



FREQUENTLY ASKED QUESTIONS



Goa Real Estate Regulatory Authority (RERA)

Department of Urban Development

GOVERNMENT OF GOA

Disclaimer: The Frequently Asked Questions (FAQs) and the responses therein are for general information and guidance only. These questions and responses have been framed keeping in view possible doubts that may arise and are not based on individual cases; therefore, it is not to be taken as a final view of the Authority of specific legal interpretation of the extant provisions of the Real Estate (Regulation and Development) Act, 2016.

FREQUENTLY ASKED QUESTIONS

Q. What are the objects and reasons for which the Real Estate (Regulation and Development) Act 2016 has been framed?

Ans: The Real Estate (Regulation and Development) Act is intended to achieve the following objectives:

- a) ensure accountability towards allottees and protect their interest;
- b) infuse transparency, ensure fair-play and reduce frauds & delays;
- c) introduce professionalism and pan India standardization;
- d) establish symmetry of information between the promoter and allottee;
- e) imposing certain responsibilities on both promoter and allottees;
- f) establish regulatory oversight mechanism to enforce contracts;
- g) establish fast-track dispute resolution mechanism;
- h) promote good governance in the sector which in turn would create investor confidence.

Q. What are the important Responsibilities of the 'Regulatory Authority'?

Ans: Apart from the day to day implementation of the Act and the Rules and Regulations made there under, the immediate responsibility of the Regulatory Authority are:

- a) Registration of the real estate project and the real estate agent;
- b) Extension of registration of the real estate project and its revocation;
- c) Renewal of registration of the real estate agent and its revocation;
- d) As per section 34 the Authority is responsible to maintain a website of records for public viewing of –
all projects registered with the Authority including details of projects as specified in the Act and the rules and regulations;
details of promoters with photographs of promoters;
details of projects in case of revocation of registration or where any project is penalized under the Act;
details of agents registered under the Act including his photograph and also of those agents whose registration has been revoked.
- e) As per section 71 the Authority is required to appoint one or more 'adjudicating officer' in consultation with appropriate Government.

f) As per section 85 the Regulatory Authority is required to notify Regulations within 3 months of establishment.

g) As per section 32 the Regulatory Authority is also required to make recommendations on various matters for the growth and promotion of a healthy, transparent, efficient and competitive real estate sector.

Q. Which areas of Goa are included under RERA?

Ans: Entire State of Goa is included under Goa RERA.

Q. Is it necessary to register a real estate project under Goa RERA?

Ans: Yes, as per section 3(1) of the Act, it is mandatory to register all Real Estate projects that are undertaken in State of Goa. However as per section 3(2) and section 5(3) of the Act, certain project might not require registration.

Q. In case the Real Estate project is to be developed in phases or as part development, what is the criterion for registration?

Ans: In such a case, every such phase or part development shall be considered stand-alone real estate project, and therefore the promoter shall obtain registration under this Act for each phase separately.

Q. What are the applicable fees towards Real Estate Project registration and Real Estate Agent registration?

Ans: The fees towards Real Estate Project registration, Real Estate Agent registration and Complaint registration are specified at rule no. 3(5)(a) of the Act, and at rule no.11(3), of the Goa Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate agent, Rates of Interest and Disclosures on Website) Rules, 2017.

Q. What is the validity of project registration?

Ans: As per section 5(3) of the Act, the registration granted shall be valid for a period declared by the promoter under sub-clause (C) of clause (1) of sub-section (2) of section 4 for completion of the project or phase thereof, as the case may be.

Q. Can the RERA registration granted by the Authority be extended on the application made by promoter?

Ans: Yes, as per section 6 of the Act, the registration granted under section 5 of the Act, may be extended by the Authority on an application made by the promoter due to “force majeure”, in such form and on payment of such fee as may be specified by regulations made by the Authority.

Here, "*force majeure*" shall mean a case of war, flood, drought, fire, cyclone, earthquake or any other calamity caused by nature affecting the regular development of the real estate project.

Q. If a real estate project has land area more than 500 sq.mts but containing less than 8 apartments. Does it still need to be registered?

Ans: Yes. Every real estate project which has land area more than 500 sq.mts or has more than 8 apartments needs to be registered.

Q. If the area of the land is less than 500 sq. mts., and 10 apartments are to be constructed on the same, is RERA applicable?

Ans: Although the area of plot is less than 500sq.mts, since the number of apartments exceeds eight numbers, such Real Estate project needs to be registered under Goa RERA as per section 3 of Act.

Q. If the area of the land is more than 500 sq. mts. and on the said land only a single dwelling unit/less than eight dwelling units is to be constructed, is RERA applicable?

Ans: Although the number of apartments do not exceed eight numbers, but since the area exceeds more than 500 sq. mts., such Real Estate project needs to be registered under Goa RERA as per section 3 of the Act.

Q. In the areas where FAR is low units cannot exceed beyond 8 flats/apartments even though the plot area is more than 500 sq. mts. Does it still need to be registered?

