

**West Bengal Real Estate Regulatory Authority
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No.1986 –RERA/L-01/2023

Date: 06.12.2024

ORDER

Sub: Directions with regard to the Quarterly Update of Real Estate Projects registered with WBRERA / erstwhile WBHIRA in the website of West Bengal Real Estate Regulatory Authority.

Whereas **Section 11(1)** of Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as 'the said Act'), provides that, -

"Section 11. Functions and duties of promoter.— (1) The promoter shall, upon receiving his Login Id and password under clause (a) of sub-section (1) or under sub-section (2) of section 5, as the case may be, create his web page on the website of the Authority and enter all details of the proposed project as provided under sub-section (2) of section 4, in all the fields as provided, for public viewing, including—

- (a) details of the registration granted by the Authority;
- (b) quarterly up-to-date the list of number and types of apartments or plots, as the case may be, booked;
- (c) quarterly up-to-date the list of number of garages booked;
- (d) quarterly up-to-date the list of approvals taken and the approvals which are pending subsequent to commencement certificate;
- (e) quarterly up-to-date status of the project; and
- (f) such other information and documents as may be specified by the regulations made by the Authority."

Whereas **Rule 16(1)(d)** of the West Bengal Real Estate (Regulation and Development) Rules, 2021 (hereinafter referred to as 'the said Rules') provides that,-

"Rule 16(1)(d). the promoter shall upload the following updates on the webpage for the project, within **seven days** from the expiry of each quarter: (i) List of number and types of apartments or plots, as the case may be booked;

- (ii) List of number of garages booked;

(iii) Status of the project:

(A) Status of construction of each building with photographs;

(B) Status of construction of each floor with photographs;

(C) Status of construction of internal infrastructure and common areas with photographs.

(iv) Status of approvals:

(A) Approval received;

(B) Approvals applied and expected date of receipt;

(C) Approvals to be applied and date planned for application;

(D) Modifications, amendment or revisions, if any, issued by the competent authority with regard to any license, permit or approval for the project.”.

Whereas it has come to the notice of the Authority that a large number of promoters are violating the above mentioned provisions of the said Act by not uploading the quarterly up-to-date status of the registered projects in the website of WBRERA (www.rera.wb.gov.in) within **7 (seven) days** from the end date of each quarter.

Whereas this Authority also noted that some promoters, while uploading the quarterly up-to-date status of the project, are not uploading / submitting the full information and images of the project and at times uploading only the last quarter and not the previous quarters, which is also violation of section 11(1) of the said Act read with Rule 16(1)(d) of the said Rules and it is to be mentioned here that updating the progress of every previous quarter is also required to comply the provisions of the said Act and the said Rules.

Whereas under **Section 37** of the said Act, for the purpose of discharging its functions under the provisions of this Act or rules or regulations made thereunder, this Authority is vested with the power to issue directions from time to time, to the promoters or allottees or real estate agents, as the case may be, as it considers necessary and such directions shall be binding on all concerned.

Whereas in exercise of the powers granted to this Authority under the aforesaid provisions of the said Act, this Authority considers it necessary for regulation and promotion of the real estate sector and to ensure sale of plot, apartment or building, as the case may be, or sale of real estate project, in an efficient and transparent manner and to protect the interest of consumers in the real estate sector, to issue the instant Order.

Now therefore, in consideration of the circumstances mentioned above and in exercise of powers conferred under **section 37** read with **section 11(1)** of the said Act read with **Rule 16(1)(d)** of the said Rules, this Authority do hereby issues following directions to the promoters of the Real Estate Projects registered either with erstwhile WBHIRA / WBRERA:-

1. All Quarterly update of Projects upto 30.09.2024 shall be completed by the concerned Promoters within 31.12.2024, failing which, penalty shall be imposed, as per section 61 of the said Act, at the time of uploading quarterly up-to-date status of the registered projects, on and from 01.01.2025 at the rate of **Rs.25,000/- (Rupees Twenty-Five Thousand Only)** for uploading of each quarterly update of projects. The Authority may also take other action, as per the provisions of the said Act, in this regard, if the Authority think fit to do so;
2. Subsequently, on and from 01.01.2025, each Quarterly update of projects shall be done within **7 (seven)** days after expiry of the said Quarter, failing which, penalty shall be imposed for quarterly update of projects at the rate of **Rs.25,000/- (Rupees Twenty-Five Thousand Only)** per quarter, as per section 61 of the said Act and the Authority may also take other measures, as per the provisions of the said Act and Rules made thereunder, in this regard;

