

### **3. Prior registration of real estate project with Real Estate Regulatory Authority:**

**(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:**

**Provided that projects that are ongoing on the date of commencement of this Act and for which the completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the said project within a period of three months from the date of commencement of this Act:**

**Provided further that if the Authority thinks necessary, in the interest of allottees, for projects which are developed beyond the planning area but with the requisite permission of the local authority, it may, by order, direct the promoter of such project to register with the Authority, and the provisions of this Act or the rules and regulations made thereunder, shall apply to such projects from that stage of registration.**

**(2) Notwithstanding anything contained in sub-section (1), no registration of the real estate project shall be required--**

**(a) where the area of land proposed to be developed does not exceed five hundred square meters or the number of apartments proposed to be developed does not exceed eight inclusive of all phases:**

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**Provided that, if the appropriate Government considers it necessary, it may, reduce the threshold below five hundred square meters or eight apartments, as the case may be, inclusive of all phases, for exemption from registration under this Act;**

**(b) where the promoter has received completion certificate for a real estate project prior to commencement of this Act;**

**(c) for the purpose of renovation or repair or re-development which does not involve marketing, advertising selling or new allotment of any apartment, plot or building, as the case may be, under the real estate project.**

**Explanation.-- For the purpose of this section, where the real estate project is to be developed in phases, every such phase shall be considered a stand alone real estate project, and the promoter shall obtain registration under this Act for each phase separately.**

### **3(1): Mandatory Prior Registration for Real Estate Projects**

A promoter is strictly prohibited from advertising, marketing, booking, selling, or offering to sell any plot, apartment, or building in a real estate project (or any part thereof) within a planning area unless the project is first registered with the Real Estate Regulatory Authority.

Projects that were ongoing at the time the Act commenced—but had not yet received a completion certificate—must be registered with the Authority within three months from the commencement date.

Moreover, even projects located outside a planning area must be registered if the Authority considers it necessary for protecting

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allottees' interests and such projects have valid permission from the local authority. In such cases, the provisions of the Act and its rules apply from the point of registration.

*[Section 3(1), Real Estate (Regulation and Development) Act, 2016]*

### 3(2): Exemptions from Registration of Real Estate Projects

Despite the general requirement of registration, certain real estate projects are not required to be registered with the Authority:

- **Small Projects:** If the land area to be developed does not exceed 500 square meters, or the total number of apartments does not exceed 8, including all project phases. However, the appropriate Government has the power to lower these thresholds if deemed necessary.
- **Projects with Completion Certificate:** If the promoter has already obtained a completion certificate before the Act commenced, registration is not required.
- **Non-commercial Redevelopment:** If the project involves only renovation, repair, or redevelopment, and does not include any new marketing, advertising, selling, or allotment, registration is not required.

Additionally, if a real estate project is being developed in phases, then each phase is treated as a separate project, requiring separate registration under the Act.

*[Section 3(2), Real Estate (Regulation and Development) Act, 2016]*

### Interpretations:

**M/s Hem Developers Pvt. Ltd. v. Chandra Prabha Lal (2020)**  
— **Completed Projects Not “Ongoing” Under RERA:** The

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Bihar Real Estate Appellate Tribunal held that projects completed and in settled occupation before the commencement of RERA (01-05-2017) cannot be treated as “ongoing projects” merely due to non-issuance of completion or occupancy certificates. The Tribunal noted that Hem Plaza was built under a 1993 development agreement, the sanctioned map was issued in 1994, and possession was delivered to the respondent in 1999. Subsequent municipal tax receipts, electricity connections, tenancy, and sale deeds established settled possession well before RERA. Procedural lapses like unfinished plaster or missing lifts may amount to deficiency of service, but such grievances relate to the pre-RERA period and cannot attract RERA jurisdiction. Consequently, the order of RERA Bihar (30-05-2019) directing the promoter to complete pending works and hand over remaining entitlement was quashed. The Tribunal clarified that remedies, if any, lie in other forums. [*M/s Hem Developers Pvt. Ltd. v. Chandra Prabha Lal, TNC 2020 (1) 10, Appeal Case No. 15 of 2019, BREAT:22-Jan-2020*]

**Agrani Homes Real Marketing Pvt. Ltd. v. Dr. Nawal Prakash Deepak (2020) — Refund Ordered Where Project Not Registered or Commenced:** The promoter accepted substantial advance under an MoU without securing land title, building plan approval, or project registration under Section 3 of RERA. The Tribunal held that an MoU is not a valid substitute for a registered agreement for sale and found clear violations of RERA 2016 and the Bihar Apartment Ownership Act, 2006. Since no construction had commenced and registration obligations were ignored, the promoter was directed to refund the remaining ₹1 lakh with interest (at 2% above SBI’s prime lending rate) and to pay interest on the earlier ₹13 lakh retained. The appeal was dismissed. [*Agrani Homes Real Marketing Pvt.*

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Ltd. v. Dr. Nawal Prakash Deepak, TNC 2020 (8) 5, *REAT Appeal No. 02 of 2019, BREAT: 27-Aug-2020*]

**M/S Paramount Prop Build Pvt. Ltd. v. State of U.P. & Ors. (2020) — Mere Application for Completion Certificate Does Not Exempt Ongoing Project from RERA:** The Allahabad High Court held that a real estate project cannot escape registration under Section 3 of the RERA Act merely because the promoter filed an application for a completion certificate before the Act's commencement. Unless all development works are completed, the project remains an “ongoing project” under Rule 2(h) of the U.P. RERA Rules, 2016. Upholding RERA's inspection findings that the project was incomplete, the Court validated the Authority's direction to hand over possession and pay interest for delay. The writ petition was dismissed. [*M/S Paramount Prop Build Pvt. Ltd. v. State of U.P. & Ors., TNC 2020 (11) 15, All HC: 4-Nov-2020, CP: REA 3*]

**M/S Pacifica (Chennai Project) v. C.R. Chenthirkumaran (2020) — False Certificate Cannot Exempt Ongoing Project from RERA:** The Madras High Court held that a composite planning permission including multi-storey buildings clearly brings a development within the definition of a “real estate project.” The developer's attempt to claim exemption under Rule 2(h)(iii) of the Tamil Nadu RERA Rules, 2017 by producing a false structural engineer's certificate was rejected. The Court affirmed that the project was an “ongoing project” requiring registration and that such objections could not be raised for the first time in second appeal. The appeal was dismissed, upholding the RERA and Appellate Tribunal orders. [*M/S Pacifica (Chennai Project) v. C.R. Chenthirkumaran, TNC 2020 (12) 10, Mad HC: 2-Dec-2020, CP: REA 3*]

