundaries (latitude and longitude of the end points) _____ to the East _____ to the West of Division _____ village _____ taluka _____ District _____ pin _____ admeasuring _____ sq. mts. area being developed by [Promoter's Name]

Sir,

I/We _____ have undertaken assignment as Architect/Licensed surveyor of certificate percentage of completion of Construction work of the _____ Building (s)/ _____ Wing(s) _____ phase of the project, situated on the plot bearing C.N. N0/CTS No/Survey No/ Final plot No _____ of Division _____ Village _____ Taluka _____ District _____ Pin _____ Admeasuring _____ sq. mts. area being developed by [Promoter's Name]

1. Following technical professionals are appointed by owner/promoter:-

- (I) M/S/Shri/Smt _____ as L.S/Architect;
- (II) M/S/Shri/Smt _____ as Structural Consultant
- (III) M/S/Shri/Smt _____ as MEP Consultant
- (IV) M/S/Shri/Smt _____ as Site Supervisor

Based on site Inspection, with respect to each of the Building/Wing of the aforesaid Real Estate project, I certify that as on the date of this certificate, the percentage of work done for each of the building/wing of the Real Estate project as registered vide number _____ under JHARERA is as per table A

herein below. The percentage of the work executed with respect to each of the activity of the entire phase is detailed in Table B.

Table A

Building/Wing Number _____ (to be prepared separately for each Building/Wing of the project)

Sr. No	Tasks/Activity	Percentage of work done
1	Excavation	
2	_____ number of Basement(s) and plinth	
3	_____ number of podiums	
4	Stilt Floor	
5	_____ number of slabs of super structure	
6	Internal walls, Internal plaster, Floorings within Flats/premises, Doors and windows to each of the Flat/premises	
7	Sanitary fittings within the flat/premises, Electrical fittings within the flat/premises	
8	Staircases, Lifts wells and Lobbies at each Floor level connecting staircases and Lifts, Overhead and Underground water Tanks	
9	The external plumbing and external plaster, Elevation, completion of terraces with Waterproofing of the Building/Wing	
10	Installation of lifts, water pumps, Fire Fighting Fittings and Equipment as per CFO NOC, Electrical fittings to common Areas, electro, Mechanical equipment, compliance to conditions Of environment/CRZ NOC, Finishing to entrance lobby/s, plinth protection, paving of Areas appurtenant to Building/Wing, Compound wall and all other requirements as may be required to Obtain Occupation/Completion Certificate	

TABLE-B

Internal & External Development works in respect of the entire registered phase

S. No	Common areas and facilities, Amenities	Proposed (Yes/No)	Percentage of work done	Details
1.	Internal Roads & Foothpaths			
2.	Water Supply			
3.	Sewarage (chamber, lines, septic tank, STP)			
4.	Storm water drains			
5.	Landscaping & Tree Planting			
6.	Street Lighting			
7.	Community Buildings			
8.	Treatment and disposal of sewage and sullage water			
9.	Solid waste management & Disposal			
10.	Water conservation, Rain water harvesting			
11.	Energy management			
12.	Fire protection and fire safety requirements			
13.	Electrical meter room, sub-station, receiving station			
14.	Others (Option to add more)			

Yours Faithfully

Signature & name (IN BLOCK LETTERS) of L.S/Architect (License No)

FORM-2 [see Regulation 3]

ENGINEER'S CERTIFICATE

(To be submitted at the time of withdrawal of money from Escrow Account)

Date:

To,

The _____ (Name & Address of promoter)

Subject: Certificate of cost Incurred for Development of [Project Name] for Construction of _____ building (s)/ _____ Wing(s) of the _____ phase (JHARERA Registration Number) situated on the plot bearing C.N. No/CTS No/Survey No/Final plot no _____

Demarcated by its boundaries (latitude and longitude of the end points)

_____ to the North _____ to the South _____ to the East _____ to the West _____ of Division _____ village _____ taluka _____ District _____ Pin _____ admeasuring _____ sq. mts. area being developed by[Promoter]

