

K-RERA/T3/102/2020

Dated: 30-09-2020

**ORDER**

Sub: Penalty for delayed submission of Applications for Registration of ongoing projects – projects for which occupancy certificate have already been issued – reg:

- Ref: (1) Resolution in the ninth meeting of the Kerala Real Estate Regulatory Authority held on 29/09/2020.  
(2) Order of the Kerala Real Estate Regulatory Authority No: K-RERA/T3/102/2020 dated 29/09/2020

Originally, with due regard to provisions contained in proviso to Section 3(1) of the Real Estate (Regulation and Development) Act, 2016 and the date of official launching of the K-RERA, the authority vide public notice dated 27/12/2020, has informed that the ongoing projects shall be registered within 3 months from 1<sup>st</sup> January 2020 and the real estate projects that have obtained Occupancy certificate need not require registration under K-RERA.

Later, due to covid19 pandemic, lock down and unlocking stages were imposed by the government from time to time, which adversely affected the real estate sector and restricted functioning of the office of the Authority. On these grounds, the authority extended the time limit for submission of application for registration of ongoing projects in Form A1 from time to time and finally upto 30/09/2020.

Due to enquiries sought on registrability of ongoing projects, the Authority vide order of even number dated 17/09/2020 clarified that, all ongoing real estate projects which have obtained occupancy certificate on or after 01/01/2020 shall be registered with the Authority. In order to avoid penalty as per Section 59 of the Real Estate (Regulation and Development) Act 2016, promoters of such ongoing projects were also directed to submit duly filled application for registration of ongoing projects (in Form A1) on or before 30th September 2020. Subsequently, vide order No: K-RERA/T3/102/2020 dated 29/09/2020, the authority issued orders determining the penalty for delayed submission of applications for registration of ongoing projects in Form A1.

Some promoters have raised concerns over the matter, as they were under the impression that any ongoing project, which have already obtained occupancy certificate need not have to apply for registration and hence didn't take steps to apply for registration of such projects. Considering the adverse situation created due to covid19 pandemic, staff shortage in their respective offices thereof and the amount of details to be collected and enclosed with the application for registration of projects, requests are also being made for the extension of time to apply for registration of their ongoing projects without penalty considering the fact occupancy certificate has already been issued to their project.

**KERALA REAL ESTATE REGULATORY AUTHORITY**  
**5<sup>th</sup> Floor, Swaraj Bhavan, Nanthancode, Kowdiar PO,**  
**Thiruvananthapuram-695 003**

The Authority has examined the matter in detail and determined the penalty for non-submission of applications on or before 30-09-2020 for registration of ongoing projects in Form AI, for which occupancy certificates have already been issued on or before 30<sup>th</sup> day of September 2020, as follows:

Sl No:	Date of submission of application for registration of project	Penalty
01	From 01 <sup>st</sup> day of October 2020 upto 31 <sup>st</sup> day of October 2020	Nil
02	From 01 <sup>st</sup> day of November 2020 upto 30 <sup>th</sup> day of November 2020	40% of the Registration fee as per rule 3(4) of the Kerala Real Estate (Regulation & Development) Rules, 2018
03	From 01 <sup>st</sup> day of December 2020 upto 31 <sup>st</sup> day of December 2020	100% of the Registration fee as per rule 3(4) of the Kerala Real Estate (Regulation & Development) Rules, 2018
04	From 01 <sup>st</sup> day of January 2021 onwards	As decided by the authority on a case to case basis, which may extend upto 10% of the project cost as per section 59 of the Real Estate (Regulation & Development) Act, 2016.

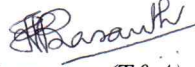
*In such cases, the applicant shall also enclose a self-attested copy of such occupancy certificate issued by the competent authority.*

The *Registration fee* and the *penalty* shall be remitted as separate demand drafts drawn in favour of 'Kerala Real Estate Regulatory Authority' payable at Thiruvananthapuram.

Sd/-  
MEMBER

Sd/-  
CHAIRMAN



Issued by:  
  
Secretary (T&A)