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**M/s SARE Shelters Project Pvt. Ltd. v. SARE Squires & Dewy Terraces (Phase-1) Flat Owners' Welfare Association (2021) — Incomplete Projects Cannot Evade RERA by Defective Completion Certificate:**

The Madras High Court held that a completion certificate issued by a local panchayat in 2014, without ensuring basic amenities like water, drainage, and roads, could not exempt the project from registration under Section 3(2)(b) of RERA. Completion must mean completion “in all respects,” including amenities and transfer of documents. Since villas were still under construction and the builder retained control over documents and unsold units, the project was rightly treated as “ongoing.” The Court dismissed the second appeal, upheld the Tribunal’s order, and directed RERA to decide the association’s complaint on merits within three months. [*M/s SARE Shelters Project Pvt. Ltd. v. SARE Squires & Dewy Terraces (Phase-1) Flat Owners' Welfare Association*, 2021 (2) TNC 7, Mad HC: 16-Feb-2021, CP: REA 3 & 2(q)]

**Macrotech Developers Ltd. v. State of Maharashtra (2021) — Part Occupancy Certificate After 1 May 2017 Does Not Exempt Project from RERA:**

The Bombay High Court ruled that only a full completion/occupancy certificate issued prior to 1 May 2017 exempts a project from registration under Section 3 of the RERA Act. A part occupancy certificate obtained within the three-month transition window cannot shield an ongoing project from registration. The Court upheld the jurisdiction of the Adjudicating Officer to award compensation for deficit carpet area and construction defects, even in respect of an unregistered project. The writ petition was dismissed, and compensation with interest and costs in favour of the homebuyers was affirmed. [*Macrotech Developers Ltd. v. State of Maharashtra*, TNC 2021 (3) 10, Bom HC: 1-Mar-2021, CP: REA 3 & 2(q)]

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**Vasundhara Homes Pvt. Ltd. v. Pankaj Kumar (2021) —**

**Registration of Project is Precondition Before Adjudication:**

The Bihar Real Estate Appellate Tribunal (BREAT) held that the Authority cannot decide issues like cancellation of allotment or enforcement of agreements unless it first determines whether the project is an *ongoing project* and is duly registered under Section 3 of RERA. The Tribunal emphasized that registration is the “first step” for implementing the Act, and in the absence of a completion or occupancy certificate under the Bihar Municipal Act, 2007, the project must be treated as ongoing. Consequently, earlier unregistered agreements become unenforceable, and a fresh agreement in the model format under Rule 8 of the Bihar Real Estate (Regulation and Development) Rules, 2017 must be executed. Since the Authority failed to address this jurisdictional issue and proceeded to adjudicate cancellation of allotment, its order was set aside and the matter remanded for fresh consideration. [*Vasundhara Homes Pvt. Ltd. v. Pankaj Kumar, TNC 2021 (6) 36, REAT Appeal Nos. 15 & 19 of 2021, BREAT: 25-Jun-2021*]

**Experion Developers Pvt. Ltd. v. State of Haryana (2022) —**

**Occupancy Certificate Cannot Substitute Completion Certificate for RERA Exemption:**

The Punjab & Haryana High Court held that only a valid completion certificate issued prior to 1 May 2017 exempts a project from registration under Section 3(2)(b) of the RERA Act. An occupancy certificate is distinct and insufficient to claim exemption. Applying Section 89, the Court emphasized that RERA overrides inconsistent state rules, and relied on *Newtech Promoters (2021 SC)* to affirm retroactive applicability of RERA to ongoing projects. The writ petition was dismissed. [*Experion Developers Pvt. Ltd. v. State of Haryana, TNC 2022 (4) 1, P&H HC: 18-Jan-2022, CP: REA 3 & 2(q)*]

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#### **4. Application for registration of real estate projects:**

**(1) Every promoter shall make an application to the Authority for registration of the real estate project in such form, manner, within such time and accompanied by such fee as may be prescribed.**

**(2) The promoter shall enclose the following documents along with the application referred to in sub-section (1), namely:--**

**(a) a brief details of his enterprise including its name, registered address, type of enterprise (proprietorship, societies, partnership, companies, competent authority), and the particulars of registration, and the names and photographs of the promoter;**

**(b) a brief detail of the projects launched by him, in the past five years, whether already completed or being developed, as the case may be, including the current status of the said projects, any delay in its completion, details of cases pending, details of type of land and payments pending;**

**(c) an authenticated copy of the approvals and commencement certificate from the competent authority obtained in accordance with the laws as may be applicable for the real estate project mentioned in the application, and where the project is proposed to be developed in phases, an authenticated copy of the approvals and commencement certificate from the competent authority for each of such phases;**

**(d) the sanctioned plan, layout plan and specifications of the proposed project or the phase thereof, and the whole project as sanctioned by the competent authority;**



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**(e) the plan of development works to be executed in the proposed project and the proposed facilities to be provided thereof including firefighting facilities, drinking water facilities, emergency evacuation services, use of renewable energy;**

**(f) 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;**

**(g) proforma of the allotment letter, agreement for sale, and the conveyance deed proposed to be signed with the allottees;**

**(h) the number, type and the carpet area of apartments for sale in the project along with the area of the exclusive balcony or verandah areas and the exclusive open terrace areas appurtenant with the apartment, if any;**

**(i) the number and areas of garage for sale in the project;**

**(j) the names and addresses of his real estate agents, if any, for the proposed project;**

**(k) the names and addresses of the contractors, architect, structural engineer, if any and other persons concerned with the development of the proposed project;**

**(l) a declaration, supported by an affidavit, which shall be signed by the promoter or any person authorised by the promoter, stating:--**

**(A) that he has a legal title to the land on which the development is proposed along with legally valid documents with authentication of such title, if such land is owned by another person;**

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**(B) that the land is free from all encumbrances, or as the case may be details of the encumbrances on such land including any rights, title, interest or name of any party in or over such land along with details;**

**(C) the time period within which he undertakes to complete the project or phase thereof, as the case may be;**

**(D) that seventy per cent. of the amounts realised for the real estate project from the allottees, from time to time, shall be deposited in a separate account to be maintained in a scheduled bank to cover the cost of construction and the land cost and shall be used only for that purpose:**

**Provided that the promoter shall withdraw the amounts from the separate account, to cover the cost of the project, in proportion to the percentage of completion of the project:**

**Provided further that the amounts from the separate account shall be withdrawn by the promoter after it is certified by an engineer, an architect and a chartered accountant in practice that the withdrawal is in proportion to the percentage of completion of the project:**

**Provided also that the promoter shall get his accounts audited within six months after the end of every financial year by a chartered accountant in practice, and shall produce a statement of accounts duly certified and signed by such chartered accountant and it shall be verified during the audit that the amounts collected for a particular project have been utilised for that project and the withdrawal has been in compliance with the proportion to the percentage of completion of the project.**

