

**UTTARAKHAND REAL ESTATE REGULATORY AUTHORITY (GENERAL)  
REGULATIONS, 2020**

**In exercise of the power conferred under section 85 of the Real Estate (Regulation and Development) Act, 2016, the Uttarakhand Real Estate Regulatory Authority makes the following regulations, namely:-**

**Chapter-I**

**Preliminary**

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| Short title, Object, Commencement and Extent | 1    | <p>(a) These Regulations may be called the “Uttarakhand Real Estate Regulatory Authority (General) Regulations, 2020.”</p> <p>(b) The object of these Regulations is to establish procedures regarding the general functioning and conduct of business of the Authority as well as specifying formats and other requirements for the use of promoters, agents, allottees and complainants while applying and complying with the Act and the Rules.</p> <p>(c) These Regulations shall come into force on the date of their notification in the official Gazette.</p> <p>(d) These Regulations shall apply in relation to all matters falling within the jurisdiction of the Authority in the State of Uttarakhand</p>   |
| Definitions                                  | 2(1) | <p>(a) ‘Act’ means the Real Estate (Regulation and Development) Act, 2016.</p> <p>(b) ‘Adjudication’ means the process of arriving at decisions on complaints submitted to the Authority or the Adjudicating Officer under section 31 of the Act;</p> <p>(c) ‘Authority’ means the Uttarakhand Real Estate Regulatory Authority and includes the Chairperson and/or the Members while acting individually or in bench on delegated and related matters under section 81 of the Act;</p> <p>(d) ‘Carpet area’ means the net usable floor area of an apartment, excluding the area covered by the external walls, areas under service shafts, exclusive balcony or verandah area and exclusive open terrace area, but includes the area covered by the internal, partition walls of the apartment.</p> <p>(e) ‘Chairperson’ means the Chairperson of the Authority and includes, for the specific purpose, the Chairperson of a meeting where any other Member is presiding a meeting of the Authority ;</p> <p>(f) ‘Consultant’ means any person, not in the employment of the Authority, who maybe appointed as such to assist the Authority on any matter required to be dealt with by the Authority under the Act and the rules and regulations made thereunder;</p> <p>(g) ‘Covered area’ means the covered area above plinth floor upon which the building is constructed. Following structures shall not be included under covered area:-</p> <p>(a) Garden, well, any structure related to well, plant nursery, water pool, uncovered swimming pool, platform around the tree, tank, foundation, bench, open platform;</p> <p>(b) Drainage culvert, catch pit, gully pit, chamber gutter etc;</p> <p>(c) Enclosing wall, entrance door, floorless porch and portico, canopy, slide, swing, uncovered staircase, uncovered ramp etc;</p> <p>(d) Watchman booth, pump house, garbage shaft, electric cabin/sub-station, generator room and such other utilities</p> |

structures related to different services.

- (h) Government means the Government of Uttarakhand state.
- (i) ~~Member~~ means a member of the Authority and shall include the Chairperson ;
- (j) ~~Officer~~ means an Officer of the Authority ;
- (k) ~~Proceedings~~ means and includes Proceedings of all nature which the Authority may conduct in the discharge of its functions under the Act and the Rules and Regulations;
- (l) ~~Regulations~~ mean the Uttarakhand Real Estate Regulatory Authority (General) Regulations, 2020 as amended from time to time ;
- (m) Rules means the Uttarakhand Real Estate (Regulation and Development) (General) Rules, 2017 and the Uttarakhand Real Estate (Regulation and Development) (Agreement for Sale) Rules.....
- (n) ~~Secretary~~ means the Secretary of the Authority;
- (o) Section means a section of the Act.

- (2) Words and expressions occurring in these Regulations and not defined herein but defined in the Act or the Rules shall bear the same meaning respectively assigned to them in the Act and the Rules.
- (3) In construing these Regulations the singular shall include the plural and vice versa.

**CHAPTER II**  
**DISPLAY OF REGISTRATION, SANCTIONED PLANS,**  
**LAYOUT PLANS AND SPECIFICATIONS**

**Additional places at which sanctioned plans, layout and specifications shall be displayed**

- 3(1) A Promoter shall display the sanctioned plans, layout plans, along with specifications, approved by the competent authority, in addition to as set out in clause(a) of sub-section (3) of section 11, at the following places, namely:-
  - (a) All marketing offices of the promoter;
  - (b) All other offices of the promoter from which booking or sale of any plot, apartment or building, as the case may be, is being carried out.
- (a) With all Real Estate Agents Authorized by the Promoter through whom booking or sale of any plot, apartment or building, as the case may be, is being carried out.
- (2) The sanctioned plans, layout plans, along with specifications, approved by the Competent Authority shall also be prominently displayed by the promoter at the project site.
- (3) The dimensions of such sanctioned plans, layout plans, along with specifications, approved by the competent authority, to be displayed in terms of sub-regulation (1) shall be at least of size 3 ft. x 2 ft.

Refer Section 11(3) (a)

**Display of Registration**

- 4 (1) A promoter shall display the registration number and validity of registration period of the real estate project, registered with the Authority, prominently and legibly in every advertisement, advertisement material, brochures as well as project offices, project site and booking offices.

- (2) A real estate agent shall display his registration number and its validity period prominently and legibly in every advertisement, advertisement material as well his office.