For example, Quarterly update of the Quarter starting from 01.01.2025 ending with 31.03.2025 shall be done positively within 07.04.2025;

3. If any Promoter fails to update the Quarterly status of the projects within the time period of **7 (seven)** days, as specified in Rule 16(1)(d) of the said Rules, the **project name** shall be highlighted with '**Red Colour**' with the comment that "**RERA Compliances Not Completed**", in the WBRERA website (www.rera.wb.gov.in), under the heading "**Registered Projects**" and also in the **webpage** of the said project in the said website;
4. It is to be mentioned here that section 61 and section 63 of the said Act provides that,-

"Section 61. Penalty for contravention of other provisions of this Act. - If any Promoter contravenes any other provisions of this Act, other than that provided under section 3 or section 4, or the rules or regulations made thereunder he shall be liable to a

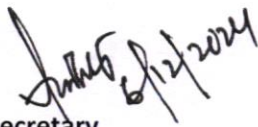
penalty which may extend upto five percent, of the estimated cost of the real estate project as determined by the Authority.”.

“Section 63. Penalty for failure to comply with orders of Authority by promoter. —
If any promoter, who fails to comply with, or contravenes any of the orders or directions of the Authority, he shall be liable to a penalty for every day during which such default continues, which may cumulatively extend up to five percent, of the estimated cost of the real estate project as determined by the Authority.”.

Therefore, as per the provisions mentioned above, if any Promoter does non-compliance of the provisions contained at section 11(1) of the said Act and / or Rule 16(1)(d) of the said Rules by not uploading Quarterly update of Projects in one or more Quarters on or after 01.01.2025, penalty upto 5 (five) percent of the estimated cost of the Real Estate Project may be imposed by the WBRERA Authority upon the said project.

5. As per section 19(2) of the said Act, a Promoter shall raise demand for each installment, as per the respective Agreement for Sale, from the Allottees supported by the up-to-date status of the said construction annexing therewith pictures and certificates from Engineer and Architect confirming the status of the said construction of the concerned project in the format, as per **Annexure – ‘A’**.
6. The Quarterly update of Registered Projects shall be required to be done by any Promoter in the WBRERA website upto the next quarter in which Completion Certificate (C.C) has been issued by the Competent Authority in respect to the said project.
7. The copies of this order shall be transmitted to all the promoters of registered projects via email for strict compliance.

This order is hereby issued with the approval of Hon’ble WBRERA Authority.


Secretary

West Bengal Real Estate Regulatory Authority

ARCHITECT'S / ENGINEER'S CERTIFICATE

(To be provided to the Allottee by the Promoter at the time of demand of each installment)

TO WHOM IT MAY CONCERN

I/ We _____ have undertaken assignment as **Architect / Engineer** of certifying Percentage of Completion of Construction Work of the Project named as _____, No of Building(s)/_____ No of Tower(s)_____ No of Block(s)_____ of the _____ Phase of the Project bearing Registration Number _____ [erstwhile WBHIRA /WBREERA Registration Number] situated on the Plot / Dag bearing no _____ of Village / Town / City _____ Competent / Development Authority _____ Sub-division _____ Division _____ District _____ PIN _____ admeasuring _____ sq.mts. area being developed by [Promoter's Name] _____.

Based on site Inspection, with respect to each of the Building/Tower/Block of the aforesaid Real Estate Project , I / we certify that as on the date of this certificate, the **Percentage of Work Done** for each of the Building/Tower/Block of the Real Estate Project is upto ... (Percentage of work done) ... and ... (the work milestone achieved) ...

The Brief description of works already completed by the Promoter:-

.....
.....

Dated: _____

Place: _____

Signature of **Architect / Engineer**

(Name in Block Letters)

License No. _____