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**Explanation.-- For the purpose of this clause, the term "scheduled bank" means a bank included in the Second Scheduled to the Reserve Bank of India Act, 1934 (2 of 1934);**

**(E) that he shall take all the pending approvals on time, from the competent authorities;**

**(F) that he has furnished such other documents as may be prescribed by the rules or regulations made under this Act; and**

**(m) such other information and documents as may be prescribed.**

**(3) The Authority shall operationalise a web based online system for submitting applications for registration of projects within a period of one year from the date of its establishment.**

#### **4(1): Application Process for Project Registration**

Every promoter is required to submit an application to the Real Estate Regulatory Authority for the registration of a real estate project. The application must be made in the form, manner, time frame, and with the fee as may be prescribed by the rules. [Section 4(1), *Real Estate (Regulation and Development) Act, 2016*]

#### **4(2): Documents Required for Project Registration**

The promoter must attach the following documents along with the registration application under Section 4(1):

(a) Brief profile of the enterprise: name, registered address, type (e.g., proprietorship, company), registration details, and promoter's name and photo.

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(b) Summary of all projects launched in the past five years: whether completed or ongoing, including current status, delays, pending cases, type of land, and pending payments.

(c) Authenticated copies of approvals and commencement certificates from competent authorities, including phase-wise certificates if applicable.

(d) Sanctioned plan, layout, and specifications for the proposed phase and full project.

(e) Development plan with proposed infrastructure and facilities (e.g., firefighting, water supply, evacuation, renewable energy).

(f) Detailed location information including land boundaries and geo-coordinates (latitude and longitude).

(g) Drafts of the allotment letter, agreement for sale, and conveyance deed to be signed with allottees.

(h) Number, type, and carpet area of apartments for sale, with exclusive balcony/verandah/terrace areas.

(i) Number and area of garages for sale.

(j) Names and addresses of real estate agents, if any.

(k) Names and addresses of contractors, architects, structural engineers, and others involved in the project.

(l) A declaration-cum-affidavit, signed by the promoter or authorized person, certifying:

(A) Legal title to the land, with supporting documents (or authorization if land is owned by another).

(B) Land is free from encumbrances, or details of such encumbrances if they exist.

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(C) Estimated project completion timeline.

(D) 70% of the funds received from allottees will be deposited in a separate account in a scheduled bank to cover land and construction costs, and used only for that purpose.

- Withdrawals must match the project's stage of completion.
- Withdrawal must be certified by an engineer, architect, and chartered accountant.
- Annual audit within 6 months after each financial year by a chartered accountant to verify utilization and compliance.
- “*Scheduled bank*” means one listed in the Second Schedule of the *RBI Act, 1934*.

(E) That all pending approvals will be obtained in time.

(F) That all other required documents under the Act's rules or regulations are furnished.

(m) Any other documents or information as may be prescribed.

[*Section 4(2), Real Estate (Regulation and Development) Act, 2016*]

#### **4(3): Online system for registration of projects**

The Authority must set up and make functional a web-based online system for submitting project registration applications within one year of its establishment. [*Section 4(3), Real Estate (Regulation and Development) Act, 2016*]

#### **Rule 3: Information and documents to be furnished by promoter for registration of real estate project**

**(1) Documents and information to be submitted along with**

**Section 4 requirements:** A promoter shall furnish the following information and documents to the Authority for registration of the project:

(a) Authenticated copy of PAN card and AADHAAR card of the promoter.

(b) Annual report including audited profit and loss account, balance sheet, cash flow statement, directors' report and the auditors' report of the promoter for the immediately preceding three financial years; if annual report is not available, the audited financial statements for the last three years.

(c) Number of open parking areas and covered parking areas in the real estate project.

(d) Authenticated copy of legal title deed showing promoter's title to the land, along with valid chain of title documents with authentication.

(e) Details of encumbrances on the land including rights, titles, interests, dues, litigation and names of parties, or a non-encumbrance certificate through an advocate with at least 10 years' experience, from the revenue authority not below the rank of Tehsildar.

(f) If the promoter is not the landowner: details of consent of landowner with a copy of the collaboration, development, joint development, or other relevant agreement, along with documents showing landowner's title.

(g) Name, photograph, contact details and address:

- of promoter (if individual); or

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- of chairman, partners, directors, and authorised person (in case of firms, companies, or other entities).

(h) Plans and proposals:

- Sanctioned plan (with details of FSI/TDR and entitlements to be utilised as per Development Control Regulations).
- Proposed plan, layout plan, and FSI proposed to be consumed.
- Disclosure of proposed vs. sanctioned FSI, with updates on regulator's website as and when sanctioned.
- Proposed vs. sanctioned number of buildings/wings, with updates if additional buildings/wings are sanctioned.
- Proposed vs. sanctioned number of floors in each building/wing, with updates as additional floors are sanctioned.
- Aggregate area (in sq. meters) of recreation open space.

(i) Particulars of architecture and design standards, type of construction technology, earthquake-resistant measures, etc., to be adopted for buildings, common areas and amenities/facilities.

**(2) Application form:** Application for registration shall be made in **Form 'A'**, in triplicate, until web-based filing is introduced.

**(3) Registration fee:** The promoter shall pay registration fee by demand draft, banker's cheque, or online mode as follows:

- Group housing projects:
  - ₹5 per sq. m. (land  $\leq$  1000 sq. m.)
  - ₹10 per sq. m. (land  $>$  1000 sq. m.)

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- *Maximum: ₹5,00,000*
- Mixed development (residential & commercial):
  - ₹10 per sq. m. (land  $\leq$  1000 sq. m.)
  - ₹15 per sq. m. (land  $>$  1000 sq. m.)
  - *Maximum: ₹7,00,000*
- Commercial projects:
  - ₹20 per sq. m. (land  $\leq$  1000 sq. m.)
  - ₹25 per sq. m. (land  $>$  1000 sq. m.)
  - *Maximum: ₹10,00,000*
- Plotted development projects:
  - ₹5 per sq. m.
  - *Maximum: ₹2,00,000*

**(4) Declaration:** The declaration under Section 4(2)(1) shall be in **Form ‘B’**, including a statement that the promoter shall not discriminate against any allottee at the time of allotment of any apartment, plot, or building.

[Rule 3, Bihar Real Estate (Regulation and Development) Rules, 2017]

#### **Rule 4. Additional Disclosure by Promoters of Ongoing Projects**

**(1) Application Requirement:** When Section 3(1) of the Act commences, promoters of ongoing projects (without a completion certificate) must apply to the Authority within the prescribed time, as per **Rule 3**.



