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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
HOUSING DEPARTMENT
HIRA CELL
NEW SECRETARIAT BUILDING, (1st FLOOR, 'A'-BLOCK)
1, KIRAN SANKAR ROY ROAD, KOLKATA-700 001.

No. 61-HIV/3M-4/18

Dated, Kolkata, 13th September, 2018

NOTIFICATION

Whereas, section 1 and section 86 of the West Bengal Housing Industry Regulation Act, 2017 (West Ben. Act XLI of 2017) (hereinafter referred to as the said Act) came into force with effect from 17.10.2017 and the remaining sections came into force with effect from 01.06.2018.

- (2) **And whereas** proviso of sub-section (1) of section 3 of the said Act states that projects that are ongoing on the date of commencement of this Act and for which the completion certificate has not been issued, the promoter shall make an application to the West Bengal Housing Industry Regulatory Authority (hereinafter referred to as the Authority) for registration of the said project within a period of three months from the date of commencement of this Act. Since the said Act has come into force on 1st June, 2018, the promoter of ongoing projects that have not obtained Completion Certificate shall have to make an application to the Authority for registration of the said project within three months.
- (3) **And whereas** sub-section (1) of section 20 of the said Act states that the State Government shall, within a period of one year from the date of coming into force of this Act, by notification, establish an Authority to be known as the West Bengal Housing Industry Regulatory Authority to exercise the powers conferred on it and to perform the functions assigned to it under this Act. The State Government has been given a statutory period of one year from 1st June, 2018 to establish an Authority to be known as West Bengal Housing Industry Regulatory Authority. The State Government has already taken steps to establish such Authority.
- (4) **And whereas**, the second proviso of section 20 of the said Act provides that until the establishment of the Authority under this section, the State Government shall, by order, designate any Authority or any officer not

below the rank of Secretary, as the Regulatory Authority for the purposes under the said Act. Accordingly, the State Government, by order, being No. 47- HIV/3M-12/17 (Pt.) dated 23.07.2018, designated the Secretary, Housing Department, Government of West Bengal as the Regulatory Authority in exercise of the powers conferred by the second proviso to sub-section (1) of section 20 of the said Act.

- (5) **And whereas**, sub-section (1) of section 4 of the Act provides that every promoter shall make an application to the Authority for registration of the real estate project in such form, manner, within such time and accompanied by such fees as may be specified by the regulations made by the Authority;
- (6) **And whereas**, section 81 of the said Act provides that the Authority shall, within a period of three months of its establishment, by notification, make regulations, consistent with this Act and the rules made thereunder to carry out the purposes of the said Act;
- (7) **And whereas**, till the making of regulation by the Authority there will no form, manner, time and fees for making application to the Authority designated under second proviso of subsection (1) of section 20 or to the Regulatory Authority established under sub-section (1) of section 20 of the said Act for registration of the real estate projects;
- (8) **And whereas**, section 85 of the said Act provides if any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty;
- (9) **And whereas**, in order to avoid the said difficulty mentioned in the preceding paragraphs it is considered necessary to pass order under section 85 of the said Act to remove difficulties as stated;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 85 of the West Bengal Housing Industry Regulation Act, 2017, the Governor is pleased hereby, in order to remove the aforesaid difficulties, to make the following order :-

Every promoter shall make an application under section 4 for registration of the real estate project as per Form-I (annexed herewith) which shall be submitted online.

The promoter shall pay online a registration fee at the time of application for registration of project through net banking or debit card or credit card, for a sum calculated at the rate of:-

- (a) rupees ten per square meter for residential projects where the area of land proposed to be developed does not exceed two thousand square meter subject to minimum fees of rupees ten thousand; or rupees twenty per square meter for residential projects where the area of land proposed to be developed exceeds two thousand square meter, but not exceeds five thousand square meter or rupees thirty per square meter for project where the area of land proposed to be developed exceeds five thousand square meter; or
- (b) rupees thirty per square meter for commercial or any other projects. For a project having both residential and commercial units the registration fee shall be pro rata to the area used for residential and commercial purposes.