### **CHAPTER III**

#### **Registration of projects/agents and other related provisions**

<b>Formats of Allotment Letter and Conveyance Deed</b>	<b>5</b>	The Promoter(s) shall issue allotment letter and execute conveyance deed, as mentioned in the Act, in favour of the allottee(s) in the formats annexed herewith as annexures 1 and 2 respectively.	Refer section 4(2)(g)
<b>Formats of Certificates of Architect, Engineer and Chartered Accountant</b>	<b>6</b>	For withdrawal of money from the separate bank account kept for the real estate project as per the provisions of the Act for utilizing it in the project as well as for submitting quarterly updated progress/status of the project, the promoter shall provide to the Bank and Authority the certificate issued by the Architect, Engineer and Chartered Accountant for the project in the format annexed herewith as annexures 3,4 and 5 respectively. The certificate issued by the project architect and engineer on completion of each of the building/ wing of the real estate project shall be in formats annexed herewith as annexures Form 6 and 7 respectively.—	Refer section 4(2)(l)(D)
<b>Format for Collaboration/ Joint Development Agreement</b>	<b>7</b>	<p>(1) Where the land(s) of the project is not owned by the promoter but owned by any other person including the directors or partners of the firm individually, the collaboration Agreement/Joint Development Agreement or any other Agreement, by whatever name it may be called, for developing the land into the project shall be in the format annexed as Annexure-8 to these regulations. Such agreement shall be registered with the sub registrar of the locality to which the land belongs. It shall be the obligation of the promoter to get the agreement registered.</p> <p>(2) In case the project land is acquired by the promoter(s) on lease from the land owner(s) the lease deed shall be registered with the subregistrar of the locality to which the land belongs. It shall be the obligation of the promoter to get the lease deed registered . The payment of full lease premium and the lease rent for the full period of first term of the lease shall be done by the promoter prior to transfer of the units to the buyers and the common areas to the association of allottees/buyers or the competent authority, as the case may be. It shall be the obligation of the promoter to get the consent of the lesser for transfer/sublease of units and proportionate share of the land to the buyers and the common areas of the project land or the whole project land to the association of buyers, and to get the terms of renewal of lease as well as sublease from the lesser prior to registering the project with the Authority.</p>	
<b>Registration of Agreement for sale</b>	<b>8</b>	The Promoter shall get the agreement for sale registered with the sub registrar of the locality where the project is situated.	





	(4)	The promoter, while applying for registration of the Project or prior to advertising the sale of units in the project, shall submit the copies of pamphlets, prospectus, brochure or any other advertising material to the Authority and upload them on the website of the Authority also.	
<b>Submission of affidavit by the promoter</b>	14	The promoter or its authorized signatory, while applying for registration of a real estate project, shall submit affidavit duly attested by a notary, as per the provisions of clause (1) of subsection (2) of section 4 of the Act, in which the name, father's/husband's name, age, address and position held by him/her with the promoter/promoter's firm, shall be clearly mentioned.	Refer section 4(2)(1)
<b>Declaration of date of Completion the project</b>	15	Project completion date as indicated by the promoter in Form B supported by affidavit under section 4(2)(1)(C) of the Act shall not be beyond the validity date of sanctioned layout/plan from the competent authority. In case of ongoing projects which are claimed to be completed and for which completion certificate has not been obtained or if the completion certificate has been obtained but all the units have not been booked or sold yet, this condition shall not be binding.	Refer section 4(2)(1)(c)
<b>Details of the project to be uploaded on website by the promoter</b>	16	<p>The promoter shall prepare and maintain following details as per subsection (6) of section 11, and upload it on the webpage for the project on the website of the Authority, as also keep it at project site and all other booking places, including with the agent(s) engaged.</p> <p>(a) Details of the Project Engineer, Architect, Chartered Accountant contractor and Project Manager and other Senior officers of the Real Estate Project (with their names, address, registration No., phone No. and email. id) as well as the separate Bank Account (with the Account name, Branch name and address of Bank Branch and its phone No.) opened and operated for the project only.</p> <p>(b) Quarterly Financial and physical progress report of project with component wise details along with the certificate issued in this regard by the Chartered Accountant, Architect and Engineer.</p> <p>(c) Quarterly updated list of all bookings, allotments, agreement to sale executed and conveyance deeds executed with names and contact numbers as well as email addresses of allottees/purchasers along with the unit details, their price, money collected against them and, money deposited in the project Account and the money withdrawn from this Account.</p> <p>(d) Audited accounts and audit reports of the accounts of the project for all previous Financial Years as mentioned in the third proviso to section 4(2)(1) of the Act, duly certified and signed by the Chartered Accountant who is the statutory auditor of the promoter's enterprise alongwith a certificate-cum- annual report of statement of accounts of the project in the format annexed as Annexure 10 herewith.</p>	Refer section 11(6) And section 4(2)(1)

*Explanation 1 :-* The chartered accountant certifying the progress of the registered real estate project for the purpose of withdrawal of amounts from the separate bank account should be a different entity than the chartered accountant who is the statutory auditor of the promoter's enterprise.

*Explanation 2 :-* If the Form, as per annexure 10, issued by the statutory auditor reveals that any certificate issued by the project

architect, engineer or the chartered accountant has false or incorrect information and the amounts collected for a particular project have not been utilized for the project and the withdrawal has not been in compliance with the proportion to the percentage of completion of the project, the Authority, in addition to taking penal action as contemplated in the Act and the Rules, shall also take up the matter with the concerned regulatory body of the said professionals of the architect, engineer or chartered accountant, for necessary penal action against them, including their dis-memberment.

- (e) Quarterly updated list of disputes with regard to project land(s), with land owner(s), joint development partner(s) and allottees/purchasers as also the updated status about the disputes.

**Submission of hard copies of application and other requirement**

**17 (1)** Promoter and agent, while applying for registration of Project or for agentship respectively, shall submit hard copy of their application and all other required documents along with their online submission in electronic form.

**(2)** Promoter shall submit authenticated copies of all required approvals and commencement certificate for the project or each phase of the project, as the case may be, along with the application for registration of the project as per section 4(2)(c) of the Act. In case some approvals, except the sanctioned plans, for the project remain pending at the time of submitting registration application, or the commencement of project is pending, then a declaration, with affidavit, to that effect along with a list of all pending required approvals along with copy of application submitted for that purpose to the respective competent authority shall be submitted and as soon as the pending approvals are received the same shall be submitted.

**Transfer of majority rights and liabilities by the promoter**

**18** The promoter shall deposit a fee of Rs. 10,000.00 (Rupees Ten Thousand Only) while applying for getting approval of the Authority for transfer of or assigning his majority rights and liabilities in respect of the real estate project under subsection (1) of Section 15.

Refer section 15

**Insurance of unit for handing over possession**

**19** The promoter shall obtain insurance of appropriate amount against the total cost with respect to the promise of handing over the possession of the unit allotted to a person for which agreement for sale has been executed, immediately after execution of the agreement for sale. Such insurance shall be kept alive and renewed till the possession of the unit is handed over to the allottee/purchaser and conveyance deed is executed in his favour.