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**(2) Extra Information to be Disclosed (in addition to Rule 3):**

(a) Original sanctioned plan, layout plan, and specifications, plus any modifications, along with the current sanctioned plan and specifications.

(b) Total funds collected from allottees, total funds used for project development, and the balance funds still with the promoter.

(c) Status of the project, including:

- Extent of development completed to date.
- Extent of development still pending.
- Original timeline disclosed to allottees at the time of sale.
- Delay (if any) and revised time for completion (commensurate with work done).
- Certification of the above details by an engineer, architect, and chartered accountant.

**(3) Apartment Size Disclosure:** Promoter must disclose apartment size based on **carpet area**, even if earlier sold on super built-up/built-up area basis. This does not affect the validity of earlier agreements.

**(4) Plot Size Disclosure:** For plotted developments, the promoter must disclose the plot size as per the layout plan.

**(5) Deposit of Unutilized Funds:** For ongoing projects without a completion certificate (as of commencement of the Act), within 3 months of applying for registration, promoters must deposit in a separate bank account 70% of amounts already collected from allottees but not yet utilized for construction or land cost, in compliance with Section 4(2)(1)(D) of the Act. These funds can only be used for the specified purposes under the Act.

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[*Rule 4, Bihar Real Estate (Regulation and Development) Rules, 2017*]

### **Reg 3: Certificate Formats for Architect, Engineer, and Chartered Accountant**

The project architect, project engineer, and chartered accountant in practice must issue certificates in Form 1, Form 2, and Form 3 respectively for withdrawal of money from the separate account under Section 4(2)(1)(D) of the Act. These certificates must also accompany applications for registration of ongoing projects and Form 7 as specified under Regulation 9(3).

Explanation 1: The Chartered Accountant certifying progress of the project for withdrawal purposes must be a different individual from the Chartered Accountant serving as the statutory auditor of the promoter's enterprise.

Explanation 2: If the statutory auditor's Form 4 reveals that any certificate from the project Architect, Engineer, or Chartered Accountant contains false/incorrect information, and collected funds have been misused or not withdrawn in proportion to the completed work, the Authority may impose penalties under the Act and Regulations. Additionally, the Authority may report the matter to the relevant professional regulatory body (of the Architect, Engineer, or Chartered Accountant) for disciplinary action, which could include cancellation of registration or membership for practice.

[*Regulation 3, Bihar Real Estate Regulatory Authority (General) Regulations, 2024*]

### **Reg 4: Certificate Formats for Plotted Development Projects**

For plotted development projects, the required certificates for withdrawing money from the separate account maintained under

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Section 4(2)(1)(D) of the Act must be submitted in **Form 1, Form 2, and Form 3**, with modifications as applicable to the project’s specific details. [*Regulation 4, Bihar Real Estate Regulatory Authority (General) Regulations, 2024*]

## **Reg 5: Application for Registration and Compliance Requirements**

**(1) Promoter’s Application with Affidavit:** Every application under Sections 4, 6, or 9 of the Act must be submitted online to the Authority with all required details, documents, and fees (including late/additional charges, if any). The promoter must also submit an affidavit confirming that the distribution of flats, shops, apartments, towers (including parking/garage, others if any), and plots is solely from their share available for marketing, which will be reflected in the registration certificate issued by the Authority.

**(2) Rejection for Incomplete Application:** If a promoter or agent fails to submit all required documents or comply with registration requirements under the Act and Regulations—even after being given an opportunity by the Authority to rectify deficiencies—the application will be treated as incomplete and may be rejected.

**(3) Defect Persisting after Opportunity to Rectify:** If defects in the application persist and it remains incomplete, it shall be rejected under Section 5(1)(b) of the Act after giving the applicant an opportunity of being heard with at least 7 days’ advance notice.

**(4) Fresh Application after Rejection:** If an application is rejected under Regulation 5(3), the promoter or agent may file a fresh application with applicable fees/late charges/additional

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charges, and it will be treated as a new application for registration or extension.

**(5) Milestone Chart for Project Completion:** The promoter must upload a stage-wise milestone chart (tower/block-wise) showing the schedule of completion of important works within 30 days from the date of registration on the project's webpage on RERA Bihar's website.

**(6) Revised Milestones on Extension:** When applying for extension of registration in Form 'E' (as per Bihar RERA Rules 2017), the promoter must submit revised milestones of development work with the revised completion date and upload them on the project's webpage on RERA Bihar's website.

*[Regulation 5, Bihar Real Estate Regulatory Authority (General) Regulations, 2024]*

### **Reg 13: Additional Documents Required from Promoter**

In addition to the documents submitted under Section 4 of the RERA Act and Rules 3 and 4 of the Bihar RERA Rules, 2017, the promoter must provide the following:

- a. **Financial worth statement:** A statement of assets and liabilities of the promoter's entity and its directors/partners/proprietor/other entity (as applicable) as on the date of application, duly certified by a Chartered Accountant, showing ability to meet at least 10% of the estimated development cost of the project.
- b. **Past projects record:** Details of all projects undertaken by the directors/partners/proprietors/firm/LLP/other entity in other capacities during the last five years, including cases filed and orders passed.

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c. **Share division memorandum:** An affidavit-cum-declaration in the prescribed format, signed by both promoter and landowner(s), showing the division of shares available for marketing and sale.

d. **Property affidavit:** Full details of movable and immovable properties of the promoter's concern, along with details of properties of its directors/partners/proprietors/other entity, as applicable, furnished on affidavit.

[*Regulation 13, Bihar Real Estate Regulatory Authority (General) Regulations, 2024*]

#### **Reg 14: Application Fee for Change in Project Bank Account**

If a promoter seeks to change the 'Separate Account' of a project (opened at the time of registration), the change may be allowed only after:

- Payment of an application fee of ₹50,000 (Rupees fifty thousand only), and
- Submission of the required documents and certificates, subject to compliance with the provisions of Section 4(2)(l)(D), Section 11(4)(g), and Section 11(4)(h) of the Act. [*Regulation 14, Bihar Real Estate Regulatory Authority (General) Regulations, 2024*]

#### **RERA Bihar, Office Order No. RERA/Regstn/2020/1152, dated 20-12-2024 — Standard Operating Procedure for Project Accounts**

The Real Estate Regulatory Authority, Bihar, issued an Office Order (Letter No. RERA/Regstn/2020/1152, dated 20-02-2024) prescribing an SOP under Section 4(2)(l)(D) of the Real Estate (Regulation and Development) Act, 2016. It mandates that promoters must deposit 70% of allottee payments in a designated

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scheduled bank account, which can be withdrawn only proportionately to the stage of project completion, based on certification by an architect, engineer, and chartered accountant. The SOP requires promoters to open three linked accounts—