Ans: Yes, Registration is required in such cases where plot area is more than 500 sq. mts.

Q. In case total plot area is 700 sq.mts. of which some portion of property has been reduced to effective plot area of 400 sq.mts. due to highway setback and road widening, on which it has a Real Estate project that does not exceeds eight apartments. Whether the project has to be registered under Goa RERA or not?

Ans: In this case the area that is considered for the purpose of Goa RERA registration is 700 sq.mts and not 400 sq.mts. Therefore as per Section 3(2)(a) of the Act, registration is mandatory.

Q. If the area of the land is 500 sq. mts. and 8 apartments are to be constructed on the said land which is for self-use, but in 2 years the promoter sells the apartments to different parties, is RERA applicable?

Ans: Registration is required before the promoter shall advertise, market, book, sale or offer for sale, as per section 3 of the Act.

Q. Which Projects are exempt from the ambit of the Act?

Ans: As per Section 3(2) of Act, the Real Estate Projects may be exempted.

Q. Does the definition of 'promoter' include public bodies such as Development Authorities and Housing Boards?

Ans: The Act covers all bodies (private and public) which develop real estate projects for sale to the general public. Section 2(zk) defines the term 'promoter' which includes both private and public real estate promoters. Thus, both Development Authorities and the Housing Boards, when involved in sale are covered under the Act.

Q. Does the term 'allottee' include secondary sales?

Ans: As per section 2(d) an allottee includes a person who acquires the said 'apartment / plot' through transfer or sale, but does not include a person to whom such plot, apartment is given on rent. The Act doesn't include rental projects, lease / leave and License deals.

Q. What are the functions and duties of promoter?

Ans: The functions and duties of promoter are mentioned in section 11 of the Act.

Q. Is there some fee, in addition to the fees prescribed in the Rules, to be charged from promoters, real estate agents and complainants for the Goa RERA website uploading and online services?

Ans: Yes, for any request for change in the portal, the charges are published on website from time to time.

Q. What is the responsibility of the promoter for transfer of title?

Ans: As per section 17(1) of the Act,

Q. What if the promoter fails to complete or is unable to give possession of an apartment, plot or building?

Ans: The remedy is specified at section 18 of the Act.

Q. What is the penalty for contravention of the provision of the Act?

Ans: The penalties are specified from section 59 to section 69 of the Act.

Q. What is the obligation of the promoter towards return of amount and compensation to the allottee?

Ans: Section 18 of the Act provides for provisions as regards various situations in which the allottee would be compensated by the promoter due to delay in completion of the project etc.

Q. Can the registration granted under section 5 of the Act, be revoked?

Ans: Yes, as per section 7 of the Act, the Authority may, on receipt of a complaint or *suomotu* in this behalf or on the recommendation of the competent authority, revoke the registration granted under section 5 of the Act.

Q. How does the promoter make an application for registration?

Ans: Goa RERA has launched online application for registration. Therefore all promoters shall make their applications online.

Q. Is it compulsory for the promoter to register the project immediately after he gets sanctioned approvals?

Ans: Promoter has to register the project before he starts any form of advertising, marketing, booking, selling, offer for selling or inviting people to purchase plots, apartment or buildings.

Q. Will ongoing Project have to stop sales or construction till receiving the Registration?

Ans: At the end of ninety days from the date of notification of Section 3 of the Act, the promoter of an ongoing project shall not advertise, market, book, sell or offer for sale or invite persons to purchase in any manner any plot, apartment or building, unless he registers the project.

Q. If an ongoing project is registered under Goa RERA, then will the Act be applicable for the entire project or will it be applicable only to units sold after registration?

Ans: Registration is of the Project/Phase and hence the provisions of the Act are applicable to all units of the Project/Phase.

Q. The Act defines 'estimated cost of the real estate project'. What is the significance of the definition?

Ans: Section 2(v) defines 'estimated cost of the real estate project', which means "the total cost involved in developing the real estate project and includes the land cost, taxes, cess, development and other charges". The determination of the estimated cost of the real estate project is necessary due to Chapter VIII of the Act, which provides that penalties would be imposed on the promoter, for violations prescribed under the Act, based on the estimated cost of the real estate project.

Q. How does the Act Impact Joint Promoters or Joint Venture Agreements or cases of joint development with land owner on revenue share basis or area share basis, where landlord and promoter are two different parties but both are beneficiaries of sale of project?

Ans: The Act makes both the Promoters and the landlord or any such parties which are beneficiary of a sale of a project and receive payments from allottees as Co-Promoters and hence both are liable to adhere to the provisions of the Act and Rules and Regulations made there under.

Q. Can promoter change the completion date for ongoing projects while registering?

Ans: Yes, while registering project, promoter needs to give revised date of completion which should be commensurate with the amount of development completed.

