

शि०वा०/...../..... में शिकायतकर्ता, एतद्वारा सत्यापित और सत्यनिष्ठा से करते हैं पुष्टि करता है कि उपरोक्त अनुच्छेदों की सामग्री मेरे सर्वोत्तम ज्ञान और विश्वास के अनुसार सही है और मैंने किसी भी भौतिक तथ्य (तथ्यों) को दबाया नहीं है।

स्थान:

दिनांक:

शिकायतकर्ता (ओं) के हस्ताक्षर।

निर्देश:

(1) प्रत्येक निष्पादन मामले अंग्रेजी/हिंदी में दायर किया जाएगा और यदि यह किसी अन्य भारतीय भाषा में है तो इसके साथ अंग्रेजी/हिंदी में अनुवादित एक प्रति होगी और यह निष्पक्ष और स्पष्ट रूप से टाइप-लिखित लिथोग्राफ या मुद्रित होगी। मानक याचिका पत्र के एक तरफ डबल स्पेसिंग शीर्ष पर लगभग चार सेंटीमीटर चौड़ाई के आंतरिक मार्जिन के साथ और 2.5 सेमी पर दाएं मार्जिन के साथ, और 5 सेमी के बाएं मार्जिन के साथ, पेपर बुक फॉर्म में विधिवत, अनुक्रमित और सिले हुए।

(2) प्रत्येक निष्पादन मामले को एक खाली फ़ाइल आकार के लिफाफे के साथ प्रस्तुत किया जाएगा जिसमें प्रतिवादी का पूरा पता होगा और जहां उत्तरदाताओं की संख्या एक से अधिक है, तो प्रत्येक प्रतिवादी के पूरे पते वाले अतिरिक्त खाली फ़ाइल आकार के लिफाफे पर्याप्त संख्या में होंगे शिकायत को प्राथमिकता देने वाले पक्ष द्वारा प्रस्तुत किया गया।

The 22nd August 2022

**BIHAR REAL ESTATE REGULATORY AUTHORITY (GENERAL)
REGULATIONS (Amendment), 2022 NOTIFICATION**

No. 01-Bihar/RERA 2022/General Regulation Amendment 2022--

Inexercise of the powers conferred under Sub-Section 2 of section 85, read with Sections 34 and Section 38, of the Real Estate (Regulation and Development) Act, 2016, the Bihar Real Estate Regulatory Authority, Bihar, hereby amends '**Bihar Real Estate Regulatory Authority (General) Regulation, 2021**' published in State e-gazette vide no 780 dated 09th August 2021 as follows :-

1. Shorttitle, extent, commencement and application:

(i) These Regulations may be called the Bihar Real Estate Regulatory Authority (General) Regulations (Amendment), 2022.

(ii) This amendment in Bihar Real Estate Regulatory Authority (General) Regulations 2021 shall come into force on the date of its Gazette Notification in the Official Gazette.

2. Amendment in Regulation No. 2 "Definition":

(i) In Regulation No 2(1)(ii) of the Bihar Real Estate (General) Regulations 2021 (herein after referred to as Principal Regulation), the words "Application means the full, correct and complete application made under section 4 or section 9 of the Act" shall be substituted by "Application means the full, correct and complete application made under section 4 or section 6 or section 9 of the Act"

(ii) In Regulation No. 2(1)(iii) of Principal Regulation the words "complaints received by the Authority or the Adjudicating Officer under section 31 read with section 71 of the Act;," shall be substituted by "complaints received by the Authority under section 31 of the Act or the Adjudicating Officer under section 31 read with section 71 of the Act;,"

3. Amendment in Forms as mentioned in Regulation No.3:

Form 1, 2 and 3 as mentioned in Regulation No.3 of Principal Regulation shall be partially amended as attached with this Regulation.

4. Amendment in Regulation 5 “Submission of Application:

(1) Regulation No.5 (1) of the Principal Regulation shall be deleted and substituted with following: -

“5(1) (a)Every application under Section 4 or Section 6 or Section 9 of the Act shall be submitted to the Authority online with all the details, relevant documents and stipulated fees.”

(2) After paragraph No.1 (a) of the principal Regulation 5(1), a new paragraph No. 1 (b) shall be inserted, which is as follows:

5 (1) (b)“The promoter shall submit an application for registration along with an affidavit stating there in that the share distribution of flats, shops, apartments, towers including parking/garage, others, if any, and plots are exclusively within his/her share available for marketing and same will be mentioned in the registration certificate to be issued by the Authority”.

(3) Regulation No. 5(2) of the Principal Regulation shall be deleted and it shall be substituted with the following provisions:

5(2)“The promoter or agent as the case may be, who fails to submit all relevant documents or does not comply with other requirement of registration as per the provisions of the Act, Rules and Regulations even after an opportunity is given to the applicant to rectify the deficiency in a period as specified by the Authority depending on the merit of the case, shall be treated as incomplete and would be liable to be rejected.”

(4) The Regulation No. 5 (3) of the Principal Regulation shall be deleted and it shall be substituted with the following provisions;

5 (3)“If the defect in application persists and the application is not as per provision of the Act, Rules and Regulations, it shall be liable to be rejected in accordance with the provision of Section 5(1) (b) of the Act, after an opportunity is given to the applicant of being heard in the matter, after being served an advance notice of a period of 7 days from the date of the Email request for compliance.”

(5) Regulation No. 5 (4) shall be substituted as follows: -

5(4)“In case an application is rejected as per (3) above, the Promoter or Agent, as the case may be, may make a fresh application to the Authority along with the fee as if it is a new/fresh application for registration”.