Ref: JHARERA Registration Number _____

Sir,

I/We _____ have undertaken assignment of certified estimated cost for the subject Real Estate Project proposed to be registered under JHARERA, being _____ Building(s)/ _____ Wing(s) of the _____ phase situated on the plot bearing C.N. No/CTS No/Survey No/Final plot no _____ of Division _____ village _____ taluka _____ District _____ Pin _____ admeasuring _____ sq. mts. area being developed by [Owner/Promoter]

1. Following technical professionals are appointed by owner/promoter:-
 - (I) M/S/Shri/Smt _____ as L.S/Architect;
 - (II) M/S/Shri/Smt _____ as Structural Consultant
 - (III) M/S/Shri/Smt _____ as MEP Consultant
 - (IV) M/S/Shri/Smt _____ as Quantity Surveyor*

2. We have estimated the cost of the completion to obtain occupation certificate/completion certificate, of the civil, MEP and Allied works, of the Building(s) of the project, our estimated cost calculations are based on the Drawings/Plans made available to us for the project under reference by the Developer and Consultants and the Schedule of items and quantity for the entire work as calculated by _____ quantity Surveyor* appointed by Developer/Engineer and the assumption of the

cost of material, labor and other inputs made by Developer and the site inspection carried out by us.

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

4. The estimated cost incurred till date is calculated at Rs. _____ (Total of table A and B). The amount of estimated cost incurred is calculated on the base of amount of total estimated cost.

5. The balance cost of completion of the Civil, MEP and Allied works of the building(s) of the subject project to obtain occupation certificate/ completion certificate from _____ (planning Authority) is estimated at Rs. _____ (Total of table A and B).

6. I certify that the cost of the Civil, MEP and Allied works for the aforesaid project as completed on the date of this certificate is as given in table A and B below:

TABLE- A

Building/Wing bearing Number _____ or called _____
(to be prepared separately for each Building/Wing of the Real Estate Project)

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

TABLE- B
(To be prepared for the entire registered Phase of the Real Estate Project)

Sr. No	Particulars	Amounts
1	Total estimated cost of the Internal and External Development works including amenities and Facilities in the layout as on _____ date of Registration is	Rs. _____ /-
2	Cost incurred as on _____ (based on the Estimated cost)	Rs. _____ /-
3	Work done in percentage (as percentage of the estimated cost)	_____ %
4	Balance cost to be incurred (Based on Estimated cost)	Rs. _____ /-
5	Cost incurred on Additional/Extra item as on _____ not included in the Estimated cost (Annexure-A)	Rs. _____ /-

Yours Faithfully

Signature of Engineer

(License No)

*** Note**

1. The scope of work is to complete entire Real Estate project as per drawing approved from time to time so as to obtain Occupation Certificate/Completion Certificate.

2. (*) Quantity survey can be done by officer of Engineer or can be done by an independent Quantity surveyor, whose certificate of quantity calculated can be relied upon by the Engineer. In case of independent quantity surveyor being appointed by Developer, the name has to be mentioned at the marked (*) and in case quantity are being calculated by office of Engineer, the name of the person in the office of Engineer, who is responsible for the quantity calculated should be mentioned at the place marked (*).

3. The estimated cost includes all labour, material, equipment and machinery required to carry out entire work.

4. As this is an estimated cost, any deviation in quantity required for development of the Real Estate Project will result in amendment of the cost incurred/to be incurred.

5. All components of work with specification are indicative and not exhaustive.

Annexure-A

List of Extra/Additional items executed with Cost

(Which were not part of the original Estimate of Total cost)

GUIDELINES FOR THE ENGINEER AT THE AT THE TIME OF ISSUE OF THIS CERTIFICATE:

