



Andhra Pradesh Real Estate Regulatory Authority



Circular No.P/2/2017-1 dt. 15-05-2019

Sub: AP Real Estate Regulatory Authority – Imposition of Penalties for the Projects which are not registered with the Authority – Reg.

Ref: 1.Real Estate (Regulation and Development) Act, 2016
2.G.O.Ms.No115, MA & UD Department dt. 27-3-2017.
3.G.O.Rt.No.642, MA &UD Department dt. 12-09-2017
4.Resolution No. 2 of the Authority dt. 15-5-2019.

The Government of India has enacted the Real Estate (Regulation and Development) Act, 2016 (Central Act 16/2016) and in tune with the Act, the State Government have approved the Andhra Pradesh Real Estate (Regulation and Development) Rules, 2017 Vide reference 2nd cited. As per the provisions of the Act, the Real Estate Regulatory Authority has been functioning and as per the provisions of section 3 of the Act, all the Real Estate projects from 01-05-2017 including ongoing projects which are in an extent of more than 500 sq.mts and more than eight units have to be registered with the Authority. In the G.O. 3rd cited Government of AP has fixed the rates of fee to be collected for registration of the Real Estate Projects and Real Estate Agents.

As per the provisions under section 59(1) of the Real Estate (Regulation and Development) Act-2016, if any Promoter contravenes the provisions of section 3, he shall be liable to a penalty which may extend up to ten per cent of the estimated cost of the Real Estate Project as determined by the Authority.

Since it is mandatory for all projects coming under the purview of the Act to be registered, the Authority has taken a decision to ensure that all such projects shall be registered forthwith. In accordance with the Resolution No. 2 of the Authority in its meeting held on 15-05-2019 in the reference 4th cited, it is here by approve the following procedure to be followed immediately to levy fees and penalties.

1. All the projects for which permission have been granted from 1.1.2017 to 15.04.2019 have to upload their applications for registration with APRERA before 31-05-2019. If they upload their applications before 31-05-2019, the fee may be levied as per the schedule of rates approved by the Government vide G.O.Ms.No.642 MA dt.12-09-2017.
2. If any promoter files online applications after 1-6-2019 and before 30-6-2019 (For the projects approved upto 15-04-2019) they have to pay the actual fees as per the G.O. + 25% of extra fee as penalty.

3. If they upload their applications after 1-7-2019 and before 30-7-2019 (For the projects approved upto 15-04-2019) they have to upload their applications along with actual fee +50% of extra fee as penalty.

4. If they upload their applications after 01-08-2019 and before 31-08-2019 (For the projects approved upto 15-04-2019) they have to upload their application along with actual fee +100% extra on the fee as penalty.

The Fees Policy for the projects which are approved by the Competent Authorities after 15-04-2019:

a. All the Promoters have to file online applications within 45 days from the date of approval of building / Layout plans. If they apply with in forty five days, the fee may be levied as per the schedule of rates approved by the Government vide G.O.Ms.No.642 MA dt.12-09-2017.

b. If any promoter file online applications after 45 days and before 75 days after approval of plan they have to pay the actual fees as per the G.O. + 25% extra fee as penalty.

c. If any promoter file online applications after 75 days and before 105 days after approval of plan they have to pay the actual fee +50% extra fee as penalty.

d. If any promoter files online applications after 105 days and before 135 days they have to pay the actual fee +100% extra on the fee as penalty.

If any promoter who has not submitted his application to register their project after 31-08-2019 for the schedule mentioned at 1 to 4 above and after 135 days from the date of approval of building / Layout Plan for the schedule (a) to (d) above, stringent action as per section 59(2) of the Act will be taken against the said promoter and he shall be liable to a penalty which may extend up to ten percent of the estimated cost of the Real Estate Project as determined by the authority.

These orders will come into force with immediate effect.


Chairperson. 15/5/19

To,

All the Officers & Staff of AP RERA.

Copy to:

CTO to upload in the website,

All Members of the Authority,

The Chairpersons table,

All the Associations of Promoters,

CREDAI, NAREDCO, BAI for information,

Copy to:

The Special Chief Secretary,

MA & UD Depament,

Govt. Of Andhra Pradesh.