Refer Section 16



**Maintaining reserve fund by promoter and submitting of details of properly**

**20(1)** The promoter, for effective and timely compliance with regard to refund, interest, payment of delayed possession, interest, penalty and compensation under the provisions of the Act and the Rules, shall maintain a reserve fund of an amount equal to ten percent of money recieved from allottees/intending buyers/ buyers out of the total sale value. This amount shall be kept aside from the thirty percent part of the money collected by the promoter, i.e. one third part of thirty percent portion of money collected from the allottees/buyers. The fund shall be deposited and maintained in an interest bearing bank account in a scheduled bank and no money shall be withdrawn from this account except with the prior permission of the Authority or as per the orders of the Authority and/or the Adjudicating officer and/or the Real Estate Appellate Tribunal specially for the above purpose.  
The fund shall be pledged with the Authority. This reserve fund shall be maintaind till the end of five years of handing over possessions of all the units or the final compliance with regard to any decision(s) of the Authority and/or the Adjudicating officer and/or the Real Estate Appellate Tribunal regarding the above requirement, which ever is later.  
Provided that on completion of project along with common facilities/area as well as handing over of all units to the buyers/allottees and also the common areas to the association of allottees or the competent authority, as the case maybe, including the execution of sales deeds thereof, the promoter may opt for arranging a bank guarantee of equal amount from a scheduled bank in favour of the Authority which will replace the above reserve fund.  
Provided further that the maintenance of the reserve fund or the bank guarantee in any way shall not limit the obligation and responsibility of the promoter in respect of the refund, payment of interest, interest for delayed possession period and compensation as per the provisions of the Act and the Rules as well as compliance of the orders of the Authority, adjudicating officer and/or the Real Estate Appellate Tribunal.

**(2)** The promoter(s), including the partners/directors of the promoters (in case of promoter being a company, partnership firm, society or other firm) while submitting the application of registration of project, shall provide the details of all the properties(including immovable properties and bank account of the promoter firm and that of each partner/director), falling within the state of uttarakhand and outside.

**(3)** The promoter(s) including the partners/directors of the promoter Company/firm/Society shall provide the photo copies of their signed individual Pan Cards and Aadhar Cards at the time of submitting the application for registration of their project.

**handing over of sanctioned plans and other documents to allottees and association of allottees**

**21** The promoter, while handing over the physical possession of the unit to the allottee/purchaser, shall handover the sanctioned plan/layout of the project as well as the detailed specifications along with the electrical, water supply, drainage plans and all the structural designs of the unit to the allottee/purchaser. Likewise the promoter, while handing over the physical possession of common areas, infrastructure and facilities to the association of allottees or the competent authority, as the case may be,

Refer  
Section  
17



shall handover the sanctioned plan/layout of the whole project along with the detailed specifications, electrical, water supply, drainage plans to the association of allottees or the competent authority, as the case may be.

**Execution of conveyance deed**      **22**      The promoter shall execute conveyance deed of the unit in favour of allottee in the format annexed as annexure 2 to these Regulations and of the common areas, facilities and structures to the association of allottees or the competent authority immediately after handing over physical possession, but this should be done within thirty days of handing over of physical possession.

Refer  
Section  
17

#### **Chapter- IV**

##### **Complaints and related matters**

**Filing of complaints**      **23(1)**      The complainant(s) and the respondent(s), while filing complaint and reply as well as submitting other statements and evidences, shall also submit an affidavit, attested by a notary, in support of the pleadings and the genuineness and truthfulness of the pleadings, statements and evidences being filed.

**(2)**      The complainant and the respondent shall also submit hard copies of their complaint, reply and evidences, as the case may be in one more number than the number of Complainants and respondents, alongwith its online submission in electronic form.

**(3)**      The complainant and the respondent shall submit self attested copies of the pleadings and evidences, by signing each page thereof, unless they are given as Annexures with affidavit. They shall also affix their or the authorised signatory's/person's. (if it is a firm or Company) self attested photograph in the complaint/ reply.

**(4)**      If during the enquiry in any complaint it so happens that the notices for appearance and filing reply are not delivered by post and/or email and it is decided that the notice is to be delivered through publication in daily newspaper widely circulated at the place of address of the respondent, such publication shall be done by the complainant on its own cost.

Refer  
section  
31

#### **Chapter-v**

##### **Office and functioning of Authority**

**Authority's office, office hours and sittings**      **24(1)**      The office of the Authority shall be at Dehradun.

**(2)**      The Authority may conduct its proceedings at its office or at any other place within its jurisdiction on working days and time as fixed or as required.

**Language of the Authority**      **25**      The proceedings of the Authority shall be conducted in Hindi or in English.

**Authentication of documents**      **26**      Any document requiring authentication by the Authority shall be issued under the seal of the Authority and shall be signed by the Secretary or other Officer authorized by the Authority in this behalf.

**Appointment of officers and employees of the Authority and consultants etc.**      **27**      (a) Subject to approval of the State Government the Authority shall have the power to appoint the Secretary, officers and/or other employees for discharging various duties. The qualifications, experience and terms and conditions of service and appointment of such Secretary, Officers and other employees shall be subject

to such regulations as may be specified by the Authority. Until regulations in this matter are notified by the Authority, the appointment to these posts shall be done as per the Government directions.

- (b) The Authority may appoint or engage consultants, engineers, architects, lawyers and/or chartered accountants to assist the Authority in the discharge of its functions.
- (c) The Authority may appoint or engage a chartered accountant to investigate and inquire the accounts of the project if it is of the view that the promoter is either not providing the project accounts or the project accounts provided seem to be incorrect or incomplete. For this the cost incurred on the engagement of chartered accountant shall be borne by the promoter from its own fund and the Authority may order or direct the promoter to deposit the money with the Authority or the Authority may recover it under section 40(1) and Rule 23.

