



Rajasthan RERA

Rajasthan Real Estate Regulatory Authority

2nd & 3rd Floor, RSIC Wing, Udyog Bhawan,

Tilak Marg, C-Scheme, Jaipur-302005

Phone No.: 0141-2851900 E-mail: rera@rajasthan.gov.in

Website: <http://rera.rajasthan.gov>

No. F.1(146)RJ/RERA/2020/2055

Dated: 08.06.2023

ORDER

Sub: **Registration of Agreement for Sale**

According to section 13(1) of the Real Estate (Regulation and Development) Act, 2016, a promoter shall not accept a sum more than ten per cent of the cost of the apartment, plot or building, as the case may be, as an advance payment or an application fee, from a person without first entering into a written agreement for sale with such person and register the said agreement for sale, under any law for the time being in force.

As per clause (f) of sub-section (1) of section 17 of the Registration Act, 1908, registration of agreement to sell for immovable property possession whereof has been or is handed over to the purported purchaser, is compulsory. But, in the Table of Stamp Duty and Registration Fee, prescribed under the Rajasthan Stamp Act, 1998, under its serial No.9, it is clarified that registration of agreement to sell without possession is optional.

In the present owing to mass group leave of ministerial staff from 11.04.2023 and indefinite Mahapadav from 17.04.2023 difficulty is being faced by the promoters and allottees to get the Agreement for Sale registered. In the circumstances owing to mass absence/leave of Ministerial staff, to facilitate the allottees and the promoters, it is desirable to allow allottees and promoters to proceed with an agreement for sale executed on a stamp paper of appropriate value between the allottee and the promoter, while its registration can be carried out later, within the stipulated period of four months as per section 23 of the Registration Act, 1908 and where delay in presentation is unavoidable owing to urgent necessity, within a period of further four months on payment of fine as per section 25 of the Registration Act, 1908.

Therefore, in exercise of the powers conferred on the Authority under section 6 and section 37 of the Act and all other powers enabling it in this behalf till the Mahapadav with mass leave/absence of ministerial staff continuous, it is hereby ordered that once an agreement for sale is executed on a stamp paper of appropriate value, the promoter and the allottee will, pending registration of the said agreement, be allowed to proceed with the said agreement, provided the said agreement is subsequently got registered by the promoter and the buyer, preferably within 4 months, otherwise within 8



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months, of execution. Accordingly, the allottees are allowed to deposit instalments and the banks/financiers of the allottees are allowed to sanction housing loan for the sold unit and disburse the due amount of loan on the basis of such executed agreement for sale. However, after registration of such agreement within the time stipulated under the Registration Act, 1908, the registered document shall be deposited with the concerned bank/financial institution.

These directions would apply only to such agreements which do not involve transfer of possession of the sold unit.

These directions shall come into force at once and shall continue to be in force upto the calling off mass leave/absence or 30.06.2023 which ever is earlier.

Though a copy of this order is being endorsed to the Convener of the State Level Bankers' Committee for circulating it among all the banks, the promoters are authorized to submit a copy of this order to the concerned bank/bank branch or financial institution financing any apartment, plot or building in their registered project.

(Ramesh Chandra Sharma)
Registrar



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Copy for information and necessary action:

1. PS to Chairman, Rajasthan RERA
2. PS to Member (Sh. Salvinder Singh Sohata), Rajasthan RERA
3. PS to Adjudicating Officer, Rajasthan RERA
4. PS to Registrar, Rajasthan RERA
5. Additional Director, DoIT& RISL Sh. Mukesh Arora
6. Coordinator, Conciliation Forum, Rajasthan RERA
7. Chairman/President, Confederation of Real Estate Developers' Associations of India (CREDAI) Rajasthan, 424, 4th Floor, Laxmi Complex, MI Road, Jaipur - 302001
8. Chairman/President, Confederation of Real Estate Developers' Associations of India (CREDAI) NCR BhiwadiNeemrana, E-127, Industrial Area, Bhiwadi, Alwar-301019
9. President, Township Developer Association of Rajasthan (TODAR), Prim Pavilion, E-66, Nakul Path, LalKothi Scheme, Jaipur - 302015
10. Chairman/President, Rajasthan Affordable Housing Developers Association (RAHDA) S-220, Time Square, Central Spine, Vidyadhar Nagar, Jaipur
11. Vice Chairman, RAJREDCO, Jaipur
12. Chairman, All India Federation of Tax Practitioners (CZ), c/o Shri PankajGhiya, 10, Ganesh Colony, Bhairav Path, JLN Marg, Jaipur-302004
13. Chairman, ICAI, Jaipur Branch, ICAI Bhawan, D-1 Jhalana Institutional Area, JhalanaDoongari, Jaipur - 302004
14. Chairman, RERA Committee, Tax Consultant Association, Jaipur, 801-803, 8th Floor, Signature Tower, DC-2, Behind Apex Bank, Tonk Road, Jaipur - 302015
15. President, RERA India Educational & Resources Federation, 6F-42-43, MahimaTrinity Mall, Swage Farm, New Sanganer Road, Jaipur-302019
16. Chairman, The Indian Institute of Architects, Rajasthan Chapter, 400, F-72, 'Suryoday', Subhash Marg, BagadiyaBhawan, C-Scheme, Jaipur-302001
17. Chairman/Secretary, Rajasthan Realtors Association (RRA), 308, 3rd Floor, Plot No. 1, Felicity Tower, Sahakar Marg, LalKothi, Jaipur- 302005
18. Chief Editor, RERA Times, Ghiya& Company, E-68, Ghiya Hospital Complex, Sector-12, Malviya Nagar, Jaipur - 302017
19. Shri HarshalTholia Advocate, President, The Real Estate Appellate & Authority Bar Association, Rajasthan, 243, Gayatri Nagar-A, Maharani Farm, Jaipur - 302018
20. Ms KripaKumariGurjar, President, Bar Association of RERA & REAT, 22, Agersen Nagar, Near RadhaGovind Temple, Mahesh Nagar, Jaipur - 302015
21. All officers of Rajasthan RERA
22. Guard File
23. Rajasthan RERA Website
24. All promoters (through their dashboard)


Registrar