

MAHARERA

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I – Submission of Certificate to the scheduled bank operating the separate account and copies thereof to MahaRERA Authority

Circular No 39/2021 dated 28.12.2021

Section 4(2)(l)(d) of RERA, 2016 provides that

that seventy per cent. 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:

Provided that the promoter shall withdraw the amounts from the separate account, to cover the cost of the project, in proportion to the percentage of completion of the project:

Provided further that the amounts from the separate account shall be withdrawn by the promoter after it is certified by an engineer, an architect and a chartered accountant in practice that the withdrawal is in proportion to the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 above provision of mandate to open a separate bank account for every project and the withdrawal from the bank account shall be after the certificate from the Engineer, Architect and Chartered Accountant. The above provision of does not require that all such certificate is to be submitted to the bank. However, MahaRERA has issued a circular no 39/2021 dated 28.12.2021 which mandated that

“promoter henceforth shall submit the said three certificates to the schedule bank operating the separate account at the time of every withdrawal from the separate account irrespective whether such real estate project is a new project or an ongoing project till the occupancy certificate/completion certificate as the case may be’ in respect of the said project is obtained and the copies thereof shall be submitted online by promoters to MahaRERA Authority”

II. Disclosure of information in public domain

Circular No 40/2022 dated 14.01.2022

As per the circular no 40/2022 dated 14.01.2022, MahaRERA has decided to make available the following documents in public domain.

- a. Form 1, Architect Certificate submitted at the time of registration of an ongoing project and for withdrawal of money from RERA designated account.
- b. Form 2, Engineer Certificate submitted at the time of registration of an ongoing project and for withdrawal of money from RERA designated account.
- c. Form 2A, Engineer Certificate i.e. site supervisor which is be submitted at the end of every financial year till the completion of the project.
- d. Form 4, being the certificate issued by the architect on completion of the project.
- e. Form 5, being the certificate containing the annual report on statement of accounts issued on the letter head of the chartered accountant who is the annual auditor of the promoters’ company / firm.
- f. Disclosure of sold / booked inventory (building wise) in the project
- g. Report from CERSAI on security interest created in the real estate Project that is available on CERSAI website at www.cersai.org.in
- h. Declaration about commencement certificate.

III. Maharashtra Real Estate Regulatory Authority (General) (Amendment) Regulation 2021.

The MahaRERA Authority has issued Maharashtra Real Estate Regulatory Authority (General) (Amendment) Regulation 2021 dated 22.12.2021 wherein following changes are made

The The certificates, issued by the project architect. project engineer, chartered accountant and submitted to the banks for getting release of money from the separate account shall be in Forms 1, 2 and 3 respectively. The certificate issued by the project architect on completion of registered real estate Project shall be in Form 4."

In the above regulation word "and submitted to bank" is added" .

In regulation 3A of the principal regulations, the words "This form shall be submitted at the end of every financial quarter ." shall be substituted with "This Form shall be submitted at end of every financial year.

In r-regulation 4, the words "statutory auditor" wherever appearing, shall be replaced by "annual auditor".

Further, in addition to the above, the Form-1 i.e. Architect Certificate, Form-2 and Form 2A Engineer certificate, Form-3 CA Certificate, Form-4 and Form-5 are also amended.