Q. Can the promoter change the plans of subsequent phases after registration of the 1st phase?

Ans: The Act puts an obligation on a promoter to obtain consent of each allottee, if he wants to change the building plans for the phase that is registered. If a subsequent phase has not been registered, the promoter can change the plans of the subsequent phases without obtaining consent of the allottees from current / ongoing phases. However, if the subsequent phases are also registered, consent of allottees, of the concerned phases, would be needed as mentioned in section 14 of the Act.

Q. What if the promoter carries out alteration in sanctioned plan layout plan etc.?

Ans: As per section 14(1) of the Act, the proposed project shall be developed and completed by the promoter in accordance with the sanctioned plans, layout plans and specifications as approved by the competent authorities. However as per section 14(2) of the Act, the promoter shall not make any other alterations or additions in the sanctioned plans, layout plans and specifications of the buildings or the common areas within the project without the previous written consent of allottees.

Q. In case there are 5 owners of the property who has signed agreement of Joint Venture (JV) with the 'promoter' and in lieu of their share of the land the promoter has to construct 20 apartments, is it mandatory to list all details such as Pan No, Bank details etc. as desired by Goa RERA at the time of application for registration?

Ans: Yes, it is mandatory to list all details of JV beneficiaries as 'co-promoters' as per the provisions of Act.

Q. If the promoter needs to change the plans of an on-going project post registration, will he need the consent of the pre-registration purchasers?

Ans: Goa RERA protects the interest of all the Allottees; including those who have executed an agreement before the project is registered under its provisions. Hence, if the promoter wants to change the plans post registration, then consent of all pre-registration allottees shall be required as well.

Q. The promoter can hand over the common amenities only after completing subsequent phases. What should he commit to the customer for the registered phase?

Ans: A promoter should meticulously plan the buildings of the registered phase & common areas and then declare the individual date of handing over possession of the building & common areas. Each phase along with the development works shall have to be completed and handed over to the allottee within the time frame defined by the promoter, during registration, for that phase of the project.

Q. Can project finance taken by promoters from financial institutions be withdrawn from designated 70% account?

Ans: Yes, if this is declared at the time of registration and subject to provisions of Section 4 of the Act and prescribed rules by Goa RERA. However, the money withdrawn should be utilized towards construction expenses of the project, on priority.

Q. In case of joint development with land owner on revenue share basis or area share basis, whether land owner's component could be withdrawn from designated account of 70%?

Ans: The Act makes both the Promoters and the land owner or any such parties which are beneficiary of a sale of a project and receive payments from allottees, as Co-Promoters and hence both are liable to adhere to the provisions of the Act and Rules and Regulations made there under. The withdrawal of money would be subject to provisions of Section 4 of the Act and as per prescribed Rules made there under.

Q. Whether money collected from allottees towards stamp duty, registration, share money for society, deposits for maintenance, corpus funds, infrastructure charges, parking charges etc., are required to be deposited in the designated bank account (70%)?

Ans: Yes, since these are part of the project cost.

Q. When does the promoter need to form society, association etc.?

Ans: The Promoter has to ensure that an association of allottees is formed within three months of 51% of allottees have booked their apartment in the project.

Q. If due to a change in government policy, the promoter is entitled to additional FAR etc., can the promoter build additional floors in a registered ongoing project where initially those floors were not planned?

Ans: Yes, but consent of allottees would be needed as mentioned in section 14 of the Act.

Q. How will the Act, Rules and Regulations affect advertisement of projects with many phases?

Ans: A promoter would be allowed to advertise, market, book, sell or offer to sell or invite persons to purchase plot, apartment or building in a phase of a real estate project, only if the said phase is registered. A promoter cannot advertise, commit or sell amenities or facilities that are in a subsequent phase which is still not registered.

Q. What if an adjoining land is purchased by the promoter? Can he continue with same registration?

Ans: No, it has to be separately registered if the said adjoining land was not a part of the project which has been registered.

Q. If a Real Estate project is already registered with Goa RERA and the promoter carries out the amalgamation i.e. with the property of the said registered project after purchasing adjacent property, then do the promoter have to register the amalgamated portion of the property wherein the promoter proposes a Real Estate project, as a separate project or can the existing Goa RERA registration be extended to this amalgamated portion of the property after paying the applicable registration fees?

Ans: If a Real Estate project had already received Goa RERA registration number, but later there was amalgamation of adjacent property, this amalgamated portion of the property that was amalgamated later is required to be registered as a separate project, with Goa RERA as per provisions of Act.

Q. What should the promoter do in case the particular brand of fixtures and fittings as mentioned in the specifications are not available in the market since the production of that type is stopped by the supplier? Will the promoter still be liable in such case? And what in case fixture/fittings do not give guarantee for more than five years.

Ans: In accordance with section 14 of the Act, the promoter should take previous consent of the concerned allottee in such cases.

Q. Estimated Cost should be submitted only for area for which approvals/plans cleared as on date of registration of project or it should also include costs even for the proposed future expected area to be generated? (Bearing in mind the pros and cons for the figures depending solely on estimated costs)

Ans: Estimated cost of the whole project that has been put up for registration has to be indicated while applying for registration.

