

**GOVERNMENT OF TELANGANA
TELANGANA REAL ESTATE REGULATORY AUTHORITY, HYDERABAD**

CIRCULAR

Circular No.607 /2025/TGRERA

Date: 04. 03.2025

Subject: Amendment to Telangana Real Estate (Regulation & Development) Rules, 2017 – reg

Ref: 1. Real Estate (Regulation and Development Act, 2016.
2. G.O.Ms.No.202 MA&UD (M1) Dept. dated 31.07.2017
3. G.O.Ms. No.60 MA&UD Dept dated 04.03.2025

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The Government of India enacted the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the "RE(R&D) Act, 2016"), which came into force on 01.05.2017

2. The Government of Telangana, in exercise of powers conferred under Section 84 of the RE(R&D) Act, 2016, notified the Telangana Real Estate (Regulation & Development) Rules, 2017 (hereinafter referred to as the "TG (RE(R&D)Rules, 2017") vide G.O.Ms.No.202, MA&UD (M1) Dept., dated 31.07.2017.

3. This Authority has received complaints highlighting inconsistencies between the definition of “Ongoing Project” as provided under Section 3(1) of the RE(R&D) Act, 2016, and the provisions of Rule 1(2) and Rule 2(1)(j) of the Telangana RE(R&D) Rules, 2017.

4. The Hon’ble Supreme Court in the matter of *Newtech Promoters and Developers Pvt. Ltd. v. State of Uttar Pradesh & Ors. (LL 2022 SC 641)* has upheld that all real estate projects that commenced prior to the enactment of the RE(R&D) Act, 2016, but have not obtained a Completion Certificate shall fall within the purview of the Act. The Hon’ble Court further affirmed that the legislative intent of the Act is to bring all ongoing projects within its ambit to protect the interests of all stakeholders, including allottees, homebuyers, promoters, and real estate agents.

5. As it is a settled principle of law that Act prevails over Rules, and in compliance with the legal precedents, this Authority has passed orders affirming that projects lacking a Completion Certificate or an Occupancy Certificate as on the date of enforcement of the

RE(R&D) Act, 2016, shall be treated as ongoing projects, irrespective of when their real estate project permissions were granted by competent authorities.

7. In order to align the Telangana RE(R&D) Rules, 2017, with the provisions of the RE(R&D) Act, 2016, and in view of the directions issued by the Government of Telangana vide G.O.Ms. No.60, MA&UD Dept., dated 04.03.2025; the following amendments are hereby incorporated into the Telangana RE(R&D) Rules, 2017:

(1) Substitution of Rule 1(2):

The existing Rule 1(2) of the Telangana Real Estate (Regulation & Development) Rules, 2017, shall be substituted with the following:

“These Rules are applicable to all Real Estate Projects for which the completion certificate has not been issued as on the date of coming into force as stipulated in sub-section (1) of section 3 of the Real Estate (Regulation & Development) Act, 2016 by the Competent Authorities viz., UDAs/DTCP/Municipal Corporations/Municipalities/NagarPanchayats/TGIIC.”

(2) Substitution of Rule 2(1)(j):

The existing Rule 2(1)(j) of the Telangana Real Estate (Regulation & Development) Rules, 2017, shall be substituted with the following:

“Ongoing Project” means a Project where development is going on and for which Occupancy Certificate or Completion Certificate from the Competent Authority has not been issued as on the date of coming into force as per sub-section (1) of section 3 of the Real Estate (Regulation & Development) Act, 2016.”

9. All promoters are hereby directed to take note of the above amendments and ensure compliance

(As approved by the Authority)

**Sd-
SECRETARY
TG RERA**