



Rajasthan RERA

Rajasthan Real Estate Regulatory Authority

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No. F.1(31)RJ/RERA/2019/550

Dated: 08.03.2022

Office Order

Sub.: Requirement of Registration of Real Estate Projects.

In the 9th meeting of the Rajasthan Real Estate Regulatory Authority, the provisions of section 3, particularly clause (a) of sub-section (2) of section 3 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter called 'the Act'), were discussed in detail. In this context, observations of the Authority in its order dated 05.08.2020 passed in the matter of "Suo Moto vs. Shivaaz Developer LLP" (File No. F.15(44)RJ/RERA/C/2019) were also noted. Having taken into account the intent and purposes of the Act and the fact that the threshold for the requirement of registration has been mentioned in Proviso to the said clause (a) as "five hundred square meters or eight apartments", the Authority has taken the following decision:

1. All such real estate projects are required to be registered under the Act where the area of land proposed to be developed exceeds five hundred square meters or the number of apartments proposed to be developed exceeds eight (inclusive of all phases). That is to say that a real estate project is required to be registered under the Act, if it satisfies either of the following two conditions:

- (i) The area of land proposed to be developed exceeds five hundred square meters; or
- (ii) The number of apartments proposed to be developed exceeds eight.

Conversely, a real estate project is not required to be registered under the Act, if it satisfies both the following conditions:

- (i) The area of land proposed to be developed is less than or equal to five hundred square meters; and
- (ii) The number of apartments proposed to be developed is only eight or less than eight.

Thus, if either of these two conditions is not met, the real estate project is not exempt from registration under clause (a) of sub-section (2) of section 3 of the Act.

2. For the purpose of determining whether a real estate project requires to be registered under section 3 or should be treated as exempt under clause (a) of sub-section (2) of section 3 of the Act, the area of land and the

number of apartments proposed to be developed in the project will be reckoned on the basis of the project as it is marketed, not so much on the basis of how it is physically being constructed or developed on the ground. To illustrate –

- (i) If a promoter proposes to develop a project comprising nine or more plots, apartments or buildings, on a piece of land having an area of 500 sq. mtr. or less and advertises, markets, books, sells or offers for sale all or any of the plots, apartments or buildings in that project, the project is liable to be registered under the Act.
- (ii) And, even if a promoter proposes to develop a project comprising only one or less than nine plots, apartments or buildings, but on a piece of land having an area of more than 500 sq. mtr. and advertises, markets, books, sells or offers for sale all or any of the plots, apartments or buildings in that project, the project is liable to be registered under the Act.
- (iii) Further, even if only one or less than nine plots, apartments or buildings are proposed to be constructed or developed on a piece of land having an area of 500 sq. mtr. or less, but advertised, marketed, booked, sold or offered for sale as part of a group of more than eight such plots, apartments or buildings, whether adjoining or not, the group of plots, apartments or buildings so advertised, marketed, booked, sold or offered for sale, is a project liable to be registered under the Act, even though individually such plots, apartments or buildings, being less than nine in number and constructed/developed on independent pieces of land having an area of 500 sq. mtr. or less, may not require to be registered.
- (iv) In none of the above 3 cases, or any other case where the project is otherwise required to be registered, if the promoter does not ever advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building in that project, he is not required to register such project, because the requirement of registration under section 3 of the Act is triggered only if and when the promoter proposes to advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building in the project that he proposes to develop or is in the process of developing.

All concerned are hereby directed to comply with the aforesaid decision of the Authority and obtain prior registration of their projects that accordingly require to be registered under section 3 of the Act.


(Ramesh Chandra Sharma)
Registrar

Copy for information and necessary action:-

1. PS to Chairman, Rajasthan RERA
2. PS to Member (Sh. Shailendra K. Agarwal), Rajasthan RERA
3. PS to Member (Sh. Salvinder Singh Sohata), Rajasthan RERA
4. PS to Adjudicating Officer, Rajasthan RERA
5. PS to Registrar, Rajasthan RERA
6. SA, DoIT & RISL Sh. Mukesh Arora
7. Coordinator, Conciliation Forum, Rajasthan RERA
8. Chairman/President, Confederation of Real Estate Developers' Associations of India (CREDAI) Rajasthan, 424, 4th Floor, Laxmi Complex, MI Road, Jaipur - 302001
9. Chairman/President, Confederation of Real Estate Developers' Associations of India (CREDAI) NCR BhiwadiNeemrana, E-127, Industrial Area, Bhiwadi, Alwar-301019
10. President, Township Developer Association of Rajasthan (TODAR), Prim Pavilion, E-66, Nakul Path, LalKothi Scheme, Jaipur - 302015
11. Chairman/President, Rajasthan Affordable Housing Developers Association (RAHDA) S-220, Time Square, Central Spine, Vidyadhar Nagar Jaipur
12. Vice Chairman, RAJREDCO, Jaipur
13. Chairman, All India Federation of Tax Practitioners (CZ), c/o Shri PankajGhiya, 10, Ganesh Colony, Bhairav Path, JLN Marg, Jaipur-302004
14. Chairman, RERA Awareness Committee, ICAI, Jaipur Branch, ICAI Bhawan, D-1, Jhalana Institutional Area, Jhalana Doongari, Jaipur-302004.
15. Chairman, RERA Committee, Tax Consultant Association, Jaipur, 801-803, 8th Floor, Signature Tower, DC-2, Behind Apex Bank, Tonk Road, Jaipur - 302015
16. President, RERA India Educational & Resources Federation, 6F- 42-43 Mahima Trinity Mall, Swage Farm, New Sanganer Road, Jaipur-302019
17. Chairman, The Indian Institute of Architects, Rajasthan Chapter, 400, F-72, 'Suryoday', Subhash Marg, Bagadiya Bhawan, C-Scheme, Jaipur-302001
18. Chairman/Secretary, Rajasthan Realtors Association (RRA), 308, 3rd Floor, Plot No. 1, Felicity Tower, Sahakar Marg, LalKothi, Jaipur- 302005
19. Chief Editor, RERA Times, Ghiya & Company, E-68, Ghiya Hospital Complex, Sector-12, Malviya Nagar, Jaipur - 302017
20. All officers of Rajasthan RERA
21. Guard File
22. Rajasthan RERA Website
23. All promoters (through their dashboard)


Registrar