



GUJARAT REAL ESTATE REGULATORY AUTHORITY

Circular No. 4 /2017

No. GujRERA/CIR/43

Date:- 16th September, 2017

Sub: Clarification on date of completion of the project to be indicated in Form-B, Affidavit with reference to registration of real estate project under Real Estate (Regulation and Development) Act, 2016

1. There has been some confusion on the "date of completion" of the project to be indicated in Form-B. In this regard it is clarified that validity of registration of promoter and period of completion of the real estate project by the promoter imply the same meaning which is the time period within which the promoter undertakes to complete the project or phase thereof, as the case may be.
2. Section 4(2)(1)(C) of the Real Estate (Regulation and Development) Act, 2016 states that an affidavit cum declaration has to be signed by the promoter or any person authorized by the promoter specifying the time period within which he undertakes to complete the project or phase thereof, as the case may be.
 - 2.1. Whereas, Section 5(3) of the Real Estate (Regulation and Development) Act, 2016 states that registration granted under this Section shall be valid for a period declared by the promoter under Section 4(2)(1)(C) of the Act.
 - 2.2. The abovementioned provisions shall mean that the time period undertaken by the promoter to complete the real estate project is same as the validity of his registration as a promoter under the Gujarat Real Estate Regulatory Authority.
3. Section 17 of the Real Estate (Regulation and Development) Act, 2016 along with its proviso mandates the promoter to execute a registered conveyance deed in favour of the allottee along with the undivided proportionate title in the common areas to the association of the allottees or the competent authority, as the case may be, and hand over the physical possession of the plot, apartment of building, as the case may be, to the allottee and the common areas to the association of the allottees or the competent authority, as the case may be, in a real estate project, and the other title documents pertaining thereto within specified period as per sanctioned plans as provided under the local laws and in absence of any local law, the conveyance deed in favour of the allottee or the association of the allottees or the

competent authority, as the case may be, under this section shall be carried out by the promoter within three months from date of issue of occupancy certificate.

- 3.1. Clause 7.1 of Annexure "A" made under Rule 9 of the Gujarat Real Estate (Regulation and Development) (General) Rules, 2017 reflects the above provision and states that Procedure for taking possession - The promoter, upon obtaining the occupancy certificate from the competent authority and the payment made by the allottee as per the agreement shall offer in writing the possession of the apartment/plot, to the allottee in terms of this agreement to be taken within 3 (three months from the date of issue of such notice and the promoter shall give possession of the apartment/plot to the allottee.
4. Therefore Section 4 and 5 when read in conjunction with Section 17 of the Real Estate (Regulation and Development) Act, 2016 and rules made there under shall mean a real estate project to be complete when the promoter has finished the construction, obtained occupancy certificate/completion certificate from the competent authority and conveyed the title of plot/apartment/building to the allottee and the common areas to the association of the allottees.
5. Although the promoter is free to choose the "date of completion" to be indicated in Form-B; the promoters are hereby advised to envisage the date in a comprehensive manner. Meaning thereby, that "date of completion" to be indicated in Form-B, shall take into account, the period of completion of construction, obtaining occupancy certificate from the local/appropriate authority and conveyance of the possession and title of the plot/apartment/building(s) in favour of allottee and common areas to the association of the allottees or the competent authority, as the case may be.
6. Occupancy certificate for the purpose of development of a plotting scheme shall mean a certificate by the Architect indicating provisioning of civic infrastructure by the promoter along with conveyance of title to allottee and common areas to the association of allottees as per the format prescribed under Gujarat Real Regulatory Authority General Rules, 2017. Provided the occupancy certificate as defined in the Act, is not issued by the competent authority under the local laws of the State.

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Secretary Gujarat RERA