(6) After Regulation No. 5(4) of the Principal Regulation, a new provision as Regulation No. 5(5) and 5(6) shall be inserted as follows:

5(5) “Stage-wise time schedule of the completion of the project in the form of milestone chart describing the important items of work, Building/Tower/Block-wise of the project shall be uploaded by the promoter on the webpage of promoter on website of RERA, Bihar, just after registration of the project.”

5(6)“The promoter shall submit details of revised milestones of the development work of the project to be completed within the revised completion date along with application for extension of registration of the project in Form ‘E’ as prescribed in Bihar Real Estate (Regulation & Development) Rules

2017 and upload the same on the webpage of Promoter on the website of RERA, Bihar.”

5. Amendment in Regulation No.6

Regulation No.6 of Principal Regulation shall be deleted and it shall be substituted as follows: -

“6. Landowner to be Treated as Promoter or Allottee

(1) The Authority or the Adjudicating Officer, as the case may be, while disposing of applications under Section 31(1) of the Act, would decide whether the landowner, who has entered into a Development Agreement with the promoter, would be considered as an allottee or as a promoter, depending upon the facts and circumstances of the complaint that may be placed before it.

Explanation-1:

Since the landowner ‘causes a project to be constructed’ as defined in Section 2 (zk) of the Act, he along with the promoter would be jointly responsible for fulfilling the obligations to the allottees as mentioned in the Agreement to Sale, if;

(a) The Development Agreement specifically mentions that the landowner has to actively participate in the construction or development of the project as that of the promoter; or

(b) The Development Agreement, which states the distribution of share of profits and revenues in addition to the share of flats or developed plot; or

(c) The landowner markets, advertises or sells his/her share of apartments before the project is completed.

Explanation-2:

In matters filed for compensation for defective title of the land, on which the project is being developed as mentioned in Section 18(2) of the Act, the landowner would be jointly responsible for the payment of compensation, as may be decided, by the Adjudicating Officer.

Explanation-3:

The Chartered Accountant certifying the progress of the registered real estate project for the purpose of withdrawal of amounts from the separate account should be a “different entity” than the Chartered Accountant, who is the Statutory Auditor of the promoter’s enterprise.

Explanation-4:

If the Form No.4 issued by the Chartered Accountant, in Practice, who is not the Statutory Auditor of the promoter’s enterprise, reveals that any certificate issued by the project Architect, Engineer or the Chartered Accountant for withdrawal of funds from the designated bank account 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 actions as contemplated in the Act and the Rules, may in its discretion also take up the matter with the concerned regulatory body of the Architect, Engineer or Chartered Accountant, for necessary penal action against the said professionals, which may include cancellation of registration of membership for practice.

6. Amendment in Regulation No. 7

(1) Regulation No.7 (1) (ii) of the Principal Regulation shall be substituted as under:

(ii) Fee for changes required to be made in the application for registration, before or after registration.

(2) Regulation No.7 (1) (iii) of the Principal Regulation shall be deleted.

7. Amendment in Regulation No. 8

Regulation No. 8 of the Principal Regulation shall be deleted and it shall be substituted as follows: -

8. Display Boards:

(1) The promoter shall erect a weather proof Display Board of the minimum size of 5'x4' at the project site with the information regarding the name and registration number of the project, date of registration, phases of the project, number of towers, number of stories (tower-wise) etc. in bold letter and legible language, so that the information may be visible throughout the season/ year i.e., till completion of the project.

(2) In the case of plotted development, Promoter shall erect Display Board as mentioned in Sub Regulation (1) above regarding the approved Site Plan indicating the entire area of the projects i.e., roads, water supply, external services, the revenue details of the land of the project i.e., Plot Number, Khata Number, Thana Number and Lay-out Plan superimposed on the Revenue Map, in bold and legible letters such that the information remains displayed till completion of the project.

(3) Name and contact details of the authorised representative of the promoter including the website of promoter, shall also be displayed on the Board as mentioned in Sub Regulation (1) above.

After the Regulation No.8 of the Principal Regulation, Regulation No. 8A shall be inserted which is as follows: -

8A. Information/Documents to be Uploaded by Promoter on the Website

(1) In Addition to annual report required under rule 16(1)(c)(ii) of Bihar Real Estate (Regulation and Development) Rules,2017 of a particular financial year till 30th September of the succeeding financial year, the promoter shall upload on the website of the RERA, Bihar in his webpage the statement of accounts of the project(s) in Amended Form 4 (issued in accordance with third proviso to section 4(2)(l)(D) of the Act,) duly certified and signed by the Chartered accountant in practice who is not auditor of the promoter enterprise.

(2) All promoter/developers of a Real Estate Project shall upload on the website of RERA, Bihar in his webpage about any change (addition/deletion) in the board of Directors of the company/ Partners of the firm within a month of occurrence.”

(3) The promoter shall upload on its web page in the Authority's website Quarterly Progress Report in Amended Form-7 appended with this Regulation within 15 days of expiry of preceding quarter.

(4) The promoter shall also upload on its web page in the Authority's website the following:

(i) Certificate given by a Civil Engineer, Architect and Chartered Accountant in practice, that the amount withdrawn from the bank up to the

end of the quarter in question is commensurate with the physical progress of the project.

(ii) Certificate given by the Architect and Civil Engineer that the progress of the project is as per the milestone chart submitted by the promoter.

(iii) Milestone Chart/Bar Chart/Gantt Chart depicting progress of Block/Tower/Building-wise various level of construction clearly indicating whether the project in progress is as per time schedule or lagging behind.

(5) In case the promoter fails to upload Quarterly Statements as prescribed in Sub-Regulation (1) within stipulated time, he shall be liable to pay penalty per day of late submission as prescribed below in the light of provision of Section 61 of the Act.