Q. Are various certificates (Architect, Engineer, and CA) required at the time of registration?

Ans: Yes, the certificates are required at the time of registration. In case, the certificates are not readily available, request to submit the same subsequently can be made. Please refer to the Format published in Goa RERA website.

Q. Does developer need to submit the certificates to Banker or retain with him?

Ans: The original certificates have to be retained by the promoter because the same are required to be verified and audited by the statutory auditor of the promoter's company at the end of every financial year. Copies may also have to be submitted to the concerned bank, if demanded by them.

Q. Can escrow account opened with the Bank from whom loans are availed, be treated as Separate Bank Account for a Goa RERA registered project.

Ans: No. A separate bank account needs to be opened in accordance with the provisions of the Act and rules made there under.

Q. Can separate account be more than one since at times there might be multiple lenders in same project (building wise lender) though developer might register the project at one go.

Ans: No. There should be one designated bank account for every registered project or registered phase of a project.

Q. Sometimes buyer is ready and gives undertaking that he is ok to give money beyond 10%. However, does not want to register. Should it be allowed?

Ans: No. Section 13(1) of the Act prohibits the promoter from taking more than 10% of the cost of apartment without entering into a written agreement for sale, duly registered.

Q. For Foreign broker's registration and advertisement outside India, will same rule apply as in India?

Ans: Yes, if it pertains to a registered project under Goa RERA.

Q. Will Existing customers referring to others for buying the flat in same project or other project of same developer be treated as Real Estate Agent?

Ans: Yes, if it is against a consideration. Real Estate Agent is defined in section 2(zm) of the Act.

Q. In case of customers' default and can developer be selective in cancelling units?

Ans: Provision of termination of agreement is covered in the Model Form of Agreement, as per prescribed rules by Goa RERA.

Q. Does advertisement include solicitation by emails and sms? Is issuance of prospectus considered to be a case of 'advertisement'?

Ans: As per section 2(b), which defines 'advertisement', any medium adopted in soliciting or sale would be covered under the said definition, including sms and emails. Prospectus, which is intended for sale of apartment in real estate project, will also be covered.

Q. If the 'Promoter' and 'Land Owner' is a 'Co-operative Housing Society', in which the project shall be constructed only for the members of the society, wherein the amount collected from the members is to be used for construction and development for said project, is it necessary to register the said project under Goa RERA and is it necessary to maintain 'Separate Bank Account' as the society is 'Non-profit making organisation'?

Ans: The said project has to be registered under Goa RERA, for which a 'Separate Bank Account' will be required, as money is collected from the members of the Co-operative Society for the construction of the said Real Estate Project.

Q. In case the construction is undertaken by the 'Partnership' and is solely for the use and occupation of its partners only and not for the purpose of sale is Goa RERA applicable?

Ans: No. Since the project is not for the purpose of selling and therefore, it is not a Real Estate project as per the provisions of RERA. However the promoter shall have to apply for 'exemption letter' from Goa RERA office along with an Affidavit from concerned Partners of the firm stating that the construction undertaken by the Partnership firm will be solely for the use and occupation of its partners only and not for the purpose of sale and that there shall be no sale of any of its apartments/units to any third parties outside of the individual partners and in event of any such sale the concerned partners undertake to register under Goa RERA, as per provision of section 3 of the Act.

Q. Is 'real estate project' exempted from registration under Goa RERA as on-going project, wherein the promoter does not advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, in any 'real estate project' or part of it, or collect money from buyers, before completion of project?

Ans: No, such project is required to be registered, before the promoter undertakes to advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, in any real estate project or part of it, as per the provisions of the Act.

Q. Is real estate project exempted from registration under Goa RERA as on-going project, wherein the completion order is obtained on or before 23rd March 2018?

Ans: Yes, such real estate project is exempted from registration under Goa RERA as on-going project, if the completion order/certificate is obtained from Planning and Development Authority (PDA) or Town and Country Planning (TCP) Department, Government of Goa on or before 23rd March 2018, since 23rd March 2018 was the last date for registering the on-going project in the State of Goa. However if required, the promoter may obtain exemption letter from Goa RERA, for such projects.

Q. Is real estate project exempted from registration under Goa RERA wherein the completion order is obtained on or before 24th November 2017?

Ans: Yes, such real estate project is exempted from registration under Goa RERA as on-going project, if the completion order/certificate is obtained from Planning and Development Authority (PDA) or Town and Country Planning (TCP) Department, Government of Goa on or before 24th November 2017, since the 'Rules' under RERA Act were notified by State Government on 24th November 2017. However the promoter need not obtain exemption letter from Goa RERA, for such projects.

Q. What is method to calculate the area of plot/property, when the project is undertaken in phase/(s) or as part development?