1. There should be proper Agreement between the Promoter and the Engineer for the supervision of the work.
2. The complete details of quantity survey should be maintained and verified by the Engineer.
3. Quantity survey should be done by the office of Engineer.
4. The estimated cost includes all labor, material, equipment and machinery required to carry out the entire work of the Project.
5. The Engineer needs to find out the complete quantity of the material received in the site and its utilization in the Project.
6. The rates of the material to work out the cost may be taken from the purchase Bills.
7. The Engineer needs to get satisfied about the quantity of the material and the labour cost incurred in the Project.
8. Engineer needs to keep all the working papers at the time of issue of this Certificate.
9. The Engineer needs to visit the site, verify the records maintained at the site or any other records which will satisfy for the use of material to the Project including the estimated quantity of the material normally goes in completing the work.
10. The Engineer shall be held responsible and accountable for any wrong information in the Certificate. The Engineer shall be liable for any penal action under the Real Estate (Regulation and Development) Act, 2016 including recommendation to the Competent Authority to initiate necessary disciplinary action including revocation of his/her empanelment with the Competent Authority for issue of wrong Certificate.
11. All components of work with specifications are indicative and not exhaustive.
12. This Certificate has to be issued on the letter head of the Engineer, affixing the stamp/seal of the Engineer, along with Engineer's signature on each page.

The Engineer shall have the qualification as prescribed in the Act, 2016.

FORM-3 (SEE Regulation 3)

CHARTERED ACCOUNTANT'S CERTIFICATE (on Letter Head)

(For Registration of a Project and Subsequent Withdrawal of Money)

Cost of Real Estate Project JHARERA Registration Number _____

Sr.no	Particulars	Amount (Rs.)	
		Estimated.	Incurred
1.	<p>i. Land Cost</p> <p>a. Acquisition cost of land or Development Rights, lease premium, lease rent, interest cost incurred or payable on land cost and legal cost</p> <p>b. Amount of premium payable to obtain development rights, FSI, additional FSI, fungible area and any other incentive under DCR from Local Authority or state Government or any Statutory Authority</p> <p>C. Acquisition cost of TDR (if any)</p> <p>d. Amounts payable to state Government or competent authority or any other statutory authority of the state or Central Government towards stamp duty, transfer charges, registration fees etc.; and</p> <p>f. Land premium payable as per annual statement of rates (ASR) for redevelopment of land owned by public authorities.</p> <p>g. Under Rehabilitation scheme:</p> <p>(i) Estimated construction cost of rehab building including site development and infrastructure for the same as certified by Engineer</p> <p>(ii) Actual Cost of construction of rehab building incurred as per the books of accounts as verified by the CA</p> <p>Note: (For total cost of construction incurred, minimum of (i) or (ii) is to be considered)</p> <p>(iii) Cost towards clearance of land of all or any encumbrances including cost of removal of legal/illegal occupants, cost for providing temporary transit accommodation or rent in lieu</p>		

JHARERA GENERAL REGULATIONS

	of ransit Accommodation, overhead cost, (iv) Cost of ASR linked premium, fees, charges and security deposits or maintenance deposit or any amount whatsoever payable to any authorities towards and in project of rehabilitation.		
Sub-Total of Land Cost			

Sr. No	Particulars	Amount (Rs.)
	<p>ii. Development cost/cost of construction:</p> <p>a. (i) Estimated cost of construction as Certified by Engineer (ii) Actual cost of construction incurred as per the books of accounts as verified by the CA</p> <p>Note: (For adding to total cost of construction incurred, minimum of (i) or (ii) is to be considered)</p> <p>(iii) On-site expenditure for development Of entire project excluding cost of construction as per (i) or (ii) above, i.e. salaries, consultants fees, site overheads, development works, cost of services (including water, electricity, sewerage, drainage, layout roads etc.), cost of machineries and equipment including its hire and maintenance costs, consumables etc. All costs directly incurred to complete the construction of the entire phase of the project registered.</p> <p>b. Payment of Taxes, cess, fees, charges, premiums, interest etc. to any statutory Authority.</p> <p>c. Principle sum and interest payable to financial institutions, scheduled banks, non-banking financial institution (NBFC) or money borrowed for construction;</p>	
Sub-Total of Development Cost		
2.	Total Estimated Cost of the Real Estate Project [1(i) + 1(ii)] of Estimated Column	
3.	Total Cost Incurred of the Real Estate Project [1(i) + 1(ii)] of Incurred Column	