**RERA Master Account** (100% receipts, auto-sweep into other accounts),

**RERA Project Account** (70%, strictly for land, construction, and refunds), and

**RERA Promoter Account** (30%, for promoter's other expenses).

Banks must ensure compliance with auto-transfer rules, prevent encumbrances, stop withdrawals upon registration lapse, and freeze/de-freeze accounts as directed. Change or closure of accounts requires prior RERA approval with supporting documents, and upon completion, balances can be withdrawn only with authority approval. Non-compliance attracts penalties under Sections 60 and 63 of the RERA Act, up to 5% of the project cost. [*RERA Bihar, Office Order No. RERA/Regstn/2020/1152, dated 20-12-2024, TNC 2024 (9) 53*]

## **5. Grant of registration**

**(1) On receipt of the application under sub-section (1) of section 4, the Authority shall within a period of thirty days.**

**(a) grant registration subject to the provisions of this Act and the rules and regulations made thereunder, and provide a registration number, including a Login Id and password to the applicant for accessing the website of the Authority and to create his web page and to fill therein the details of the proposed project; or**

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**(b) reject the application for reasons to be recorded in writing, if such application does not conform to the provisions of this Act or the rules or regulations made thereunder:**

**Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard in the matter**

**(2) If the Authority fails to grant the registration or reject the application, as the case may be, as provided under sub-section (1), the project shall be deemed to have been registered, and the Authority shall within a period of seven days of the expiry of the said period of thirty days specified under sub-section (1), provide a registration number and a Login Id and password to the promoter for accessing the website of the Authority and to create his web page and to fill therein the details of the proposed project.**

**(3) The registration granted under this section shall be valid for a period declared by the promoter under sub-clause (C) of clause (l) of sub-section (2) of section 4 for completion of the project or phase thereof, as the case may be.**

### **5(1): Decision on Registration Application within 30 Days**

On receiving an application under Section 4(1), the Authority must, within 30 days, either grant registration—issuing a registration number, Login ID, and password for the applicant to access the Authority’s website and enter project details—or reject the application by recording reasons in writing. However, rejection cannot be made without first giving the applicant an opportunity of being heard. [Section 5(1), *Real Estate (Regulation and Development) Act, 2016*]

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## **5(2): Deemed Registration in Case of No Decision**

If the Authority does not grant or reject the application within the 30-day period specified in Section 5(1), the project shall be deemed to have been registered. Within 7 days after the expiry of that 30-day period, the Authority must issue the registration number, Login ID, and password to the promoter for website access and project detail entry. [Section 5(2), *Real Estate (Regulation and Development) Act, 2016*]

## **5(3): Validity of Registration Tied to Declared Completion Period**

The registration granted under this section shall remain valid for the period declared by the promoter under Section 4(2)(l)(C), which pertains to the timeline for completion of the project or its phase, as applicable. [Section 5(3), *Real Estate (Regulation and Development) Act, 2016*]

## **Rule 5. Grant or Rejection of Registration of Project**

**(1) Issuance of Registration Certificate:** When a project is registered under Section 5 of the Act, read with Rule 3 or Rule 4 (as applicable), the Authority shall issue a registration certificate in Form ‘C’, with a unique registration number, to the promoter.

**(2) Rejection of Application:** If the application is rejected under Section 5 of the Act, the Authority shall notify the applicant in Form ‘D’.

**Proviso — Opportunity to Rectify Defects:** The Authority may allow the applicant an opportunity to correct defects in the application within a specified time period before final rejection.

[Rule 5, *Bihar Real Estate (Regulation and Development) Rules, 2017*]



## **6. Extension of registration:**

**The registration granted under section 5 may be extended by the Authority on an application made by the promoter due to force majeure, in such form and on payment of such fee as may be prescribed.**

**Provided that the Authority may in reasonable circumstances, without default on the part of the promoter, based on the facts of each case, and for reasons to be recorded in writing, extend the registration granted to a project for such time as it considers necessary, which shall, in aggregate, not exceed a period of one year:**

**Provided further that no application for extension of registration shall be rejected unless the applicant has been given an opportunity of being heard in the matter.**

**Explanation.-- For the purpose of this section, the expression "force majeure" shall mean a case of war, flood, drought, fire, cyclone, earthquake or any other calamity caused by nature affecting the regular development of the real estate project.**

### **6: Extension of Registration in Case of Force Majeure or Other Justified Grounds**

The registration granted under Section 5 may be extended by the Authority if the promoter applies for it due to force majeure, in the prescribed form and with the prescribed fee. Additionally, the Authority may, for reasons recorded in writing and without any default by the promoter, extend the registration for a period not exceeding one year in total, based on the facts of each case. No such application shall be rejected without giving the applicant an opportunity of being heard.

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"Force majeure" includes war, flood, drought, fire, cyclone, earthquake, or any natural calamity that disrupts the regular development of the project.

[Section 6, Real Estate (Regulation and Development) Act, 2016]

### 13 May 2020 (Corona) Advisory

A Central Advisory Council meeting on 29 April 2020 concluded that due to COVID-19, construction halted due to reverse migration and supply-chain breakdowns. Section 6 RERA covers such force majeure cases such as natural calamities.

The 13 May 2020 advisory instructed all state/UT RERA bodies to:

- Automatically extend project registration/completion timelines by 6 months for projects with expiry on or after 25 March 2020.
- Optionally grant a further extension of up to 3 months, based on the situation in each state, with reasons recorded in writing.
- Issue revised registration certificates with updated timelines and extend statutory compliance deadlines concurrently

Developers did not need to apply individually; the extension was granted automatically, although further extensions beyond six months required a formal application under Section 6 of RERA

**RERA Bihar:** No standalone notification, however, from Bihar RERA treating COVID-19 as force majeure or announcing any automatic extensions.

In July 2021, Bihar RERA asked developers to revalidate lapsed or outdated building plans within 3 months. Developers had

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requested leniency due to COVID-19 related delays, but this related to regulatory compliance of planning approvals—not force majeure provisions or formal extensions under Section 6 RERA.

In July 2025, Bihar RERA issued a “Notification Regarding Project Extension” (dated 23 July 2025), but it does not mention force majeure or pandemic-related measures.

## 6. Extension of Registration of Project

**(1) Application for Extension:** The promoter may apply in Form ‘E’ (in triplicate until web-based filing is enabled) for an extension of project registration. The application must be made within three months prior to expiry of the granted registration.

**(2) Fee and Supporting Documents:** The application shall be accompanied by:

- A fee equivalent to half of the registration fee prescribed under Rule 3(3), paid via demand draft, banker’s cheque, or online transfer; and
- An explanatory note with reasons for delay, supported by documents.

**Proviso:** No fee shall be payable if the extension is sought due to force majeure.

**(3) Time Limit of Extension:** No extension shall exceed the period permitted under local laws for completion of the project or its phase.