**Duties of Secretary**

**28**

- (a) The Secretary shall be the Principal Executive Officer of the Authority and shall exercise his powers and perform his duties under the control of the Authority.
- (b) The Authority, in the discharge of its functions under the Act, may take such assistance from the Secretary as it may deem fit.
- (c) In particular, and without prejudice to the generality of the provisions of sub- regulation (a) and (b) of this regulation, the Secretary shall have the following powers and perform the following duties, viz:—
  - (i) He shall have custody of the records and the seal of the Authority.
  - (ii) He shall receive or cause to receive all documents, including, *inter alia*, complaints, applications or references pertaining to the Authority.
  - (iii) He shall scrutinize documents, including, *inter alia*, complaints, applications or references and shall be entitled to seek clarifications or rectifications upon the same and issue appropriate directions pertaining to the acceptance or rejection of such documents.
  - (iv) He shall prepare or cause to be prepared briefs and summaries of pleadings presented by various parties in cases filed before the Authority.
  - (v) He shall carry out such functions under the Act or the Rules, as may be delegated to him by the Authority by general or special order.
  - (vi) He shall assist the Authority in the proceedings relating to the powers exercisable by the Authority.
  - (vii) He shall provide notice for meeting, prepare the agenda for meetings and minute the proceedings of the Authority's meetings.
  - (viii) He shall authenticate the orders passed by the Authority.
  - (ix) He shall, so far as it is possible, monitor compliance of the orders passed by the Authority and shall forthwith bring to the notice of the Authority any non-compliance thereof.
  - (x) He shall have the right to collect from the Government or other offices, companies and firms or any other party as may be directed by the Authority, such information and record, report, documents, etc., as may be considered

necessary for the purpose of efficient discharge of the functions of the Authority under the Act and the Rules and place the same before the Authority.

- (xi) He shall issue various certificates as required under the Act on the decisions of the Authority. He shall also issue letters on behalf of the Authority.
- (xii) He shall issue recovery certificate to the collectors as well as file complaints under section 80 to a Magistrate as per the decisions of the Authority.

*Explanation:-* For the purpose of this regulation Authority includes the Chairperson, Members and/or the Adjudicating officer of the Authority.

- 29 In the absence of the Secretary, the Officer of the Authority designated by the Authority in this behalf, shall exercise the functions of the Secretary.
- 30 The Authority shall, at all times, have the power, either on an application made by any interested or affected party or suo motu, to review, revoke, revise, modify, amend, alter or otherwise change any order issued or action taken by the Secretary or any Officer of the Authority, if considered appropriate.
- 31 The Secretary may, with the approval of the Authority, delegate to any Officer of the Authority any function required by these Regulations or otherwise to be exercised by the Secretary.
- 32 Any person including the parties to a complaint or the applicant for registration of real estate project/agent may make an application for inspection or a copy of any document of a record in format annexed herewith as annexure 13. A fee of such amount, as may be decided by the authority from time to time, shall be paid with the application. Details of document of which copy is sought for and the record, to which such document belongs, shall be given in the application.
  - (a) Subject to sub-regulation (c) herein, records of the Authority shall be open to inspection by all, subject to the payment of the fee and complying with the terms as the Authority may direct.
  - (b) The Authority shall, on such terms and conditions as the Authority considers appropriate, provide for supply of certified copies of documents and papers available with the Authority to any person, applying in Form 11, subject to the payment of fee and complying with the terms as the Authority may direct. The Authority shall designate an Officer for ensuring timely response to requests received for supply of certified copies of documents who shall endeavour to dispatch the certified copies of documents requested for within a period of Ten (10) working days from the date of receipt of request. Application for obtaining copies on urgent basis shall indicate the urgency by writing word 'URGENT' at right hand top of the application and in such case certified copies shall be issued within a period of three working days. The fee for urgent application shall be double than that of normal application.
  - (c) The Authority may, by order, direct that any information, documents and papers/materials maintained by the Authority, shall be confidential or privileged and shall not be available for inspection or supply of certified copies, and the Authority may also direct that such document, papers, or materials shall not be used in any manner except as specifically authorised by the Authority.
  - (d) The authority shall decide the fee to be levied for inspection of

**Inspection and  
copies of records**

records and for taking copies of records, orders, decisions etc.  
Provided that information to be given under Right to Information Act shall be governed as per the provisions of that law.

Provided also that no copies of records, which is itself a copy or likewise, shall be given.

- (e) No person inspecting a record shall be allowed to bring with him or use any pen or ink, nor shall he/she be allowed to make any mark upon or in any respect to mutilate any record or paper which is being inspected.
- (f) Copies of a copy which is either a photocopy, computer print, email print etc. shall not be issued and copies of original documents only shall be issued.

33 Copies of a document to a record shall be supplied free of cost to the Government, Real Estate Appellate Tribunal and/or Hon'ble High Court/ Supreme Court as well as Officer of the Authority for official purpose.

**Application for information-**

34 Any person or a party desiring to ascertain the number and year of a complaint or the application number of a real estate project registration or a real estate agent registration and the names of the parties in the complaint or name(s) of the applicant(s) for registration of real estate project/agent, shall give an application in this regard. The required information, upon receipt of the application, shall be provided to that person. A fee of Rs 50.00 shall be taken from the person giving application for seeking the said information.

35 Daily cash received on account of any penalty imposed or any inspection or copy fee shall be recorded and maintained on daily basis in a register in its left side with details of each case. The money so received daily shall be deposited to the account of the Authority latest by the next working day, an entry of which shall be recorded/maintained on the right side of the register.

36 Employees of the Authority shall not take records to their house and shall finish their work in the office of the Authority.

**CHAPTER-VI**  
**Meetings of the Authority**

**Number of meetings**

37 The Authority may hold as many meetings and at such places as may be required for the purpose of discharging its functions under the Act. The Authority may conduct the following types of meetings, namely:-

**Types of meetings**

- 38
- (a) Ordinary meetings relating to business and proceedings to be conducted by the Authority, as per provisions of the Act or the Rules made thereunder; and
  - (b) Special meetings relating to matters, which in the opinion of the Chairperson or any other Member require urgent consideration.

**Time and place of meetings**

39 (1) The meetings of the Authority shall ordinarily be held at its head office. The Authority may also hold meetings at any other place within its jurisdiction whenever, in the opinion of the Authority, it is expedient to do so.

- (2) The Chairperson, in consultation with the Members, shall decide in advance, the date, time and place and the agenda for each meeting of the Authority.
- (3) The notice of every meeting of the Authority shall be signed by the Chairperson or any other officer authorised by the Chairperson, intimating the time, date and place of such intended meeting
- (4) The notice shall be given to every Member and any other person as may be required to attend the meeting at least seven days before the date of the meeting along with the agenda; Provided that no proceedings of the Authority shall be challenged merely by reason of non-receipt of notice of the meeting by any Member or by reason of short notice for the meeting.
- (5) In addition to sub-regulation (4) above the notice for the meeting may also be communicated to the Members and any other person, as may be required, through email, or any other electronic medium.
- (6) The notice for hearing meetings related to any complaint by or against the promoter or the allottee or the real estate agent, as the case may be, shall be intimated to the complainant and the respondent, as the case may be, through Post, e-mail, facsimile or any other electronic medium and shall also be uploaded on the website of the Authority along with a cause list with particulars of date, time, place, item number and such other details so as to facilitate easy and speedy communication to all concerned.
- (7) The notice for hearing meetings related to a promoter or agent with regard to registration, revocation or extension of registration as the case may be, shall be intimated to the promoter or agent through post, email, facsimile or any other electronic medium indicating therein the date, time, place and such other required details.

