



K-RERA/T3/102/2020

22-02-2020

PUBLIC NOTICE TO PROMOTERS OF REAL ESTATE PROJECTS

(1) **Clarification on ongoing project.**

Chapter II of the Real Estate (Regulation and Development) Act 2016 mandates that all ongoing real estate projects for which completion certificate has not been issued have to be registered with the Real Estate Regulatory Authority. However, neither the Act nor the Kerala Real Estate (Regulation and Development) Rules 2018 define an 'ongoing project'. In this context, projects that have already received permit from the local authority prior to 01.01.2020 (date of official launching of K-RERA), but has not obtained occupancy certificate shall be considered as 'ongoing project'.

(2) **Clarification on allottable parking spaces.**

As per section 2(n)(iii) of the Act, open parking areas shall be considered as 'common areas' and hence the promoter shall not allot such areas to individual allottees. Enquiries are also being received on the applicability of stilt parking, mechanised parking and basement parking which are covered. The Kerala Real Estate (Regulation and Development) Rules 2018 though uses terminologies like 'enclosed parking' and 'covered parking', does not define these terms. As per rule 17(1)(e)(ii) of the Kerala Real Estate (Regulation and Development) Rules 2018, the promoter is also asked to upload details of garages/covered parking booked. Hence, in the interest of the allottees, in addition to garage, other **covered parking spaces** such as basement parking, stilt parking and mechanised parking arrangements will also be considered as parking space allottable to allottees by the promoter.

(3) **Clarification on registration of projects that have obtained occupancy certificate based on partial completion certificate.**

The authority, vide public notice dated 27th December 2019, clarified that the real estate projects that have obtained Occupancy Certificates do not require registration under RERA. The Kerala Municipality Building Rules / Kerala Panchayat Building Rules have provisions for partial completion certificate and to occupy a building before its completion. In the context of real estate projects requiring registration with K-RERA, so as to protect the interest of the allottees, it is also clarified that partially completed building, which have obtained occupancy certificate based on partial completion certificate as per the provisions in the Kerala Municipality Building Rules / Kerala Panchayat Building Rules are registrable under the Real Estate (Regulation and Development) Act, 2016.

Member



Chairman
1