**(4) Communication of Decision:** If granted, the Authority shall inform the promoter in Form ‘F’. If rejected, the Authority shall inform the promoter in Form ‘D’.

**Proviso:** Before rejection, the Authority may allow the promoter an opportunity to rectify defects within a specified time.

[Rule 6, Bihar Real Estate (Regulation and Development) Rules, 2017]

### **Reg 10: Application Charge for Extension of Registration under Section 6**

A promoter applying for an extension of project registration under Section 6 of the RERA Act, 2016, read with Rule 6(2) of the Bihar RERA Rules, 2017, must pay additional charges along with the prescribed fee. The charges vary according to the period of extension:

S. No.	Period of Extension	Additional Charge
1	Up to 6 months	₹4,00,000 (Rupees four lakh)
2	More than 6 months but up to 12 months	₹10,00,000 (Rupees ten lakh)
3	Beyond 12 months (special cases only)	₹20,00,000 (Rupees twenty lakh)

[Regulation 10, Bihar Real Estate Regulatory Authority (General) Regulations, 2024]

### **Reg 11: Application with Late Charge for Extension of Registration under Section 6**

A promoter seeking extension of registration under Section 6 of the RERA Act, 2016, read with Rule 6(2) of the Bihar RERA Rules, 2017, must submit a complete application to the Authority (with the consent of the majority of allottees and their allotment letters) within three months prior to the lapse of registration.

If the application is filed late, the promoter must pay late charges in addition to the prescribed fee as follows:

S. No.	Delay in Filing Application	Late Charge
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S. No.	Delay in Filing Application	Late Charge
1	Within 3 months after lapse of registration	₹2,00,000 (Rupees two lakh)
2	After 3 months but within 6 months	₹5,00,000 (Rupees five lakh)
3	Beyond 6 months	₹10,00,000 (Rupees ten lakh)

*[Regulation 11, Bihar Real Estate Regulatory Authority*

*(General) Regulations, 2024]*

## **7. Revocation of registration:**

**(1) The Authority may, on receipt of a complaint or suo motu in this behalf or on the recommendation of the competent authority, revoke the registration granted under section 5, after being satisfied that--**

**(a) the promoter makes default in doing anything required by or under this Act or the rules or the regulations made thereunder;**

**(b) the promoter violates any of the terms or conditions of the approval given by the competent authority;**

**(c) the promoter is involved in any kind of unfair practice or irregularities.**

**Explanation.-- For the purposes of this clause, the term "unfair practice means" a practice which, for the purpose of promoting the sale or development of any real estate project adopts any unfair method or unfair or deceptive practice including any of the following practices, namely:--**

**(A) the practice of making any statement, whether in writing or by visible representation which,--**

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**(i) falsely represents that the services are of a particular standard or grade;**

**(ii) represents that the promoter has approval or affiliation which such promoter does not have;**

**(iii) makes a false or misleading representation concerning the services;**

**(B) the promoter permits the publication of any advertisement or prospectus whether in any newspaper or otherwise of services that are not intended to be offered;**

**(d) the promoter indulges in any fraudulent practices.**

**(2) The registration granted to the promoter under section 5 shall not be revoked unless the Authority has given to the promoter not less than thirty days notice, in writing, stating the grounds on which it is proposed to revoke the registration, and has considered any cause shown by the promoter within the period of that notice against the proposed revocation.**

**(3) The Authority may, instead of revoking the registration under sub-section (1), permit it to remain in force subject to such further terms and conditions as it thinks fit to impose in the interest of the allottees, and any such terms and conditions so imposed shall be binding upon the promoter.**

**(4) The Authority, upon the revocation of the registration,--**

**(a) shall debar the promoter from accessing its website in relation to that project and specify his name in the list of defaulters and display his photograph on its website and also inform the other Real Estate Regulatory Authority in other**

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**States and Union territories about such revocation or registration;**

**(b) shall facilitate the remaining development works to be carried out in accordance with the provisions of section 8;**

**(c) shall direct the bank holding the project bank account, specified under sub-clause (D) of clause (I) of sub-section (2) of section 4, to freeze the account, and thereafter take such further necessary actions, including consequent de-freezing of the said account, towards facilitating the remaining development works in accordance with the provisions of section 8;**

**(d) may, to protect the interest of allottees or in the public interest, issue such directions as it may deem necessary.**

### **7(1): Grounds for Revocation of Registration**

The Authority may revoke a project's registration under Section 5—whether upon receiving a complaint, on its own motion, or on the recommendation of the competent authority—after being satisfied that:

- (a) the promoter has defaulted in complying with the Act, rules, or regulations;
- (b) the promoter has violated conditions of approval granted by the competent authority;
- (c) the promoter has engaged in unfair practices or irregularities; or
- (d) the promoter has committed fraudulent practices.

“Unfair practice” includes promoting a project using deceptive methods such as:

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- (A) making false claims about service standards or approvals, or giving misleading representations; or
- (B) publishing advertisements for services not intended to be provided.

[Section 7(1), *Real Estate (Regulation and Development) Act, 2016*]

### **7(2): Prior Notice Requirement Before Revocation**

The registration granted under Section 5 shall not be revoked unless the Authority has given the promoter a written notice of at least 30 days, clearly stating the proposed grounds for revocation, and has duly considered any explanation or cause shown by the promoter within that notice period. [Section 7(2), *Real Estate (Regulation and Development) Act, 2016*]

### **7(3): Conditional Continuation of Registration**

Instead of revoking the registration under Section 7(1), the Authority may allow it to remain in force by imposing additional terms and conditions as it deems appropriate in the interest of the allottees. These conditions shall be binding on the promoter. [Section 7(3), *Real Estate (Regulation and Development) Act, 2016*]

### **7(4): Actions Upon Revocation of Registration**

Upon revoking the registration of a project, the Authority:

- (a) shall bar the promoter from accessing the project page on its website, list the promoter as a defaulter with a displayed photograph, and inform other State and Union Territory RERA authorities;
- (b) shall ensure that remaining development work is facilitated as per Section 8;

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- (c) shall direct the project bank account (under Section 4(2)(1)(D)) to be frozen and take further actions, including de-freezing, to support completion of the project under Section 8;
- (d) may issue any directions necessary to protect the interests of allottees or to serve the public interest.

[Section 7(4), *Real Estate (Regulation and Development) Act, 2016*]

### **Rule 7. Revocation of Registration of Project**

If the registration of a project is revoked under Section 7 of the Act, the Authority shall notify the promoter of such revocation using Form ‘D’.