**Agenda of meetings**

- 40(1)** The Chairperson or any officer authorized by the Chairperson, shall be responsible for preparation of the agenda for each meeting of the Authority and circulation thereof to all the Members of the Authority at least seven days before the date of each meeting along with the notice specifying the time and place of such meeting as per sub-regulation (4) and sub-regulation (5) of Regulation 39, Provided that the Chairperson or such officer authorized by the Chairperson shall prepare the agenda of meeting in consultation with the Chairperson and the Members.
- Provided further that the Chairperson or such officer authorized by the Chairperson may, in consultation with the Chairperson/Members, amend or delete or add new items in the agenda of business subsequent to its issue;
- Provided also that no proceedings of the Authority shall be challenged merely by reason of non-receipt of agenda of the meeting by any Member as set out in this sub-regulation

- (2) Any business not included in the agenda shall not be transacted at a meeting of the Authority except with the permission of the Chairperson or other Member presiding over the meeting, as the case may be.
- Procedure of meetings**
- 41(1) Procedure for ordinary meetings:-
- (a) The meeting hours of an ordinary meeting shall normally be within the office hours of the Authority unless the Chairperson decides to extend the same in a particular matter;
  - (b) The Chairperson and Members and such employees, officers or persons, as permitted by the Chairperson, shall attend an ordinary meeting;
  - (c) The Chairperson may, for reasons to be recorded in writing, adjourn the meeting;
  - (d) Any Member unable to be present in a meeting for any reason, may, if feasible, choose to participate in the said meeting, through video conferencing and this shall be considered as attendance by the Member for the purpose of casting vote during such meeting;
  - (e) The Authority shall hold, as far as practicable, an ordinary meeting once every month to review compliance of its orders and the Secretary or the officer authorized by the Chairperson shall report matters of non-compliance for information or for further directions of the Authority, as the case may be;
  - (f) The proceedings of each ordinary meeting of the Authority shall be recorded under the superintendence and guidance of the Secretary or the officer authorized by the Chairperson.
- (2) Procedure for special meetings:-
- (a) The Chairperson may, by giving at-least twenty-four hours notice, convene a special meeting at any time to consider item, which in his or any other Member's opinion, requires urgent consideration.
  - (b) The Chairperson and Members and such employees, Officers, persons, as permitted by the Chairperson shall attend a special meeting;
  - (c) Subject to the provisions of the Act, the Rules and these Regulations, the Chairperson or the Secretary or the officer authorized by the Chairperson shall notify the date, time and place and the agenda for each special meeting of the Authority to the Members and other concerned officers and employees, as far as practicable, in advance;
  - (d) The Secretary or the officer authorized by the Chairperson, for all special meetings, shall arrange to prepare and record the minutes of the meeting of the Authority.
  - (e) Any Member unable to be present in a meeting for any reason may, if feasible, choose to participate in the said meeting, through video conferencing and this shall be considered as attendance by the Member for the purpose of casting vote during the meeting;
  - (f) The proceedings of each special meeting of the Authority



shall be recorded under the superintendence and guidance of the secretary or the officer authorized by the Chairperson.

(3) Without prejudice to sub-regulations (1) and (2), the Authority shall have at least one meeting every month. The Authority shall also have meetings for the promotion of the real estate sector.

(4) At every meeting of the Authority, the action taken and compliance report on the decision of the previous meetings of the Authority shall be placed as an agenda point.

**Chairperson of the meetings of Authority**

42(1) The Chairperson shall preside over the meetings of the Authority, however, in his absence, the senior most Member, in terms of date of appointment to the Authority, shall preside over the meetings of the Authority. In case the Chairperson, or in his absence the senior most Member present, have a direct or indirect pecuniary or other interest in any matter, including those relating to immediate family, coming up for consideration in the meeting, he shall not chair that meeting and immediately next Senior Member present shall preside over the meeting.

(2) The Chairperson for the meeting of the Authority may, if he considers it necessary, also invite any expert, qualified in the matters to be discussed at any meeting, to attend any meeting of the Authority with a view to facilitate meaningful discussions and such expert may participate in the proceedings of the meeting but shall have no right to vote.

**Quorum**

43(1) The quorum for any meeting, whether ordinary or special, of the Authority shall be three-fourth of the total number of Members of the Authority, including the Chairperson and no business shall be transacted at any meeting of the Authority unless the quorum is present through out the meeting.

**Explanation-** For the purpose of the quorum in a particular meeting of the Authority the total number of Members of the Authority shall mean the total member of working Members, including the Chairperson of the Authority, and the number of vacant posts of Members or Chairperson shall not be taken into account.

(2) If the quorum is not present at any meeting of the Authority, the Chairperson or in his absence the senior most Member presiding over the meeting shall adjourn the meeting to such other date, time and place as may be specified by him not being later than seven days:

Provided that if at such adjourned meeting quorum is still not present, then, notwithstanding anything contained in sub-regulation (1), the Members present at the said adjourned meeting, shall constitute a quorum for such meeting to take up discussions and to dispose of the items of business set out in the agenda only.

**Decisions of the meetings**

44(1) All questions which come up before any meeting of the Authority, shall be decided by majority of votes of Members present and voting. In the event of an equality of votes, the Chairperson or in his absence, the Member presiding shall have a second or casting vote.

(2) Save as otherwise provided in these Regulations, every Member shall have one vote.

- (3) The Chairperson or the other Member presiding over the meeting shall endeavour at all times to arrive at decisions or recommendations through a consensus among Members and voting shall be resorted to if attempts to arrive at a consensus fail.
- (4) Votes on every item of business to be transacted at a meeting of the Authority shall be taken and decisions taken by majority of Members present at the meeting, shall be deemed to be decisions of the Authority:

**Members not to participate in meetings**

45(1) Any Member, who has a direct or indirect pecuniary or other interest in any matter, including those relating to immediate family, coming up for consideration in a meeting of the Authority, shall not take any part in any deliberation or decision of the Authority, with respect to that matter.