JHARERA GENERAL REGULATIONS

Sr. No	Particulars	Amount
4.	% completion of construction work (as per project Architect's certificate)	
5.	Proportion of the cost incurred on land cost and _____% construction cost to the total Estimated cost. (3/2%)	
6.	Amount which can be withdrawn from the Designated Account Total Estimated cost* proportion of cost incurred (Sr. number 2* Sr. number 5)	
7.	Less: Amount withdrawn till date of this certificate as per the books of Accounts and bank statement	
8.	Net Amount which can be withdrawn from the Designated bank Account under this certificate	

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

Yours Faithfully

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

Name

(ADDITIONAL INFORMATION FOR ONGOING PROJECTS)

1. Estimated balance cost to complete the Real Estate Project (Difference of total Estimated project cost less cost incurred)
2. Balance amount of receivables from sold apartments as per Annexure A to this certificate

(as certificate by chartered Accountant as verified from the records and books of Accounts)

- 3. (i) Balance unsold area (to certified by management and to be verified by CA from the records and books of Accounts)

(ii) Estimated amount of sales proceeds in respect of unsold apartments (calculated as per ASR multiplied to unsold area as on the date of certificate, to be calculated and certified by CA) as per Annexure A to this certificate

- 4. Estimated receivables of ongoing project. Sum of 2 + 3 (ii)

- 5. Amount to be deposited in designated Account - 70% or 100% If 4 is greater than 1, then 70% of the balance receivables of ongoing project will be deposited in designated Account If 4 is lesser than 1, then 100% of the balance receivables of ongoing project will be deposited in designated Account

%

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

Yours Faithfully

Signature of Chartered Accountant
(Membership Number)

Name

Annexure A

Statement for calculation of Receivables from the Sales of the ongoing Real Estate Project

Sold Inventory

JHARERA GENERAL REGULATIONS

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

(Unsold Inventory Valuation)

Ready Reckoner Rate as on the date of certificate of the Residential/Commercial premises Rs..... per sm.

Sr. No	Flat No.	Carpet Area (in Sq. Mts.)	Unit Consideration as per Read Reckoner Rate (ASR)

GUIDELINES FOR THE CHARTERED ACCOUNTANT AT THE TIME OF ISSUE OF THIS CERTIFICATE:

1. The Chartered Accountant should be a “Practicing Chartered Accountant”.
2. The Statutory Auditor doing annual audit and the Chartered Accountant issuing Certificate for Project registration and withdrawal from **Separate Bank Account**, should be different entities.
3. The Chartered Accountant shall be held responsible and accountable for any wrong information in the Certificate. The Chartered Accountant shall be liable for any penal action under the Real Estate (Regulation and Development) Act, 2016 including recommendation to the Institute of Chartered Accountants of India (ICAI) to initiate necessary disciplinary action including revocation of Membership.
4. This Certificate should be issued on the letter head of the Chartered Accountant, affixing his stamp/seal, along with Chartered Accountant’s signature on each page. The Chartered Accountant shall mention the Membership number below his signature.

FORM-4 [see Regulation 3]

ARCHITECT'S CERTIFICATE

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

Date:

To,

The _____ (Name & Address of promoter),

Subject: Certificate of completion of construction work of _____ Building/_____ Wing of the project [JHARERA Registration Number] situated on the plot bearing C.N. No/CTS NO./Survey No./Final Plot No _____ to the East _____ to the West of Division _____ village _____ taluka _____ District _____ Pin _____ admeasuring _____ sq. mts. area being developed by [promoter's Name] _____

Sir,

I/We _____ have undertaken assignment as Architect/Licensed surveyor of certifying completion of construction work of _____ Building/ _____ Wing of Building situated on the plot bearing C.N. No/CTS NO./Survey No./Final Plot No _____ of Division _____ village _____ taluka _____ District _____ Pin _____ admeasuring _____ sq.mts. area being developed by [promoter's Name] _____

2. Following technical professionals are appointed by Owner/promoter:-

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

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

Yours Faithfully

Signature & Name (IN BLOCK LETTERS) of L.S/Architect with (License No.....)