Type of Project		Rate of the Penalty for late submission
Residential Projects	(A) For less than 1000 sq. meter	Rs.500/- (Rupees five hundred) per day
	(B) For 1000 sq. meter and more	Rs.1,000/- (Rupees one thousand) per day
Mixed Projects	(A) For less than 1000 sq. meter	Rs.1,500/- (Rupees one thousand five hundred) per day.
	(B) For 1000 sq. meter and more	Rs.1,500/- (Rupees one thousand five hundred) per day.
Commercial Project	(A) For less than 1000 sq. meter	Rs.2,000/- (Rupees two thousand) per day
	(B) For 1000 sq. meter and more	Rs.2,500/- (Rupees two thousand) per day.
Plotted Project	Any Size (Area)	RS.500/- (Rupees five hundred) per day

8. Amendment in Regulation No. 12

- (i) Heading of Regulation No. 12 of the Principal Regulation shall be deleted and it shall be substituted as follows: -

“Functions of Secretary”

- (ii) Sub Regulation 12(1) and 12(2) of Principal Regulation shall be deleted.
- (iii) Regulation No. 12(3) to (7) of Principal Regulation shall be renumbered as “Sub Regulation No. 12(1) to (5).”

9. Amendment in Regulation No. 14

Regulation No. 14 of the Principal Regulation shall be deleted and it shall be substituted as follows: -

14. “For Adjudication Proceedings with respect to complaint filed with the Authority Under Section 31 of the Act read with Rule 36 of the Bihar Real (Regulation and Development) Rules 2017, and Suo Motu Cases Under Section 3 of the Act, the Chairperson may, by general order or specific order, direct that specific matter or issues shall be heard and decided by a Single Bench of Chairperson or Member or Double Bench of either the Chairperson or any Member or Members of the Authority.”

10. Amendment in Regulation No. 15

In second line of first Proviso of Principal Regulation No. 15 the word “Form 6” shall be deleted and it shall be substituted with the word “Form 5”.

11. Amendment in Regulation No. 17

- (i) Sub regulation No. (2) of Regulation 17 of the Principal Regulation shall be deleted and substituted as follows:

“(2) The Chairperson shall on such terms and conditions as he considers appropriate provide for supply of certified copies of orders, documents and papers available with the Authority to any person, applying in Amended Form 6, subject to the payment of requisite fee as may be decided by the Chairperson from time to time and compliance with such terms as the Chairperson may direct. The Chairperson shall designate an Officer for ensuring timely response to request received for supplying certified copies of document within a period of 14 working days from the date of receipt of request.”

- (ii) Sub Regulation (3) of Regulation 17 of Principal Regulation shall be deleted and substituted as follows: -

(6) The Chairperson 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 Chairperson may also direct that such documents, papers or materials shall not be used in any manner, except as specifically authorised by the Chairperson.

12. Amendment in Regulation No. 20

Regulation No. 20 of the Principal Regulation along with its heading shall be deleted and it shall be substituted as follows: -

“20-Rectification of Order”

Any person may file rectification petition in reference to order passed under Section 31 of the Act as provided in Section 39 of the Act along with a fee of Rupees 100/ (Rupees one hundred only).”

13. Addition of Regulation 22A

After the Regulation No. 22 of the Principal Regulation, Regulation No. 22A shall be inserted, which shall be as follows: -

“22-A Documents to be submitted on Completion of Project”

On Completion of project, the Promoter shall submit following documents: -

- (i) Authenticated copy of Completion Certificate submitted before competent Authority for issuance of the Occupancy Certificate including the notice submitted thereunder, in case Occupancy Certificate is not issued.
- (ii) The Certificate of Chartered Accountant clearly indicating the total fund spent on the project.
- (iii) Current photograph of the project showing front, side and back elevation.
- (iv) Number of Sale Deed(s) executed from the share of the Promoter.
- (v) An Affidavit stating that the Promoter has provided all the services as per the Agreement for Sale, prospectus and brochure and also mentions the number of complaint cases pending against the promoter in this Affidavit. The Authority after being satisfied on the basis of such documents that the project is complete, may issue a letter to the promoter discharging him from all the responsibilities as per Section 4(2)(l)(D) with intimation to the concerned bank where the designated account of the project is being maintained on the written request of promoter.

14. Amendment in Regulation No. 24

The Regulation No. 24 of the Principal Regulation along with heading shall be deleted and it shall be substituted as follows: -

24- “Execution of Orders”

Any Order(s) passed by the Authority or Adjudicating Officer shall be complied within stipulated time and in case the respondent/Promoter fails to comply with the order, within such time, the complainant may file execution petition accompanied by fee Rs.250/- (Rupees two hundred and fifty only) or as may be prescribed by the Chairperson, before the Authority or Adjudicating Officer, as the case may be, in Amended Form 8 appended with the Regulation.

15. Amendment in Regulation No. 31

The Regulation 31 of the Principal Regulation shall be deleted and it shall be substituted as follows: -

“31. Common facilities:

The Authority shall provide for a common room with separate crèche facility as far as practicable, which may be used by female litigants/advocates and woman employees of the Authority.