(2) Every Member shall make an ‘Undertaking’, as per Form ‘A’ (annexure 12), at the time of joining as a Member, that he will abide by the principles laid out in sub-regulation (1).

(3) Any Member who is found in violation to the principles laid out in sub-regulation (1) shall be liable to necessary action as per the provisions of the Act and the Rules made thereunder.

**Explanation:-** For the purpose of this Regulation ‘immediate family’ shall include wife or husband, son or daughter (whether biological or adopted), parents, brothers or sisters or any person related to any of them by blood or marriage, whether they are dependent on such Member or not.

**Minutes of the meetings of the Authority.**

46(1) The secretary or in his absence an Officer of the Authority designated by the Authority, shall record the minutes of the meetings and maintain a register which will, amongst other things, contain the names and designation of Members and invitees present in the meeting, a record of proceedings and notes of dissent, if any.

(2) The decision taken in a meeting of the Authority shall be recorded in the minutes in a clear and concise manner, alongwith reasons. In case the minutes record any statement/submission made by an invitee, a copy of the minutes may be sent to such invitee for his consent about the correctness of his statement/submission recorded.

(3) The draft minutes of each meeting of the Authority shall be prepared within a period of four days of conclusion of each meeting and submitted to the Chairperson of the meeting and the Members who attended the meeting for their concurrence.

(4) The chairperson of the meeting and the Members shall give concurrence as well as confirmation about correctness of their views and statements, including dissenting views, if any, in the minutes within further two days.

(5) The draft minutes of each meeting so concurred by the Chairperson of the meeting and the Members shall be forwarded then to the Chairperson of the meeting.

(6) The minutes of each meeting of the Authority so finalised shall contain a fair and correct summary of the proceedings and the names of Members who did not participate in the discussion of or vote on any item of business transacted at the meeting.

(7) The minutes of the meeting so finalised shall be signed by each Member present and the Chairperson/ presiding Member of the meeting and the minutes so signed shall be forwarded to the Secretary or the officer authorized for keeping it for record and for further compliance including issuance of necessary certificates and taking necessary actions.

- (8) The minutes so signed by the Chairperson of the meeting and the Members who attended the meeting, shall not be challenged at any stage thereafter and at any forum merely for non-inclusion or inclusion of anything in the minute.

**Decisions by circulation**

- 47(1) Any item of business or issue on which decision of the Authority is required to be taken by circulation, if the situation so requires, be referred by the Chairperson to all the Members along with all the relevant papers.
- (2) A draft decision of such item, on which decision is sought through circulation, shall also be sent to all the Members.
- (3) The Members shall require to sent their approval or disapproval or approval with amendment or dissenting view to the draft decision within six days to the Chairperson
- (4) The decision on majority basis on any item so passed on circulation shall also be put up in the immediate next meeting for ratification along with comment of each Member.
- (5) Any decision taken on resolution by circulation basis shall have effect and the binding as if such resolution were decided by the majority of the Members at a meeting.
- (6) Based upon the votes and comments received, on the draft resolution circulated, the Chairperson may postpone the item along with draft resolution for the next regular meeting of the Authority.

**Confidentiality**

- 48(1) The Chairperson/Members of the Authority and other participants at a meeting shall not divulge to any party or third party any confidential information that they have received.
- (2) The Chairperson and every Member of the Authority and other participants at a meeting shall be required, even after their duties have ceased, not to disclose information of the nature that may be covered by the obligation of professional secrecy.
- (3) The Chairperson and every Member of the Authority and other participants at a meeting, shall sign an initial declaration for maintaining the confidentiality of the business transacted at meetings of the Authority in form B (annexure 13).
- (4) The Chairperson and every Member of the Authority and other participants at meetings shall not disclose to any one his or other Members' view about any matter.

**Reimbursement of expenses**

- 49 Every expert invited to attend any meeting of the Authority other than the Members, officers or employees of the Authority, shall be entitled to a payment of sum of money as determined by the Authority from time to time for each meeting of the Authority attended by him. Any expert from outside shall also be eligible for actual traveling expenses.

**CHAPTER-VII  
General procedures of Authority**

**Vacancies, etc., not to invalidate proceedings**

- 50 No act or proceedings of the Authority shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Authority.

<b>Authorized Representative</b>	<b>51</b>	<p>A person who is a party to any proceedings before the Authority may either appear in person or authorise any other person to present his case before the Authority and to do all or any of the acts for the purpose:</p> <p>Provided that, the person appearing on behalf of any person in any proceeding before the Authority shall file a Memorandum of Authorization in format annexed herein as annexure 14. When a company or a firm or Society etc. authorise a person then a resolution of the company or the firm or the partners of a partnership firm in this regard shall also be filed/submitted.</p>
<b>Orders of the Authority</b>	<b>52</b>	<p>The Authority, Chairperson/Member(s) or the Adjudicating Officer hearing a proceeding shall pass orders in such proceedings, and such orders shall be signed by the Chairperson/Members/ the Adjudicating Officer of the Authority hearing such proceeding. Every order made by the Authority/Chairperson/Member/Adjudicating officer shall be a reasoned order.</p>
	<b>53</b>	<p>All orders and decisions issued by the Authority shall be certified by the signature of the Secretary or an Officer empowered in this behalf by the Authority and shall bear the official seal of the Authority and be communicated as expeditiously as possible from the date of passing thereof to all parties in the proceeding.</p>
<b>Authority's records- documentation</b>	<b>54</b>	<p>The Authority shall, as soon as may be practicable, maintain an indexed database of its records including, inter alia, applications filed for registration of real estate projects and agents, complaints filed, orders/documents issued from time to time.</p>
<b>Accessibility of information</b>	<b>55</b>	<p>The Authority shall endeavour to make information involving public interest accessible and available to the public, including, inter alia, through its website.</p>
<b>Maintaining register for petition, complaint application etc.</b>	<b>56(1)</b>	<p>All petitions and complaints received in the Authority shall be immediately entered in a register including in electronic form, maintained for the purpose and shall thereafter, as early as possible, be presented to the Authority or the Member or Adjudicating officer or the Secretary or any officer authorized for it along with the concerned record/file for further action.</p>
	<b>(2)</b>	<p>All registration applications for registration of real estate projects or real estate agents, extension of projects and agents, received shall be entered in a register, including in electronic form, maintained for the purpose.</p>
	<b>(3)</b>	<p>Complaints, registration applications and extension applications for real estate projects and agents shall bear a number which shall be the web generated number for that complaint or registration/extension application. Until a web generated serial number is not developed, the complaints or applications may bear its serial number in accordance with its receipt in the Authority.</p>
<b>Interim Orders</b>	<b>57</b>	<p>The Authority, the Chairperson, the Members or the Adjudicating Officer, while hearing a proceeding, may pass such ad-interim or interim orders, as may be considered appropriate at any stage of any proceedings, having regard to the facts and circumstances of the case.</p>