[Rule 7, *Bihar Real Estate (Regulation and Development) Rules, 2017*]

### **RERA Bihar Office Order No. 189, dated 10.09.2024 — SOP for Voluntary Revocation of Project Registration**

Seeks to prescribe a Standard Operating Procedure for promoters voluntarily seeking revocation of project registration under Section 7(1)(a) of the Real Estate (Regulation and Development) Act, 2016, in cases where projects are non-viable due to absence of bookings. The SOP requires proof of no bookings, no RERA account transactions, CA certification, and cancellation of development agreements and approvals; applications must be made in prescribed Form-I with a joint affidavit (Form-II) and administrative fees (₹1.5 lakh within 1 year, ₹3 lakh within 2 years, ₹6 lakh thereafter). Hearings must be notified in newspapers, and upon revocation, the IG Registration and banks are informed, promoter access to the project is barred, the project is not listed as a defaulter or taken over under Section 8, but

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details are published on the Authority's website. [*RERA Bihar, Office Order No. 189, dated 10.09.2024, TNC 2024 (9) 53*]

## **8. Obligation of Authority consequent upon lapse of or on revocation of registration:**

**Upon lapse of the registration or on revocation of the registration under this Act, the Authority, may consult the appropriate Government to take such action as it may deem fit including the carrying out of the remaining development works by competent authority or by the association of allottees or in any other manner, as may be determined by the Authority:**

**Provided that no direction, decision or order of the Authority under this section shall take effect until the expiry of the period of appeal provided under the provisions of this Act:**

**Provided further that in case of revocation of registration of a project under this Act, the association of allottees shall have the first right of refusal for carrying out of the remaining development works.**

### **8: Authority's Role After Lapse or Revocation of Registration**

When a project's registration lapses or is revoked, the Authority may, in consultation with the appropriate Government, take suitable action for completing the remaining development works. This may include execution by a competent authority, the association of allottees, or any other method as determined by the Authority.

No such direction, decision, or order shall take effect until the appeal period under the Act has expired. In case of revocation, the association of allottees shall have the

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first right of refusal to carry out the remaining development works.

[Section 8, Real Estate (Regulation and Development) Act, 2016]

## **9. Registration of real estate agents:**

**(1) No real estate agent shall facilitate the sale or purchase of or act on behalf of any person to facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a real estate project or part of it, being the part of the real estate project registered under section 3, being sold by the promoter in any planning area, without obtaining registration under this section.**

**(2) Every real estate agent shall make an application to the Authority for registration in such form, manner, within such time and accompanied by such fee and documents as may be prescribed.**

**(3) The Authority shall, within such period, in such manner and upon satisfying itself of the fulfillment of such conditions, as may be prescribed--**

**(a) grant a single registration to the real estate agent for the entire State of Union territory, as the case may be;**

**(b) reject the application for reasons to be recorded in writing, if such application does not conform to the provisions of the Act or the rules or regulations made thereunder:**

**Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard in the matter.**

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**(4) Whereon the completion of the period specified under sub-section (3), if the applicant does not receive any communication about the deficiencies in his application or the rejection of his application, he shall be deemed to have been registered.**

**(5) Every real estate agent who is registered as per the provisions of this Act or the rules and regulations made thereunder, shall be granted a registration number by the Authority, which shall be quoted by the real estate agent in every sale facilitated by him under this Act.**

**(6) Every registration shall be valid for such period as may be prescribed, and shall be renewable for a period in such manner and on payment of such fee as may be prescribed.**

**(7) Where any real estate agent who has been granted registration under this Act commits breach of any of the conditions thereof or any other terms and conditions specified under this Act or any rules or regulations made thereunder, or where the Authority is satisfied that such registration has been secured by the real estate agent through misrepresentation or fraud, the Authority may, without prejudice to any other provisions under this Act, revoke the registration or suspend the same for such period as it thinks fit:**

**Provided that no such revocation or suspension shall be made by the Authority unless an opportunity of being heard has been given to the real estate agent.**

### **9(1): Registration Requirement for Real Estate Agents**

No real estate agent shall facilitate the sale or purchase of, or act on behalf of any person to facilitate the sale or purchase of, any

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plot, apartment, or building in a registered real estate project within a planning area, unless the agent is registered under this section. This restriction ensures that only registered agents participate in such transactions. [Section 9(1), Real Estate (Regulation and Development) Act, 2016]

### **9(2): Application for Agent Registration**

Every real estate agent must apply to the Authority for registration in the prescribed form, manner, and within the specified time. The application must be accompanied by the prescribed fee and supporting documents. [Section 9(2), Real Estate (Regulation and Development) Act, 2016]

### **9(3): Grant or Rejection of Agent Registration**

The Authority shall, within the prescribed time and manner, and upon being satisfied that all conditions have been met:

- (a) grant a single registration to the real estate agent valid throughout the State or Union Territory, as applicable; or
- (b) reject the application with written reasons if it does not comply with the Act or its rules and regulations:

Provided that the applicant shall not be rejected without being given an opportunity of being heard. [Section 9(3), Real Estate (Regulation and Development) Act, 2016]

### **9(4): Deemed Registration in Absence of Response**

If the applicant does not receive any communication regarding deficiencies or rejection of the application within the period specified under sub-section (3), the applicant shall be deemed to have been registered. [Section 9(4), Real Estate (Regulation and Development) Act, 2016]

### **9(5): Allotted Registration Number to be Quoted**

Every registered real estate agent shall be issued a registration number by the Authority. This registration number must be quoted by the agent in every sale facilitated under the Act. *[Section 9(5), Real Estate (Regulation and Development) Act, 2016]*

### **9(6): Validity and Renewal of Registration**

Every registration granted to a real estate agent shall remain valid for a prescribed period. It may be renewed for an additional period in the prescribed manner and upon payment of the prescribed fee. *[Section 9(6), Real Estate (Regulation and Development) Act, 2016]*

### **9(7): Revocation or Suspension of Agent Registration**

If a registered real estate agent breaches any registration conditions, violates provisions of the Act, rules, or regulations, or is found to have obtained registration through misrepresentation or fraud, the Authority may revoke or suspend the registration for a period it deems appropriate—without prejudice to other provisions of the Act.

Provided that no such action shall be taken without giving the real estate agent an opportunity to be heard.

*[Section 9(7), Real Estate (Regulation and Development) Act, 2016]*

## **Rule 9. Application for Registration by Real Estate Agent**

**(1) Application and Documents:** Every real estate agent required to register under Section 9(2) of the Act shall apply in

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writing to the Authority in Form ‘G’ (in triplicate, until web-based filing is enabled) along with the following documents:

- (a) Brief details of the enterprise — name, registered address, and type of entity (proprietorship, society, partnership, company, etc.);
- (b) Registration particulars — such as bye-laws, memorandum of association, articles of association, etc., as applicable;
- (c) Name, address, contact details, and photograph of the real estate agent (if an individual), or of the partners/directors (if another entity);
- (d) Authenticated copy of PAN card and Aadhaar card;
- (e) Authenticated copy of address proof of the place of business.