This Notification is issued in the public interest and it shall remain in force till Authority established under sub-section (1) of section 20 of the said Act makes Regulation in this regard.

By order of the Governor,

ONKAR SINGH MEENA
*Secretary to the Government of West Bengal
Housing Department*

FORM -1**APPLICATION FOR REGISTRATION OF PROJECT**

To

The West Bengal Housing Industry Regulatory Authority,

Sir,

I/We hereby apply for the grant of registration of my/our project to be set up at _____ Sub-Divn.
District _____ State _____.

1. The requisite particulars are as under :-

(i) Status of the applicant, whether individual / company / proprietorship firm / societies / partnership firm / competent authority;

(ii) In case of individual –

- (a) Name
- (b) Father's Name
- (c) Occupation
- (d) Permanent address
- (e) Photograph

OR

In case of firm / societies / trust / companies / limited liability partnership / competent authority –

- (a) Name
 - (b) Address
 - (c) Copy of registration certificate
 - (d) Main objects
 - (e) Name, photograph and address of chairman of the governing body / partners / directors etc.
- (iii) PAN No. _____;
- (iv) Name and address of the bank or banker with which account in terms of section 4 (2)(1)(D) of the Act will be maintained _____;
- (v) Details of project land held by the applicant _____;
- (vi) brief details of the projects launched by the promoter in the last five years, whether already completed or being developed, as the case may be, including the current status of the said projects, any delay in its completion, details of cases pending, details of type of land and payments pending etc.
- (vii) Agency to take up external development works _____ Local Authority / Self Development;
- (viii) Registration fee by way of online payment through net banking or debit card or credit card for an amount of Rs. _____ /- calculated as per Notification No. _____ dt. _____.
- (ix) Any other information the applicant may like to furnish.

2. I/we enclose the following documents namely:—
- (i) authenticated copy of the PAN card of the promoter;
 - (ii) audited balance sheet of the promoter for the preceding financial year and income tax returns of the promoter for three preceding financial years;
 - (iii) copy of the legal title deed reflecting the title of the promoter to the land on which development is proposed to be developed along with legally valid documents with authentication of such title, if such land is owned by another person;
 - (iv) the details of encumbrances on the land on which development is proposed including any rights, title, interest or name of any party in or over such land along with details;
 - (v) where the promoter is not the owner of the land on which development is proposed details of the consent of the owner of the land along with a copy of the collaboration agreement, development agreement, joint development agreement or any other agreement, as the case may be, entered into between the promoter and such owner and copies of title and other documents reflecting the title of such owner on the land proposed to be developed;
 - (vi) an authenticated copy of the approvals and commencement certificate from the competent authority obtained in accordance with the laws as may be applicable for the real estate project mentioned in the application, and where the project is proposed to be developed in phases, an authenticated copy of the approvals and commencement certificate from the competent authority for each of such phases;
 - (vii) the sanctioned plan, layout plan and specifications of the proposed project or the phase thereof, and the whole project as sanctioned by the competent authority;
 - (viii) the plan of development works to be executed in the proposed project and the proposed facilities to be provided thereof including fire-fighting facilities, drinking water facilities, emergency evacuation services, use of renewable energy;
 - (ix) the location details of the project, with clear demarcation of land dedicated for the project along with its boundaries including the latitude and longitude of the end points of the project;
 - (x) proforma of the allotment letter, agreement for sale, and the conveyance deed proposed to be signed with the allottees;
 - (xi) the number, type and the carpet area of apartments for sale in the project along with the area of the exclusive balcony or verandah areas and the exclusive open terrace areas apartment with the apartment, if any;
 - (xii) the number and areas of garage for sale in the project;
 - (xiii) the number of open parking areas available in the real estate project;
 - (xiv) the names and addresses of his real estate agents, if any, for the proposed project;
 - (xv) the names and addresses of the contractors, architect, structural engineer, if any and other persons concerned with the development of the proposed project;
 - (xvi) a declaration in FORM - 'A' as per rule.
3. I/We solemnly affirm and declare that the particulars given herein are correct to my /our knowledge and belief.

Dated:

Place:

Yours faithfully,

Signature and seal of the applicant(s)