**Investigation,  
enquiry,  
Collection of  
information**

**58** The Authority may make such direction or order as it thinks fit for collection of information, enquiry, investigation, entry, search, seizure and, without prejudice to the generality of its powers, including, inter alia, the following:–

- (a) The Authority may, at any time, direct the Secretary or any one or more Officers or any other person as the Authority considers appropriate to study, investigate or furnish information with respect to any matter within the jurisdiction of the Authority under the Act and the Rules.
- (b) The Authority may, for the above purpose, give such other directions as it may deem fit and state the time within which the report is to be submitted or information furnished.
- (c) The Authority may issue or authorize the Secretary or an Officer to issue directions to any person to produce before it and allow to be examined and kept by an Officer of the Authority, as directed in this behalf, the books, accounts, etc., or to furnish any information to the designated Officer.
- (d) The Authority may issue such directions, for the purpose of collection of any information, particulars or documents that the Authority considers necessary in connection with the discharge of its functions under the Act and the Rules.
- (e) If any such report or information obtained appears to the Authority to be insufficient or inadequate, the Authority or the Secretary or an Officer authorized for the purpose may give directions for further inquiry, report and furnishing of information.
- (f) The Authority may direct such incidental, consequential and supplemental matters to be attended to which may be considered relevant in connection with the above.

**59** If the report or information obtained in accordance with regulation above or any part thereof is proposed to be relied upon by the Authority or the Adjudicating officer for forming its opinion or view in any proceedings, the parties to the proceedings shall be given a reasonable opportunity for filing objections and making submissions on such report or information.

**Confidentiality**

- 60**
- (a) The Authority or the Adjudicating officer shall appraise and determine whether any document or evidence provided to it by any party and claimed by that party to be of a confidential nature merits being withheld from disclosure to other parties as being confidential and shall provide brief reasons in writing for arriving at its conclusion.
  - (b) If the Authority or the Adjudicating officer is of the view that the claim for confidentiality is justified the Authority may direct that the same be not provided to such parties as the Authority may deem fit. However, the party claiming the confidentiality shall provide a brief non-confidential summary of the substance of the documents found to be confidential and the import of the same.
  - (c) Notwithstanding the above, it shall be open to the Authority or the Adjudicating officer to take into consideration the contents of the documents found to be confidential in arriving at its decision.

**Continuance of  
Proceedings**

- 61**
- (a) Where in a proceeding, any of the parties to the proceeding dies or is adjudicated as an insolvent or in the case of a

after death, etc.

company under liquidation / winding-up, the proceeding shall continue with the successors-in-interest, the executor, administrator, receiver, liquidator or other legal representative of the party concerned, as the case may be.

(b) The Authority or the Adjudicating officer may, for reasons to be recorded, treat the proceedings as abated in case the Authority so directs and dispense with the need to bring the successors-in-interest on the record of the case.

(c) In case any person wishes to bring on record the successors-in-interest, etc., the application for the purpose shall be filed within thirty(30) days from the event requiring the successors-in-interest to be brought on record. The Authority or the Adjudicating officer may condone the delay, if any, for sufficient reasons.

**Issue of orders and directions**

**62** Subject to the provisions of the Act, Rules and Regulations, the Authority may, from time to time issue orders and directions in regard to the implementation of the Regulations and procedure to be followed.

**Execution and enforcements of orders/directions**

**63** If any person against whom Adjudicating Officer or the Authority, as the case may be, has issued any order or directed any person to do any act or refrain from doing any act, has failed to comply the order or directions, the execution/ enforcement of that order or direction shall be done executed by the Authority or the Adjudicating Officer as per the provisions of CPC. This provision is in addition to the provision under subsection(1) of Section 40 and provisions under Chapter VIII of the Act.

Refer section 40

**64** All pleadings, applications and petitions/complaints and also power of attorney, agreement, affidavits, certificates whether in prescribed formats or otherwise shall preferably be type written/computer printed or in special circumstances written in a legible hand writing.

**65** Every pleading, application, complaint, petition as well as reply of the respondent and every documents (whether original, photocopy or computer print) information, statement shall be submitted with sign on each page by the applicant, pleader, Complainant/respondent, promoter etc.

**66** Each affidavit, whether it be in form B to be submitted along with project registration application or otherwise shall be in proper format indicating full name of the person, his/her age, father's name, address and the capacity in which the affidavit is being signed, which shall clearly be incorporated in the affidavit.

**67** While submitting documents or documentary evidence in project/agent registration or complaint proceeding an index at the front indicating therein the complete and detailed list of each paper, shall be submitted. The index shall be in format given in regulation 81 hereinafter. The index shall also be signed by the applicant and at its top the name(s) of project, promoter, agent or parties, as the case may and the number of complaint, registration application shall also be indicated. The index shall bear the Caption- **Before the Uttarakhand Real Estate Regulatory Authority** in bold and capital letter at the topmost space.

**68** The amount received by the authority through recovery certificates issued as per the provisions of sub section (1) of section 40 of the Act and Rule 23 of the Rules, or through an execution process, shall be deposited with the Authority, immediately on its receipt, in the bank account of the Authority and then the money which belongs to a person (refund money, interest and compensation, as the case may be) shall be transferred



immediately thereafter to that person, on filing a release application in this regard, and the penalty amount shall be taken into the account of the Authority. Transfer of money shall be done with proper identification of the claimant.