**(2) Registration Fee:** At the time of application, the real estate agent shall pay a registration fee by demand draft, banker’s cheque, or online payment, as follows:

- ₹10,000 for individuals;
- ₹50,000 for entities other than individuals.

[Rule 9, Bihar Real Estate (Regulation and Development) Rules, 2017]

## **Rule 10. Grant of Registration to Real Estate Agent**

**(1) Decision on Application:** On receiving an application under Rule 9, the Authority shall, within 30 days, either grant registration to the real estate agent or reject the application.

**Proviso:** Before rejecting, the Authority may allow the applicant to rectify defects within the time specified.

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**(2) Registration Certificate:** If granted, the Authority shall issue a Registration Certificate with a registration number in Form ‘H’.

**(3) Rejection of Application:** If rejected, the Authority shall inform the applicant in Form ‘I’.

**(4) Validity:** The registration, once granted, shall remain valid for five years.

*[Rule 10, Bihar Real Estate (Regulation and Development) Rules, 2017]*

### **Rule 11. Renewal of Registration of Real Estate Agent**

**(1) Application for Renewal:** A registered real estate agent may apply for renewal of registration in Form ‘J’, in triplicate (until web-based system is introduced). The application must be filed at least three months before expiry of the existing registration.

**(2) Renewal Fee:** The application must be accompanied by a fee:

- ₹5,000 if the applicant is an individual;
- ₹25,000 if the applicant is an entity other than an individual.

**(3) Updated Documents:** At the time of renewal, the applicant must also submit updated versions of the documents specified under Rule 9(1)(a) to (e).

**(4) Decision of the Authority:** If renewal is granted, the Authority shall issue Form ‘K’. If renewal is rejected, the Authority shall inform the agent through Form ‘I’.

#### **Provisos:**

- No application for renewal shall be rejected without giving the applicant an opportunity of being heard.



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- The Authority may also allow rectification of defects within the specified time.

**(5) Validity:** The renewed registration shall be valid for five years.

[Rule 11, Bihar Real Estate (Regulation and Development) Rules, 2017]

## **Rule 12. Revocation of Registration of Real Estate Agent**

The Authority may revoke the registration (or its renewal) of a real estate agent for reasons specified under Section 9(7) of the Act. The real estate agent shall be informed of such revocation through Form 'I'. [Rule 12, Bihar Real Estate (Regulation and Development) Rules, 2017]

## **10. Functions of real estate agents:**

**Every real estate agent registered under section 9 shall--**

**(a) not facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a real estate project or part of it, being sold by the promoter in any planning area, which is not registered with the Authority;**

**(b) maintain and preserve such books of account, records and documents as may be prescribed;**

**(c) not involve himself in any unfair trade practices, namely:-**

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**(i) the practice of making any statement, whether orally or in writing or by visible representation which--**

**(A) falsely represents that the services are of a particular standard or grade;**

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**(B) represents that the promoter or himself has approval or affiliation which such promoter or himself does not have;**

**(C) makes a false or misleading representation concerning the services;**

**(ii) permitting the publication of any advertisement whether in any newspaper or otherwise of services that are not intended to be offered.**

**(d) facilitate the possession of all the information and documents, as the allottee, is entitled to, at the time of booking of any plot, apartment or building, as the case may be;**

**(e) discharge such other functions as may be prescribed.**

### **10: Functions of Real Estate Agents**

Every real estate agent registered under Section 9 shall:

(a) not facilitate the sale or purchase of any plot, apartment, or building in a real estate project within a planning area that is not registered with the Authority;

(b) maintain and preserve such books of account, records, and documents as may be prescribed;

(c) not engage in unfair trade practices, including:

(i) making statements—oral, written, or visual—that:

(A) falsely claim the services are of a particular standard or grade;

(B) misrepresent the existence of approval or affiliation for the promoter or himself;

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(C) falsely or misleadingly represent the nature of services;

(ii) allowing the publication of advertisements for services not actually intended to be offered;

(d) provide the allottee with all entitled information and documents at the time of booking any plot, apartment, or building;

(e) perform such other functions as may be prescribed.

*[Section 10, Real Estate (Regulation and Development) Act, 2016]*

### **Rule 13. Books of Accounts, Records, and Documents**

A real estate agent must maintain and preserve its books of account, records, and documents in compliance with the Income Tax Act, 1961 (43 of 1961), as amended from time to time, along with the rules made under it. *[Rule 13, Bihar Real Estate (Regulation and Development) Rules, 2017]*

### **Rule 14. Other Functions of Real Estate Agent**

**(1) Assistance to Allottee and Promoter and Prohibition of Unfair Trade Practices:** A real estate agent must help both the allottee and promoter exercise their respective rights and fulfill their obligations during booking and sale of any plot, apartment, or building. A real estate agent must not engage in unfair practices, including:

- Making false statements (oral, written, or visual) that—
  - (A) Misrepresent the standard or grade of services or amenities;
  - (B) Claim approvals or affiliations not actually held by the promoter or agent;

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(C) Provide misleading information about services the promoter does not have.

- Publishing advertisements (in newspapers or other media) about services not actually intended to be offered by the promoter.

## **(2) Facilitation of Information and Compliance with Regulations:**

The real estate agent must ensure that the allottee receives all entitled information and documents at the time of booking. The real estate agent must also discharge any additional functions prescribed by the Authority's regulations.

*[Rule 14, Bihar Real Estate (Regulation and Development) Rules, 2017]*

## **Rule 15. Obligations of Registered Real Estate Agents**

**(1) Display of Registration:** Every registered real estate agent must prominently display the registration certificate number at the principal place of business and all branch offices.

**(2) Use of Registration Number:** The agent must quote the registration certificate number on all documents related to advertisement, marketing, selling, or purchase of real estate.

*[Rule 15, Bihar Real Estate (Regulation and Development) Rules, 2017]*

## **RERA Bihar Office Order No. 72 dated 20.02.2023 — General Notice on AML & CFT Guidelines**

Seeks to forward the Directorate General of Audit's updated guidelines (17.02.2023) on Anti-Money Laundering (AML) and Combating the Financing of Terrorism (CFT) obligations for real estate agents under the Prevention of Money Laundering Act, 2002 (PMLA) and the Prevention of Money-Laundering

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(Maintenance of Records) Rules, 2005 (PMLR). All registered  
real estate agents are directed to strictly comply. [*General Notice*  
*O.O. No. 72, RERA Bihar, 20.02.2023, TNC 2023 (4) 4*]