Ans: In such cases, to calculate the proportionate 'area of phase', for the purpose of determining registration fees, Floor Area Ratio (F.A.R.) is considered and therefore following formula is to be used:-

(a) 'Area of the phase' is equal to 'total area of the property or plot' multiplied by 'phase built-up-area consumed, i.e. considered for F.A.R. calculation' divided by 'total built-up-area actually consumed, i.e. considered for F.A.R. calculation'.

OR

(b) 'Area of the phase' is equal to 'total area of the property or plot' multiplied by 'phase built-up-area, i.e. considered for F.A.R. calculation' divided by 'total permissible built-up-area, as per permissible F.A.R'.

Note:(a) is to be used when the project is entirely sanctioned by 'Competent Authority' but only a 'phase/(s)' or 'part development' is to be registered under Goa RERA.

(b) is to be used when the project is not entirely sanctioned by 'Competent Authority' and only a 'phase/(s)' or 'part development' is sanctioned and is to be registered initially, under Goa RERA.

Q. In case the Real Estate Project is to be developed in phases/parts, the total area of the property is 5000 sq.mts. and the proportionate area of part development/of one phase does not exceed 500 sq. mts and no. of apartment proposed does not exceed eight. Is it mandatory to register the phase/part development under Goa RERA?

Ans: As per section 3(2) of the Act, for exemption from RERA Registration, the area of land proposed to be developed should not exceed five hundred square meters or the number of apartments proposed to be developed should not exceed eight inclusive of all phases. Therefore, if no. of apartments exceeds eight inclusive of all phases, it is mandatory to register the part development/phase under RERA, since every such phase/(s), is to be considered as a stand-alone Real Estate Project and registered separately.

Q. In case the Real Estate Project is to be developed in phases/parts, the total area of the property is 5000 sq.mts.,of which some part of the project has already received 'Completion Order' from competent Authority on or before 23rd March 2018, and the proportionate area of final phase/part development does not exceed five hundred square meters or the number of apartments proposed to be developed does not exceed eight inclusive of all phases. Is it mandatory to register the phase/part development under Goa RERA?

Ans: Since the part of project has already received completion order on or before 23rd March 2018, and therefore, it is out of ambit of RERA, as per Section 5(3) of the Act. Now, since the proportionate area of final phase/part development does not exceed five hundred square meters or the number of apartments proposed to be developed does not exceed eight inclusive of all phases, no registration shall be required as per section 3(2)(a), of the Act.

Q. If a real estate project is completed using own funds from the promoter. The promoter then offers/advertises the apartment/(s) of such completed project for sale, is the project required to be registered under Goa RERA?

Ans: Yes, such real estate project needs to be registered as per section 3(1) of the Act, under Goa RERA even if the project is completed and then offered for sale. Since as per section 11(4) and 14(3) of the Act, the responsibilities of the promoter does not end as soon as the apartment is sold/conveyance deed is executed.

Q. Is it mandatory to have 'Separate bank account', 'Certificates of Architect, Chartered Accountant and Engineer', in case of self-financed projects?

Ans: No, in case of self-financed projects, 'Separate bank account', certificates of Architect, Chartered Accountant and Engineer are not mandatory. However the projects have to be registered before sale/marketing/advertising as per the provisions of Act.

Q. When is the promoter required to have a separate Bank account to be maintained in a schedule bank to cover the cost of construction and the land cost?

Ans: As per section 4 (2) (1) (D) of the Act, seventy percent of the amounts realised for the real estate project from the allottees, from time to time, shall be deposited in a separate account to be maintained in a scheduled bank to cover the cost of construction and the land cost and shall be used only for that purpose. This separate bank account is required only in case of public-financed project that is when money is taken from the allottees, before the completion of project to cover the above said costs. Therefore such separate bank account, is not mandatory for self-financed project, wherein the promoter completes the entire project from his own funds.

Q. When can the application for registration of real estate project be rejected?

Ans: As per section 5(1)(b) of the Act, the authority shall within a period of thirty days, reject the application for reasons to be recorded in writing, if such application does not conform to the provisions of the Act or the rules or regulations made thereunder, Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard in the matter.

Q. Why show cause notices are issued to Promoter based on Complaints received from any sources by Goa RERA?

Ans: On receipt of complaints from any sources, the Goa RERA seeks an explanation from the promoters. Based on the reply, if required, personal hearing is conducted and thereafter orders are passed. Therefore calling for explanations is only a preliminary stage. However as per section 7 of the Act, Goa RERA may on a receipt of complaint or *suomotu* in this behalf or on the recommendation of competent authority provoke the registration granted under section 5 of the Act, in case of Real Estate Project.

Q. Is it mandatory for the promoter to obtain permissions for the real estate project before applying for registration to Goa RERA?

Ans: Yes, the layout of the real estate project has to be approved. Building Approval for the apartment must be obtained before the agreement for sale is signed between the promoter and buyer, regarding the said apartment.