- 69** Every pleading, application, petition or statement shall be addressed to the Uttarkhand Real Estate Regulatory Authority. The pleading or petition, reply to the pleadings or petitions shall bear names of the parties along with description. The petitions, pleadings and replies to them shall be prepared and submitted in a way so that each statement is described in separate papers.
- 70** Every application, petition or pleading shall bear the name and full signature or thumb mark of the person submitting them with date and each page signed.
- 71** Separate application shall be made in regard to distinct subject matter.
- 72** Every application shall contain clear and concise matter and shall not contain any vague statement or matter. The application shall not contain any argumentative matter or statement as well.
- 73** Except an application for a copy, every application, complaint, petition or pleadings shall be made and submitted to the Authority or Adjudicating officer by the party himself, his pleader or his duly authorised representative.
- 74** The promoter, the agent and complainant may authorize any person as his representative to represent for him before the Authority in regard to registration of project, agent and complaints. In case the promoter or agent is a company, firm or society the authority letter shall be submitted along with the attested copy of the resolution passed by the board of the company, society, firm etc, while in case of partnership firm decision of the partners shall be submitted. The authority letter in each case shall be submitted in original copy.
- 75** All complaints, petitions, pleadings as well as registration applications for registration of project or agent shall be submitted accompanied with supporting affidavit of the complainant, petitioner, applicant, as the case may be.
- 76** No orders except routine ones are to be recorded on the applications.
- 77** A date of hearing once fixed shall be adhered to as far as possible and no adjournment shall be granted except for good cause to be recorded and in exceptional circumstance. Adjournment should not be granted just on request of any party. A payment of cost of an adequate sum in such a case may be imposed on the party seeking adjournment. Adequate cost may also be imposed when any party against whom decision to proceed ex parte has been taken and the party later on requests for call back of such decision.
- 78** Judgement and decisions shall be on foolscap paper leaving adequate margin spaces all around. At the top of the judgement, the name of the Authority and below it number of registration application/complaint and then name of the applicant/parties shall be there. A judgement or order or final order shall be written or typed written on a separate paper for the purpose and not in the order sheet or any paper already on the file. The operative portion or gist of it may be written on the order sheet. Every page of the judgement or decision shall be signed or initialed by the Chairperson/ Member(s) /Adjudicating officer.
- 79** Recourse to mode of substituted service by publication in a newspaper shall be had only when service by any other method is considered

**Service by  
publication**

impracticable or is found inadequate

**80** Every sheet of every document in a complaint proceeding shall bear on the right handside top portion number and year of the complaint and names of parties.

**81** Each proceeding/Complaint file shall have general index and order sheet. The form of general index should be as given below-

BEFORE THE UTTARAKHNAND REAL ESTATE REGULATORY AUTHORITY,  
DEHRADUN

Complaint No ...../20.....(or Description of proceeding)

..... v/s .....

General Index

S. No.	Description of Paper	Number of pages	Page Number(s)
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**82** General index shall be prefixed to the record of every proceeding/complaint and each paper shall be entered in it as it is submitted/filed.

**83** Order sheet shall contain record of the presence of parties or applicant and names of their authorised representatives. The order sheet shall also contain the record of each order/direction passed as well as material events which have occurred. Where order or direction is recorded elsewhere in the file, a note about the same along with the subject matter shall be recorded in the order sheet. Entries in the order sheet shall be maintained date wise.

**Information to  
and signatures of  
parties**

**84** Order fixing dates or adjournment dates for hearing or directing anything to be done by the parties or their pleaders recorded in order sheet or elsewhere, shall so far as possible be signed then and there by the parties or their pleaders.

**85** Execution proceeding against a final order in a complaint shall be dealt in a seprate file, which shall be dealt as a miscellaneous matter itself. Similarly cases of extension of project registration period and also extension of period of real estate agentship shall be dealt with in a separate miscellaneous file. In all cases the original files shall be consulted while disposing the execution and extension matters.

**86** When a document in any record is required for any proceeding, a photocopy of that document shall be made and used in another proceeding.

**List of  
proceedings**

**87** Every proceeding whether with regard to registration of real estate project, extension of project registration period, agent registration, extension of agent registration period, complaint and execution proceedings, revocation of registration of project/agent and proceedings with regard to completion of project under section 8 shall be enlisted under the relevant category in separate registers as well as digital mode. The listing shall be done datewise and serial wise as soon as the application or complaint is received or the proceeding starts. Every material progress in any proceeding shall also be entered in the list.

The list or registers shall be kept in accordance with the date of start of proceeding/submission of application.

**88** The co-complaints or the co-Promoters, different partners of a partnership firm or co-applicants of a project or agent registration, when submitting application to the Authority may authorize one or more of them to plead, appear, act or represent in his/her or their behalf and it shall be done through duly stamped power of attorney supported by affidavit in this regard.





- Leave Applications - One year
- project extension files - 8 years after Completion of project and handing over possession as well as sale of all units.
- Administrative matters - Three years
- Agent registration files - Three years after period of registration lapsed. (including agent Extension)
- Miscellaneous - One year
- Complaint files - 5 years after compliance of orders/directions (including Execution of final order)
- Service records of permanent employees - Permanent
- Service records of temporary Employees - Five years after compliance of audit objections, if any .
- File with regard to completion of project, including completion of project under Section 8 - 8years after Completion of project and handing over possession as well as sale of all units.

**Weeding of records**

- 102** Month by month the files/records of which the period of retention has expired, shall be removed from the record and weeded out or destroyed by shredding them into pieces and a note in this regard with date of weeding/destruction shall be entered against the list transmitted with the records.
- 103** If any dispute or necessity arises within the prescribed period of retention of any record such record shall not be weeded or destroyed unless the dispute is finally settled or the necessity ceases.
- 104** On expiry of retention period of any record the contents of it in the website of the Authority shall also be deleted.

**CHAPTER XII  
MISCELLANEOUS**

**Constitution of Committees**

- 105** The Authority may from time to time appoint such committees or sub-committees consisting of such Members or officers and other employees of the Authority, as it deems fit to advise the Authority on such matters as may be prescribed or specified and subject to such direction as the Authority may give.
- 106** The business of the Authority shall be transacted either in Hindi or English as the Authority may decide from time to time.
- 107** If any doubt arises as to the interpretation of these Regulations the decision of the Authority shall be final and binding on all concerned.

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