**By Order of Authority,
Naveen Verma, Chairman,
Real Estate Regulatory Authority (RERA).**

FORM No. 1
[See Regulation 3]

ARCHITECT'S CERTIFICATE

(To be submitted at the time of Registration of Ongoing Project and for withdrawal of Money from Designated Account)

Date-----

To,
The _____ (Name & Address of Promoter),

Subject: Certificate of Percentage of Work executed in the project
having----- No. of Building(s)/----- Wing(s) of the Phase -----
-----bearing the registration no. [Bihar RERA Registration Number]-----
-----and being developed on the Plot bearing CS No...../khata
no...../Survey No...../ Plot No. -----demarcated by its
boundaries (latitude and longitude of the end points) of the land-----
-----situated in ----- village -----Block-----
division --- District ----- PIN -----
admeasuring ----- sq.mts., area being developed by the
Promoter[Name]-----

Sir,

I/ We ----- have undertaken assignment as Architect /Licensed
Surveyor of certifying Percentage of execution of Work of the -----
----- Building(s)/-----Wing(s) of the ----- Phase of the Project,
situated on the plot bearing C.S. no...../Survey No...../ Plot No. -----
of Village -----Block -----division ----- District -----
----- PIN ----- admeasuring ----- sq.mts.area being
developed by [Promoter's Name]-----

1. Following technical professionals are appointed by Owner / Promoter: —

- (i) M/s/Shri/Smt. _____ as L.S. / Architect;
(ii) M/s /Shri / Smt. _____ as Structural Consultant
(iii) M/s /Shri / Smt. _____ as
Mechanical/Electrical/Plumbing Consultant (MEP)
(iv) M/s /Shri / Smt. _____ as Site Supervisor

Based on Site Inspection, with respect to each of the Building/Wing of the aforesaid Real Estate Project, I certify that as on the date of this certificate, the Percentage of Work done for each of the building/Wing of the Real Estate Project as registered *vide* number _____ under Bihar RERA is as per table A herein below. The percentage of the work executed with respect to each of the activity of the entire phase is detailed in Table B.

TABLE-A

Building /Wing Number _____ (to be prepared separately for each Building /Wing of the Project)

Sr. No.	Tasks/Activity	Percentage of work done
1	Excavation	
2	Number of Basement(s) and Plinth	
3	Number of Podiums	
4	Stilt Floor	
5	Number of Slabs of Super Structure	

6	Internal Walls, Internal Plaster, Floorings within Flats/Premises, Doors and Windows to each of the Flat/Premises.	
7	Sanitary Fittings within the Flat/Premises, Electrical Fittings within the Flat/Premises.	
8	Staircases, Lifts Wells and Lobbies at each Floor level connecting Staircases and Lifts, Overhead and Underground Water Tanks.	
9	The external plumbing and external plaster, elevation, completion of terraces with waterproofing of the Building/Wing.	
10	Installation of lifts, water pumps, Fire Fighting Fittings and Equipment as per NOC from the concerned department, Electrical fittings to common Areas, electro, mechanical equipment, Compliance to conditions of environment/CRZ NOC, finishing to entrance lobby/s, plinth protection, paving of areas appurtenant to Building/Wing, Compound Wall and all other requirements as may be required to obtain Occupation/ Completion Certificate.	

TABLE-B

Internal and External Development Works in respect of the entire Registered Phase.

Sr. No.	Common areas and Facilities, Amenities	Proposed (Yes/No)	Percentage of work done	Details
1	Internal Roads & Foot-paths.			
2	Water Supply			
3	Sewerage (chamber, lines, Septic Tank, STP)			
4	Storm Water Drains			
5	Landscaping & Tree Planting.			
6	Street Lighting			
7	Community Buildings			
8	Treatment and disposal of sewage and sullage water			
9	Solid Waste management & Disposal.			
10	Water conservation, Rain water harvesting.			
11	Energy management			
12	Fire protection and fire safety requirements			
13	Electrical meter room,			

	sub-station, receiving station.			
14	Others (Option to Add more).			

Yours Faithfully,

Signature & Name (IN BLOCK LETTERS) of L.S/ Architect
(Registration No./License No.)

FORM No. 2

[Regulation 3]

ENGINEER'S CERTIFICATE

(To be submitted at the time of Registration of Ongoing Project and for withdrawal of Money from Designated Account- Project wise)

Date: -----

To,

The ----- (Name & Address of Promoter),

Subject : Certificate of Cost Incurred for Development of [Project Name] _____ for Construction of _____ building(s)/ _____ Wing(s) of the _____ Phase (Bihar RERA Registration Number) situated on the Plot bearing C.S.No...../Khata No...../Survey no...../Thana No...../ Tauzi No...../ Plot No. _____ demarcated by its boundaries (latitude and longitude of the end points) _____ Village _____ Block _____ Division _____ District _____ PIN _____ admeasuring _____ sq. mts. area being developed by [Promoter] _____

Ref: Bihar RERA Registration Number _____

Sir,

I/ We _____ have undertaken assignment of certifying Cost for the Subject Real Estate Project registered under RERA, Bihar of _____ Building(s)/ _____ Wing(s) of the _____ Phase situated on the plot bearing /CTS No./Survey No./ Plot No. _____ of Village _____ Block _____ Division _____ District _____ PIN _____ admeasuring _____ sq.mts. area being developed by [Owner/Promoter]

1. Following technical professionals are appointed by Owner / Promoter: —

- i. M/s /Shri/Smt _____ as L.S. / Architect;
- ii. M/s /Shri/Smt _____ as Structural Consultant
- iii. M/s /Shri/Smt _____ as MEP Consultant
- iv. M/s /Shri/Smt _____ as Quantity Surveyor *

2. We have estimated the cost of the completion to obtain Occupation Certificate/ Completion Certificate, of the Civil, MEP and Allied works, of the building(s) of the project. Our estimated cost calculations are based on the Schedule of rates (name of the schedule of Rates) -----and

Drawings/plans made available to us for the project under reference by the Developer and Consultants and the quantity for the entire work as calculated by _____ Quantity Surveyor* appointed by Developer/Engineer, and the assumption of the cost of material, labour and other inputs made by developer, and the site inspection carried out by us.

3. We estimate Total Estimated Cost of completion of the building(s) of the aforesaid project under reference as Rs. _____ (Total of Table A and B). The estimated Total Cost of project is with reference to the Civil, MEP and allied works required to be completed for the purpose of obtaining occupation certificate / completion certificate for the building(s) from the _____ being the Planning Authority under whose jurisdiction the aforesaid project is being implemented.
4. The Estimated Cost Incurred till date is calculated at Rs. -----(Total of Table A and B). The amount of Estimated Cost incurred is calculated on the base of amount of Total Estimated Cost.
5. The Balance cost of Completion of the Civil, MEP and Allied works of the building(s) of the subject project to obtain Occupation Certificate / Completion Certificate from _____ (planning Authority) is estimated at Rs. _____ (Total of Table A and B).
6. I certify that the Cost of the Civil, MEP and allied work for the aforesaid Project as completed on the date of this certificate is as given in Table A and B below:

TABLE A

**Building /Wing bearing Number _____ or called _____
(To be prepared separately for each Building /Wing of the Real Estate Project)**

Sr. No.	Particulars	Amounts
1	Total Estimated cost of the building/wing as on _____ date of Registration is	Rs. _____
2	Cost incurred as on _____ (Based on the Estimated cost)	Rs. _____
3	Work done in Percentage (As Percentage of the estimated cost)	_____ %
4	Balance Cost to be Incurred (Based on Estimated Cost)	Rs. _____
5	Cost Incurred on Additional /Extra Items as on _____ not included in the Estimated Cost (Annexure A)	Rs. _____

TABLE B

(To be prepared for the entire registered phase of the Real Estate Project)

Sr. No.	Particulars	Amounts
1	Total Estimated cost of the Internal and External Development Works including amenities and Facilities in the layout as on _____ date of Registration is	Rs. _____

2	Cost incurred as on _____ (Based on the Estimated cost).	Rs. _____
3	Work done in Percentage (As Percentage of the estimated cost).	_____ %
4	Balance Cost to be Incurred (Based on Estimated Cost).	Rs. _____
5	Cost Incurred on Additional /Extra Items as on _____ not included in the Estimated Cost (Annexure A).	Rs. _____

Yours Faithfully,

Signature of Engineer.(License No.)

*** Note:**

1. The scope of work is to complete entire Real Estate Project as per drawings approved from time to time so as to obtain Occupancy Certificate/Completion Certificate.
2. (*) Quantity survey can be done by office of Engineer or can be done by an independent Quantity Surveyor, whose certificate of quantity calculated can be relied upon by the Engineer. In case of independent Quantity Surveyor being appointed by Developer, the name has to be mentioned at the place marked (*) and in case quantity are being calculated by office of Engineer, the name of the person in the office of Engineer, who is responsible for the quantity calculated should be mentioned at the place marked (*).
3. The estimated cost includes all labour, material, equipment and machinery required to carry out entire work.
4. As this is an estimated cost, any deviation in quantity required for development of the Real Estate Project will result in amendment of the cost incurred / to be incurred.
5. All components of work with specifications are indicative and not exhaustive.

Annexure A

List of Extra/Additional Items executed with Cost

(Which were not part of the original Estimate of Total Cost)

FORM No. 3

[Regulation 3]

CHARTERED ACCOUNTANT'S CERTIFICATE (On Letter Head)

(FOR REGISTRATION OF A PROJECT AND SUBSEQUENT WITHDRAWAL OF MONEY)

Cost of Real Estate Project _____

Bihar RERA Registration Number _____

Sr. No.	Particulars	Amount (₹) Estimated Incurred
1.i	Land Cost: a. Acquisition Cost of Land or Development Rights, Lease Premium, lease rent, interest cost incurred or payable on Land Cost and legal cost. b. Amount of Premium payable to obtain development rights,	

	<p>FSI, additional FSI, fungible area, and any other incentive under DCR from Local Authority or State Government or any Statutory Authority.</p> <p>c. Acquisition cost of TDR (if any)</p> <p>d. Amounts payable to State Government or competent authority or any other statutory authority of the State or Central Government, towards stamp duty, transfer charges, registration fees etc.; and</p> <p>e. Land Premium payable as per annual statement of rates (ASR) for redevelopment of land owned by public authorities.</p> <p>f. Under Rehabilitation Scheme:</p> <p>(i) Estimated construction cost of rehab building including site development and infrastructure for the same as certified by Engineer.</p> <p>(ii) Actual Cost of construction of rehab building incurred as per the books of accounts as verified by the CA.</p> <p>Note: (for total cost of construction incurred, Minimum of (i) or (ii) is to be considered).</p> <p>(iii) Cost towards clearance of land of all or any encumbrances including cost of removal of legal/illegal occupants, cost for providing temporary transit accommodation or rent in lieu of Transit Accommodation, overhead cost,</p> <p>(iv) Cost of ASR linked premium, fees, charges and security deposits or maintenance deposit, or any amount whatsoever payable to any authorities towards and in project of rehabilitation.</p>	
	Sub-Total of Land Cost	

Sr. No.	Particulars	Amount (₹) Estimated Incurred
ii	<p>Development Cost/ Cost of Construction:</p> <p>a. (i) Estimated Cost of Construction as certified by Engineer.</p> <p>(ii) Actual Cost of construction incurred as per the books of accounts as verified by the CA.</p> <p>Note: (for adding to total cost of construction incurred, Minimum of (i) or (ii) is to be considered).</p> <p>(iii) On-site expenditure for development of entire project excluding cost of construction as per (i) or (ii) above, i.e., salaries, consultants' fees, site overheads, development works, cost of services (including water, electricity, sewerage, drainage, layout roads etc.), cost of machineries and equipment including its hire and</p>	

	<p>maintenance costs, consumables etc. All costs directly incurred to complete the (i) construction of the entire phase of the project registered.</p> <p>a) Payment of Taxes, cess, fees, charges, premiums, interest etc. to any statutory Authority.</p> <p>b) Principal sum and interest payable to financial institutions, scheduled banks, non-banking financial institution (NBFC) or money lenders on construction funding or money borrowed for construction;</p> <p style="text-align: center;">Sub-Total of Development Cost</p>	
2.	Total Estimated Cost of the Real Estate Project [1(i) + 1(ii)] of Estimated Column.	
3	Total Cost Incurred of the Real Estate Project [1(i) + 1(ii)] of Incurred Column.	
4	% Completion of Construction Work (As per Project Architect's Certificate)	
5	Proportion of the Cost incurred on Land Cost and Construction Cost to the Total Estimated Cost. (3/2 %)	
6	Amount Which can be withdrawn from the Designated Account. Total Estimated Cost * Proportion of cost incurred (Sr. number 2 * Sr. number 5)	
7	Less: Amount withdrawn till date of this certificate as per the Books of Accounts and Bank Statement.	
8	Net Amount which can be withdrawn from the Designated Bank Account under this certificate. This certificate is being issued for RERA compliance for the Company [Promoter's Name] and is based on the records and documents produced before me and explanations provided to me by the management of the Company.	

Yours Faithfully,

Signature of Chartered Accountant (Membership
Number.....)

Name _____

(ADDITIONAL INFORMATION FOR ONGOING PROJECTS)

Sr. No.	Particulars	Amount (₹) Estimate Incurred
1.	Estimated Balance Cost to Complete the Real Estate Project (Difference of Total Estimated Project cost less Cost incurred) (Calculated as per the Form IV)	

2.	Balance amount of receivables from sold apartments (As per Annexure A to this certificate (as certified by Chartered Accountant as verified from the records and books of Accounts)	
3.	(i) Balance Unsold area (to be certified by Management and to be verified by CA from the records and books of accounts) (ii) Estimated amount of sales proceeds in respect of unsold apartments (calculated as per ASR multiplied to unsold area as on the date of certificate, to be calculated and certified by CA) as per Annexure A to this certificate	
4.	Estimated receivables of ongoing project. Sum of 2 + 3 (ii)	
5.	Amount to be deposited in Designated Account – 70% or 100% If 4 is greater than 1, then 70 % of the balance receivables of ongoing project will be deposited in designated Account If 4 is lesser than 1, then 100% of the of the balance receivables of ongoing project will be deposited in designated Account	

This certificate is being issued for RERA compliance for the Company [Promoter’s Name] and is based on the records and documents produced before me and explanations provided to me by the management of the Company.

Yours Faithfully,

Signature of Chartered
Accountant,

(Membership Number-----)
Name _____

Annexure A
Statement for calculation of Receivables from the Sales of the Ongoing Real Estate Project
Sold Inventory

Sr. No.	Flat No.	Carpet Area (in sq.mts.)	Unit Consideration as per Agreement/Letter of Allotment	Received Amount	Balance Receivable

(Unsold Inventory Valuation)
Ready Reckoner Rate as on the date of Certificate
of the Residential/Commercial premises Rs. _____ per sq.mts.

Sr.No.	Flat No.	Carpet Area (Insq.mts.)	Unit Consideration as per Read Reckoner

FORM No. 4
 [Regulation 6 (1)]
**ON THE LETTER HEAD OF CHARTERED ACCOUNTANT (WHO IS NOT
 STATUTORY AUDITOR
 OF THE PROMOTER'S COMPANY/FIRM)
 ANNUAL REPORT ON STATEMENT OF ACCOUNTS**

To [NAME AND ADDRESS OF PROMOTER]

SUBJECT: Report on Statement of Accounts on project fund utilization and withdrawal by [Promoter] for the period from _____ to _____ with respect to Bihar RERA Reg. Number _____

1. This certificate is issued in accordance with the provisions of the Real Estate (Regulation and Development) Act, 2016 read along with the Bihar Real Estate (Regulation and Development) Rules, 2017.
2. I/We have obtained all necessary information and explanation from the Company, during the course of our audit, which in my/our opinion are necessary for the purpose of this certificate.
3. I/We hereby confirm that I/We have examined the prescribed registers, books and documents, and the relevant records of [Promoter] for the period ended _____ and hereby certify that:
 - i. M/s _____ (Promoter) have completed _____ % of the project titled _____ (Name) BiharRERA Reg. No. _____ located at _____
 - ii. Amount collected during the year for this project is Rs. _____ and amounts collected till date is Rs. _____
 - iii. Amount withdrawn during the year for this project is Rs. _____ and amount withdrawn till date is Rs. _____
4. I/We certify that the [Name of Promoter] has utilized the amounts collected for _____ project only for that project and the withdrawal from the designated bank account(s) of the said project has been in accordance with the proportion to the percentage of execution of work in the project.

(If not, please specify the amount withdrawn in excess of eligible amount or any other exceptions).

(Signature and Stamp/Seal of the Signatory CA)

**Place:
Date:**

**Name of the Signatory:
Full Address:
Membership No:
Contact No:
Email:**

FORM No. 5
[Regulation 15]

IN,

**THE BIHAR REAL ESTATE REGULATORY AUTHORITY,
AT PATNA.
Authorization/ Vakalatnama For
RERA/ Complaint/ Suo-Motu/Execution No. _____**

In the matter of

.....Petitioner(s)/Complainant

V/s

.....Respondent(s)/ Opposite Party(s)

Memo of Authorization

I/We-----

 ----- the petitioner/respondent above named do hereby nominate, appoint and constitute-----
 -----Advocate/s bearing License No---
 -----,Place of sitting and Mobile
 No-----Email ID:-----to act, plead and appear on
 my/our behalf in the aforesaid matter.
 IN WITNESS WHERE OF, I/We have set and subscribed my/ our hands to this writing on this --
 -----day of -----

(Signature of Advocate)**(Signature of Client)**

Place _____ Date _____

FORM No. 6
 [Regulation 17 (2)]

BEFORE THE BIHAR REAL ESTATE REGULATORY AUTHORITY
Application for inspection/obtaining copies of documents/records

I hereby apply for grant of permission to inspect/obtain copies of the following documents / records in the above case. The details are as follows:

1. Name and Address of the person seeking permission to inspect/obtain copies of the documents/records. _____
2. Whether he is party to the case or he is the authorized representative of any party. [Furnish necessary particulars] _____
3. Details of papers/documents sought to be inspected/copies required. _____
4. Date and duration of the inspection sought _____
5. The amount of fee payable (as per relevant Regulations) and the mode of payment

Place :**Date:****Signature****Name:****Address:****Mob. No:****Office Use**

Granted inspection on _____ / Rejected

Granted copies of documents on _____/Rejected

Secretary / Officer/ Nominee of the Authority

By order of The Chairman, RERA, Bihar

Secretary, RERA, Bihar, Patna

FORM-7
[REGULATION-9]

Quarterly progress report for quarter ending March/June/sept/December of _____ (year)

I. PARTICULARS OF PROJECT			
Project Registration Number		Name of Project/Phase of Registered Project	
Name of Promoter		Project Address	
Name of Co-promoter			
Project Registration is valid up to			
Starting date of Project or Phase of the Project			
Type of Project or Phase of the Project	1. Residential 2. Commercial 3. Residential-cum-Commercial 4, Plotted project		
Period of validity of map by the Competent Authority			

II. DISCLOSURE OF SOLD/BOOKED INVENTORY OF APARTMENTS					
Building/Block Number	Apartment Type		Carpet Area	Total Number of sanctioned apartments	Total Number of Apartments –
	1. 1 BHK -				

	2. 2 BHK, - 3. 3 BHK - 4. Shop - 5. Bungalow- 6. Plot etc. -				1. Booked/ Allotted - 2. Sold -
--	--	--	--	--	---

III. DISCLOSURE OF SOLD / BOOKED INVENTORY OF GARAGES			
Building / Block Number	Total Number of Sanctioned Garages	Total Number of Garages:	
		1. Booked/Allotted - 2. Sold -	

IV. DETAILS OF BUILDING APPROVALS (If already filed along with Registration Application, then there is no need of further filing)					
S. No.	Name of the Approval / N.O.C./ Permission / Certificate	Issuing Authority	Applied Date	Issuance Date	Enclosed as Annexure No.
1.	NOC for Environment				
2.	Fire N.O.C.				
3.	Water Supply Permission				
4.	NOC from Airport Authority of India				
5.	Other Approval(s), if any, required for the Project.				

V. Construction Progress of the Project		
1. Plan Case No. _____ (To beaded for each Building / Wing)		
S. No. (1)	Tasks / Activity (2)	Percentage of Actual Work Done (As on date of the Certificate) (3)
1.	Excavation (if any)	
2.	Basements (if any)	
3.	Podiums (if any)	
4.	Plinth	
5.	Stilt Floor	
6.	Slabs of Super Structure	
7.	Internal walls, Internal Plaster, Floorings, Doors and Windows within Flats /Premises.	
8.	Sanitary Fittings within the Flat/Premises, Electrical Fittings within the Flat/Premises	
9.	Staircases, Lifts Wells and Lobbies at each Floor level, Overhead and Underground Water Tanks.	
10.	External plumbing and external plaster, elevation, completion of terraces with waterproofing of the Building/Wing.	
11.	Installation of Lifts, water pumps, Fire Fighting Fittings and Equipment as per CFO NOC, Electrical fittings, Mechanical	

	<p>Equipment, compliance to conditions of environment/CRZ NOC,</p> <p>Finishing to entrance lobby/s, plinth protection, paving of areas appurtenant to Building/Wing, Compound Wall and all other requirements as may be required to complete project as per Specifications in Agreement of Sale.</p> <p>Any other activities.</p>	
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VI. Amenities and Common Area and External Infrastructure Development Works)

S. No.	Common Areas and Facilities	Proposed (Yes/No)	Percentage of actual Work Done (As on date of the Certificate)	Details
(1)	(2)	(3)	(4)	(5)
1.	Internal Roads & Footpaths			
2.	Water Supply			
3.	Sewerage (Chamber, Line, Septic Tank, STP)			
4.	Storm Water Drains			
5.	Landscaping & Tree Planting			
6.	Street Lighting			

7.	Community Buildings			
8.	Treatment and Disposal of Sewage and Sullage Water			
9.	Solid Waste Management & Disposal			
10.	Water Conservation / Rain Water Harvesting			
11.	Energy Management			
12.	Fire Protection and Fire Safety Requirements			
13.	Closed Parking			
14.	Open Parking			
15.	Electrical Meter Room, Sub-Station, Receiving Station			
16.	Others (Option to Add More)			

VI A EXTERNAL AND INTERNAL DEVELOPMENT WORKS IN CASE OF PLOTTED DEVELOPMENT

		PROPOSED YES/NO.	PERCENTAGE OF ACTUAL WORK DONE (As on date of certificate)	Details
1.	Internal Roads and foot paths			

2.	Water Supply			
3.	Sewerage Chambers Septic Tank			
4	Drains			
5.	Parks, Land Scaping and Tree Planting			
6.	Street Lighting			
7.	Disposal of sewage & sullage water			
8.	Water conservation/Rain Water Harvesting			
9.	Energy Management			

VII. GEO TAGGED AND DATE PHOTOGRAPH OF(EACH BLOCK) OF THE PROJECT

(A)	Sr. No.		
	1.	Front Elevation	
	2.	Rear Elevation	
	3.	Side Elevation	
(B)		Photograph of each floor	

VIII. Financial Progress of the Project

S. No.	Particulars	Amount (In Rs.)
(1)	(2)	(3)
1.	Project Account No.	

2.	Estimated Cost of the Project including land cost at the start of the Project	
3.	Amount received during the Quarter	
4.	Actual Cost Incurred during the Quarter	
5.	Net amount at end of the Quarter	
6.	Total expenditure on Project till date	
7.	Cumulative fund collected till the end of Quarter in question	
8.	Cumulative expenditure done till the end of Quarter in question	

IX. Details of Mortgage or Charge if any created

X. MISCELLANEOUS	
A	List of Legal Cases (if any)
1.	Case No.
2.	Name of Parties
B	Sale/Agreement for Sale during the Quarter
1.	Sale Deed
2.	Agreement for Sale
XI. PERCENTAGE OF WORK ALONG WITH MILESTONE CHART	
Weather the project in progress is as per time schedule or lagging behind?	

Undertaking:

I/we solemnly affirm, declare and undertake that all the details stated above are true to the best of my knowledge and nothing material has been concealed here from. I am/we are executing this undertaking to attest to the truth of all

the foregoing and to apprise the Authority of such facts as mentioned as well as for whatever other legal purposes this undertaking may serve.

Signature of Promoter

Name:

Date:

(Form 8)

[Regulation No. 24]

EXECUTION FORM

[See Order 21 CPC, **Section 40 of RERA Act, 2016 & Rule 25/26 of Bihar RERA Rules, 2017.**]

APPLICATION FOR EXECUTION BEFORE AUTHORITY/ADJUDICATING OFFICER

Execution Case Under Section 40 read with Rule 25/26.

For use of Regulatory Authority(s) office: Date of filing: _____

Date of receipt by the Registry through online filing: _____

Execution Case No.: _____ Original Complaint No:

Signature: _____

Registrar: _____

IN THE REGULATORY AUTHORITY'S OFFICE (Name of Place)

.....

_____ Complainant (s)

Between

_____ Respondent(s)

1. Particulars of the Complainant (s) _____
 - (i) Name (s) of the Complainant _____
 - (ii) Address of the existing office/residence of the Complainant _____
 - (iii) Address for service of all notices: _____
 - (iv) Contact Details (Phone Number, E-mail, Fax Number etc.): _____
2. Particulars of the Respondent (s) _____
 - (i) Name (s) of Respondent _____
 - (ii) Office address of the Respondent _____
 - (iii) Address for service of all notices: _____
 - (iv) Contact Details (Phone number, E-mail, Fax Number etc.): _____
3. Jurisdiction of the Executing District Magistrate (DM)/ Principal Civil Court _____ (if required).
 The complainant declares that the subject matter of the claim falls within the jurisdiction of the _____ District Magistrate (DM)/ Principal Civil Court.
4. Facts & Date of Original Order/s. _____
 [Give a concise operating part of Order] _____

5. Relief(s) sought:

In view of the facts mentioned in paragraph 4 above, the Complainant prays for the following relief/s under Section/s _____

6. Execution Case pending with any other court, etc.:

The complainant further declares that the matter regarding which this execution petition has been made is not pending before any court of law or any other authority or any other tribunal(s)

7. Particulars of [demand draft/bankers' cheque or online payment] Court Fee in respect of the fee in terms of Rule 25/26 of the Bihar Real Estate (Regulation & Development) Rules, 2017.

(i) Amount - Rs.

(ii) Name of the bank payable at - Account No. 296800101053609, IFSC - PUNB0296800

(iii) Online payment details (IFSC Code & Account No.)-

8. List of enclosures:

(i) Copies of the Final Order relied upon by the Complainant and referred to in the Execution Case.

(ii) An index of documents.

(iii) Other documents as annexed along with the Execution Case.

Signature of the Complainant(s).

Verification

I _____ (name in full block letters), Son/Daughter of _____ resident of village/Mohalla - _____, P.S. - _____, District - _____, State - _____, complainant in RERA/CC/...../....., do hereby verify and solemnly affirms that the content of the aforementioned paragraphs are true to the best of my knowledge and belief and that I have not suppressed any material fact(s).

Place:

Date:

Signature of the Complainant(s).

Instructions:

- (1) Every Execution case shall be filed in English/Hindi and in case it is in some other Indian language, it shall be accompanied by a copy translated in English/Hindi and shall be fairly and legibly type-written, lithographed or printed in double spacing on one side of standard petition paper with an inner margin of about four centimetres width on top and with a right margin on 2.5 cm, and left margin of 5 cm, duly paginated, indexed and stitched together in paper book form.
- (2) Every Execution case shall be presented along with an empty file size envelope bearing full address of the respondent and where the number of respondents are more than one, then sufficient number of extra empty file size envelopes bearing full address of each respondent shall be furnished by the party preferring the complaint.

अधीक्षक, सचिवालय मुद्रणालय

बिहार, पटना द्वारा प्रकाशित एवं मुद्रित।

बिहार गजट, 25—571+10-डी0टी0पी0।

Website: <http://egazette.bih.nic.in>