Q. What is the penalty prescribed for non-registration of a project under the Act?

Ans: If any promoter fails to register as per Act, he shall be liable to a penalty which may extend up to ten per cent of the estimated cost of the real estate project. On continued violation, he shall be punishable with imprisonment for a term which may extend up to three years or with fine which may extend up to a further ten per cent of the estimated cost of the real estate project, or with both.

Q. How will a flat buyer know, if the real estate project is duly registered under Goa RERA?

Ans: The Goa RERA website displays all the registered projects. It is mandatory that the advertisement for marketing of apartments in the real estate project must carry the Goa RERA registration number.

Q. What are the penalties that a Real Estate Agent would face if he fails to adhere to the mandates prescribed by Goa RERA?

Ans: If any real estate agent fails to register and contravenes the provisions of section 9 or section 10 of the Act, he shall be liable to a penalty of ten thousand rupees for every day during which such default continues, which may cumulatively extend up to five percent of the cost of plot, apartment or buildings, as the case may be, of the real estate project, for which the sale or purchase has been facilitated as determined by Goa RERA.

Q. Is the promoter required to give any undertaking to Goa RERA for completing his project within a specified period?

Ans: Yes, in accordance with the provisions of the Act, the promoter, while applying for registration to Goa RERA, has to give a declaration, supported by an affidavit, indicating the time period within which he undertakes to complete the project or phase thereof, as the case may be.

Q. If the registration of a real estate project is revoked for any reason, how will the interest of the buyer, in such project, be protected by Goa RERA?

Ans: Goa RERA will take action in accordance with section 8 of the Act in such cases.

Q. In case of delay in getting possession from the promoter, will the buyer be entitled to get interest on the amount paid by him, for such delayed period?

Ans: Yes. In accordance with the model form of agreement, if the Promoter fails to abide by the time schedule for completing the project and handing over the Apartment/Plot to the Allottee, the Promoter agrees to pay to the Allottee, who does not intend to withdraw from the project, interest as specified in the Rule, on all the amounts paid by the Allottee, for every month of delay, till the handing over of the possession.

Q. Will such interest payment by the promoter to the buyer be automatic or the buyer will have to approach Goa RERA?

Ans: The interest payment is in accordance with the model form of agreement and hence should be automatically paid. The buyer has to file a complaint to Goa RERA if there is a grievance.

Q. Is there a ceiling on the interest to be levied by the promoter in case of default in payment of any instalments by the allottee/buyer?

Ans: In accordance with the model form of agreement, the Allottee has to pay to the Promoter, a rate of interest equal to the State Bank of India highest Marginal Cost of Lending Rate plus two percent, on all the amounts which become due and payable by the Allottee to the Promoter under the terms of the Agreement from the date the said amount is payable by the allottee(s) to the Promoter.

Q. What are the provisions for an aggrieved person to lodge a complaint?

Ans: As per Section 31 of the Act, the aggrieved person can file an application online as per format provided by Goa RERA website.

Q. Can a promoter or a real estate agent also file complaint against a buyer?

Ans: Yes. An aggrieved person having any interest in the registered real estate project can file complaint.

Q. On what grounds can the home buyer file a complaint?

Ans: An aggrieved person may file a complaint with Goa RERA for any violation or contravention of the provisions of the Act/Rules/Regulations made there under.

Q. When can an aggrieved person file complaint with authority?

Ans: As per section, 31(1) of the Act, any aggrieved person may file a complaint with the Authority, for any violation or contravention of the provisions of this Act or the rules and regulations made thereunder against any promoter allottee or real estate agent, as the case may be. For the purpose of this sub-section "person" shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force.

Q. Is there any provision for interim relief to be granted, pending the final adjudication of the complaint?

Ans: The procedure to be followed by Goa RERA while adjudicating a complaint is detailed in section 36 of the Act.

Q. Who would decide the complaints?

Ans: The Goa Real Estate Regulatory Authority shall decide the complaints as per the provisions of the Act.

Q. Is there any time limit prescribed for disposal of complaints?

Ans: Section 29 of the Act provides that complaints should be disposed of as expeditiously as possible but not later than sixty days from the date of filing the same. However, where it cannot be disposed of during the said period, the Real Estate Regulatory Authority is required to record its reasons for the same.

Q. If the buyer wants to file a complaint in Consumer Court, is there any bar under the Act?

Ans: As per section 79 of the Act, civil courts are barred from entertaining disputes (suits or proceedings) in respect of matters which Real Estate Regulatory Authority or the adjudicating officer or the Appellate Tribunal is empowered under the Act to determine. However, the consumer forums (National, State or District) have not been barred from the ambit of the Act. Section 71 proviso permits the complainant to withdraw his complaint as regards matters under section 12, 14, 18 and section 19, from the consumer forum and file it with the adjudicating officer appointed under the Act.

Q. Is there any time limit prescribed for the promoter for formation of society or any other legal entity of home buyers?

Ans: Promoter has to enable formation of Legal Entity like Cooperative Society, Company, Association, Federation etc. within three months from the date on which fifty one per cent of the total number of Purchasers, in such a building or a wing, have booked their apartment.

Q. Is there a time limit prescribed for the promoter to execute conveyance in favour of the association of buyers?

Ans: Promoter shall execute a registered conveyance deed in favour of the allottee within three months from date of issue of occupancy certificate or fifty one per cent of the total number of Purchasers, in such a building or a wing, has paid the full consideration to the promoter, whichever is earlier.

Q. Does the term 'allottee' include secondary sales and if the apartments are to be given on rent in a project, is the said project required to be registered under Goa RERA?

Ans: The Act doesn't include rental projects, lease / leave and License deals. As per section 2(d) an allottee includes a person who acquires the said apartment/plot through transfer or sale, but does not include a person to whom such plot, apartment is given on rent.

Q. What are the applicable fees towards Complaint registration?

Ans: The fees towards Complaint registration is specified at Rule no. 6 (1) of the Goa Real Estate (Regulation and Development) (Recovery of Interest, Penalty, Compensation, Fine Payable Forms of Complaints and Appeal etc.) Rules, 2017.

Q. How will flat buyers/allottees know when the real estate project is registered under Goa RERA or know about the current status of the project/other project related details?

Ans: The Goa RERA website displays all the registered projects. As per section 11(2) of the Act, it is also mandatory that the advertisement for marketing of apartments in the real estate project must carry the Goa RERA registration number and Goa RERA website address.

Q. What is the obligation of the promoter after handing over the possession of the apartments in the registered real estate project?

Ans: As per section 14(3) of the Act, in case any structural defect or any other defect in workmanship, quality or provision of services or any other obligations of the promoter as per the agreement for sale relating to such development is brought to the notice of the promoter within a period of five years by the allottee from the date of handing over possession, it shall be the duty of the promoter to rectify such defects without further charge, within thirty days, and in the event of promoter's failure to rectify such defects within such time, the aggrieved allottees shall be entitled to receive appropriate compensation in the manner as provided under this Act.

Q. What are right and duties of allottees?

Ans: The rights and duties of the allottees are mention section 19 of the Act.

Q. Who needs to apply for Registration for broking business in Real Estate?

Ans: Every Real Estate Agent who intends to facilitate the sale or purchase of or act on behalf of any person to facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a registered real estate project being sold by the promoter in the State of Goa, shall have to apply to get registered under Goa RERA.

Q. What is the procedure to obtain registration to operate as Real Estate Agents?

Ans: Real Estate agents can apply online on Goa RERA portal for registration.

Q. Will marketing and sales staff of Builder/ Promoter/ Developer also need to take registration as an agent?

Ans: A real estate agent is defined in Section 2(zm) of the Act.

Q. Will the registration of Goa RERA be operated in other states?

Ans: No. The registration is valid only for state of Goa. Likewise the Registration of other State shall not be applicable for operating in the State of Goa.

Q. Is this registration transferable to another agent or to other state where agents intend to shift his office?

Ans: No. Registration under Goa RERA is not transferable.

Q. Even if real estate agent has not taken any commission from client and taken it from promoter, can the agent still be responsible and liable for builder's default?

Ans: The agent's liability is in accordance with Section 10 of the Act. He is not held liable for the promoter's default.

Q. Will Goa RERA protect Agents for their commissions not paid by builder or by parties to the deal?

Ans: No, these will be guided by the agreements that real estate agents have with the concerned promoters or allottees.

Q. Will agent be responsible till the delivery of flats / real estate unit done or is he responsible till documents are registered?

Ans: The responsibility of the real estate agent will be in accordance with Section 10 of the Act.

Q. What will be the penalties and fines?

Ans: Penalties for non-registration and contravention of provisions of section 9 and 10 are given in Section 62 of the Act.

Q. What if promoter gives false information or documents to real estate agent and agent acts upon such information, will he be liable?

Ans: Under Section 12 of the Act, it is the obligation of the promoter regarding veracity of advertisement and prospectus. The agent is liable if he makes a false or misleading representation concerning the services that he intends to offer.

Q. Will listing websites / newspapers/ exhibitions promoting real estate needs to take agents' license?

Ans: Yes, if they intend to facilitate the sale or purchase of or act on behalf of any person to facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a registered real estate project being sold by the promoter in the state of Goa.

Q. Does an entity "Other than an Individual", who has applied and paid registration fees, need to apply separately for its staff?

Ans: No, as long as the staff operate under the aegis of the said entity.

Q. Will a multi-state operator of real estate agency business need to apply in all state of India?

Ans: For working as a real estate agent in Goa, registration will be given by Goa RERA.

Q. Is Agent authorized to sign on behalf of his promoter / builder?

Ans: No

Q. If the promoter intends to promote/offer for sale, the real estate project through any real estate agent what shall be requirement for the same?

Ans: Real estate agents have to get registered first with Goa RERA either as an individual or as "other than individual". Promoters while applying for registration of any real estate project will have to indicate the names of such registered real estate agents who will be working as agents in the said project. Names of such agents will be displayed along with other project specifications on the Goa RERA website, upon registration of the project.

Q. Can a real estate agent facilitate the sale or purchase of apartment without obtaining prior registration?

Ans: As per section 9 of the Act, no real estate agent shall facilitate the sale or purchase of or act on behalf of any person to facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a real estate project or part of it, being the part of the real estate project registered under section 3 of the Act, being sold by the promoter in entire State of Goa, without obtaining registration.

Q. What is the validity of Agent Registration as per the Goa Real Estate (Regulation and Development) (Registration of Real Estate Projects, Registration of Real Estate agent, Rates of Interest and Disclosures on Website) Rules, 2017?

Ans: Agent registration is valid for five years, as per rule 12(3) and thereafter it can be renewed and such renewed registration shall be valid for five years from the date of its renewal as per rule 13(4).

Q. Is there a file size limit and specific format for documents to be uploaded in the Goa RERA application?

Ans: Yes. The file size limit is 1MB per file and only PDF files can be uploaded on the Goa RERA application.

Q. Where can I get template for “Declaration in Form II”?

Ans: The template for Form II is available in prescribed rules of Goa RERA, on Goa RERA website <https://rera.goa.gov.in>.

Q. Where can I get templates for Certificates (Form 1, Form 2, Form 3, Form 4 and Form 5)?

Ans: All of the aforementioned templates for Certificates are available in format on Goa RERA website <https://rera.goa.gov.in>.

Q. In the Online Registration Form for Projects, it is mandatory to upload details of Encumbrances Certificate. However, my project has no encumbrances so what do I upload?

Ans: If your project has no encumbrances, then you can upload a self-certification stating that your project has no encumbrances.

Q. In the Online Registration Form, we have been asked to upload copy of PAN card. Whose PAN Card should we upload?

Ans: In case of individual user, you are required to upload the individual's PAN Card. In case of organization (Other than Individual), you are required to upload copy of Organisation's PAN Card. No other Copy of PAN cards are required.

Q. It has been mentioned that Act doesn't include rental projects, lease and Leave & license Deals. Does this mean that Long-term leasehold is also excluded from ambit of Act?

Ans: No. Long term lease falls within the ambit of the Act. However, the premises given on leave and license basis or on short term lease not exceeding five years are not covered under the Act.

Q. I want to register an On-going Project comprising of one tower, wherein I have received Part OC for the building. I want to register only those floors for which OC has not been registered as on-going project. In this case, what do I enter as land area for these floors?

Ans: The land area on which the complete project is being developed shall comprise as land area for this project.

Q. Is it permissible to sell parking to allottees?

Ans: The position of parking is as follows:

- a) Open Parking Area: This has been clearly included in the definition of "Common Areas" which need to be conveyed to the Association of Allottees after Occupancy Certificate is received. Hence, sale or allotment of Open Parking Areas by the Promoter is not permissible
- b) Garage as defined in the Act is permitted to be sold.

Q. Can a complainant approach both the Regulatory Authority / adjudicating officer and the consumer forums for the same disputes?

Ans: The laws of the country do not permit forum shopping, thus, an aggrieved person can only approach one of the two for disputes over the same matter.

Q. What are the obligations of promoter in case of transfer of a real estate project to a third party?

Ans: The obligations of promoter in case of transfer of a real estate project to a third party are specified at section 15 of the Act.

Q. Can an allottee who has executed agreement with the promoter prior to the ongoing project getting registered with the Authority, be a complainant before Goa RERA?

Ans: Goa RERA empowers any aggrieved person to file a complaint with respect to a registered real estate project. This will include an allottee who has an agreement executed before the project is registered with Goa RERA. However, Goa RERA will have authority to adjudicate for violations and contravention of provisions of the Real Estate (Regulation and Development) Act or rules and regulations made thereunder.

Q: What is the role of an Engineer, an Architect and Chartered Accountant?

Ans: As per section 4. (2) (l) (D) of the Act, the amounts realised for the real estate project from the allottees, from time to time, shall be deposited in a separate bank account. These amounts from the separate account shall be withdrawn by the promoter after it is certified by an engineer, an architect and a chartered accountant in practice that the withdrawal is in proportion to the percentage of completion of the project.

The promoter shall get his accounts audited within six months after the end of every financial year by a chartered accountant in practice, and shall produce a statement of accounts duly certified and signed by such chartered accountant and it shall be verified during the audit that the amounts collected for a particular project have been utilised for the project and the withdrawal has been in compliance with the proportion to the percentage of completion of the project.



Goa Real Estate Regulatory Authority (RERA)

Department of Urban Development

GOVERNMENT OF GOA

Contact Details

Address

**Block No. 101, 1st Floor, 'SPACES' building, Plot No. 40,
EDC, Patto Plaza, Panaji - Goa.**

Website

www.rera.goa.gov.in

Phone Number

0832-2437655

e-mail ID:

rerasupport@goaelectronics.co.in