GUIDELINES FOR THE ARCHITECT AT THE TIME OF ISSUE OF THIS CERTIFICATE:

1. The Architect should be a Member of Council of Architecture.
2. There should be proper Agreement between the Promoter and the Architect for the supervision and the services to be provided for the Real Estate Project.
3. The Architect should visit the site and verify that the work has been completed as per the sanctioned plans.
4. The Architect must use his professional knowledge, skill and experience in providing the information in this Certificate.
5. The Architect shall be held responsible and accountable for any wrong information in the Certificate. The Architect shall be liable for any penal action under the Real Estate (Regulation and Development) Act, 2016 including recommendation to the Council of Architecture to initiate necessary disciplinary action including revocation of Membership for issue of wrong Certificate.
6. This Certificate has to be issued on the letter head of the Architect, affixing the stamp/seal of the Architect, along with Architect's signature and Registration Number on each page.
7. This Certificate has to be issued by the Architect after the Occupation or the Completion Certificate is received by the Competent Authority.
8. On the basis of the Certificate the promoter will be withdrawing the balance in the designated account.
9. If the promoter has done anything which is not as per the plan, the Architect should not issue this Certificate as he will be personally held liable.
10. This Certificate will be in due course verified by the association of Allottees.
11. The Architect shall not be in the list of **Defaulter Architect** of the **Council of Architecture** at the time of issue of this Certificate.

FORM-5 [see Regulation 4]

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

ANNUAL REPORT ON STATEMENT OF ACCOUNTS

To [NAME & ADDRESS OF PROMOTER]

SUBJECT: Report on statement of Accounts on project fund utilization and withdrawal by [Promoter] for the period from _____ to _____ with respect to JHARERA Regn. Number -----

1. This certificate is issued in accordance with the provisions of the Real Estate (Regulation and Development) Act, 2016 read along with the Jharkhand Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017.
2. I/We have obtained all necessary information and explanation from the company, during the course of our audit, which in my/our opinion are necessary for the purpose of this certificate.
3. I/we hereby confirm that I/We have examined the prescribed registers, books and documents and the relevant records of [Promoter] for the period ended _____ and hereby certify that:
 - (i) M/S _____ (Promoter) have completed _____ % of the project titled _____ (Name) JHARERA Regn. No. _____ located at _____
 - (ii) Amount collected during the year for this project is Rs. _____ and amounts collected till date is Rs. _____
 - (iii) Amount withdrawn during the year for this project is Rs. _____ and amount withdrawn till date is Rs. _____
4. I/We certify that the [Name of Promoter] has utilized the amounts collected for _____ project only for that project and the withdrawal from the designated bank account(s) of the said project has been in accordance with the proportion to the percentage of completion of the project. (If not, please specify the amount withdrawn in excess of eligible amount or any other exceptions)

(Signature and stamp/seal of the signatory CA)

Name of the signatory:

Full Address:

Membership No:

Contact No:

E mail:

Place:

Date:

FORM-6 [see Regulation 25]

BEFORE THE JHARKHAND REAL ESTATE REGULATORY AUTHORITY

Complaint No. /.....

In the matter of

..... Petitioner

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

Memo of Authorization

I/We, the petitioner/respondent above named do hereby nominate, appoint and constitute, to Act, plead and appear on my/our behalf in the case.

..... day of.....

Place: _____
[Petitioner/Respondent]

Signature

Date: _____

Address for Correspondence

I/We accept.....

FORM-7 [see Regulation 30]

BEFORE THE JHARKHAND REAL ESTATE REGULATORY AUTHORITY

Application for inspection/obtaining copies of documents/records

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

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

Place:

Signature

Date:

Office Use

Granted inspection on _____/ Rejected

Granted copies of documents on _____/ Rejected

Secretary/Officer/Nominee of the Authority

FORM-8 [see Regulation 26(A)]

BEFORE THE JHARKHAND REAL ESTATE REGULATORY AUTHORITY

Name and address of the Developer/Builder/Promoter:

.....

Contact No: E-Mail:

Name of the Project:

Address of the Project:

.....

.....

TABLE

Sr. No	Item	Amounts
1	Tentative cost of construction per square feet of Super Built-up area	Rs. _____ /- per sq.ft.
2	Tentative total cost of common facilities and cost of development of common areas	Rs. _____ /-
3	Total cost of land of the project	Rs. _____ /-

Place:

Signature

Date:

Name:

Designation: