



AGENT REGISTRATION/ RENEWAL/ REVOCATION/ PENALTIES

AGENT REGISTRATION

Section 9- Registration of real estate agents-

- (1) 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, being sold by the promoter in any planning area, without obtaining registration under this section.**

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(2) Every real estate agent shall make an application to the Authority for registration in such form, manner, within such time and accompanied by such fee and documents as may be prescribed.

(3) The Authority shall, within such period, in such manner and upon satisfying itself of the fulfillment of such conditions, as may be prescribed—

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- (a) grant a single registration to the real estate agent for the entire State of Union territory, as the case may be;
- (b) 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.
- (4) Whereon the completion of the period specified under sub-section (3), if the applicant does not receive any communication about the deficiencies in his application or the rejection of his application, he shall be deemed to have been registered.

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(5) Every real estate agent who is registered as per the provisions of this Act or the rules and regulations made thereunder, shall be granted a registration number by the Authority, which shall be quoted by the real estate agent in every sale facilitated by him under this Act.

(6) Every registration shall be valid for such period as may be prescribed, and shall be renewable for a period in such manner and on payment of such fee as may be prescribed.

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Rule 10- Grant of Registration to the real estate agent.-

- (1) Upon the registration of a real estate agent as per section 9 read with Rule 10, the authority shall issue a registration certificate with a registration number as per Form 'H' to the real estate agent.**
- (2) In case of rejection of the application as per section 9 the authority shall inform the applicant as per Form 'I'.**
- (3) The registration granted under this rule shall be valid for a period ten years.**

AGENT REGISTRATION

Rule 9- Application for Registration by the real estate agent.-

Every real estate agent required to register as per sub-section (2) of section 9 of the Act shall make an application in writing to the Regulatory Authority as per Form 'G' along with the following documents, namely:-

- (a) Brief details of his enterprise including its name, registered address, type of enterprise (proprietorship, societies, partnership, companies etc.);**
- (b) particulars of registration including the bye-laws, memorandum of association, articles of association etc. as the case may be;**
- (c) photograph of the real estate agent if it is an individual and the photograph of the partners, directors etc. in case of other entities;**

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- (d) authenticated copy of the PAN card;
- (e) income tax returns filed under the provisions of the Income Tax Act, 1961 for three financial years preceding the application or in case the applicant was exempted from filing returns under the provisions of the Income Tax Act, 1961 for any of the three year preceding the application, a declaration to such effect;
- (f) authenticated copy of the address proof of the place of business; and
- (g) such other information and documents, as may be specified by regulations

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The real estate agent shall pay a registration fee at the time of application for registration by way of a demand draft drawn on any scheduled bank, **for a sum of rupees twenty-five thousand** in case of the applicant being an individual; or **rupees two lakh fifty thousand** in case of the applicant being anyone other than an individual.

FORM 'H'
[See rule11(1)]

REGISTRATION CERTIFICATE OF REAL ESTATE AGENT

1. This registration is granted under section 9 of the Act with registration certificate bearing No. _____ to -

(in the case of an individual) Mr./Ms. _____ son of
Mr./Ms. _____ Tehsil _____ District _____
State _____ ;

OR

(in the case of a firm / society / company) _____ firm / society / company
having its registered office / principal place of business at _____

to act as a real estate agent to facilitate the sale or purchase of any plot, apartment or building, as the case may be, in real estate projects registered in the _____ Union territory in terms of the Act and the rules and regulations made thereunder,

2. This registration is granted subject to the following conditions, namely:-

- (i) The real estate agent shall not 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 sold by the promoter which is required but not registered with the regulatory authority;
- (ii) The real estate agent shall maintain and preserve such books of account, records and documents as provided under rule 14;
- (iii) The real estate agent shall not involve himself in any unfair trade practices as specified under clause (c) of section 10;
- (iv) The real estate agent shall provide assistance to enable the allottee and promoter to exercise their respective rights and fulfill their respective obligations at the time of booking and sale of any plot, apartment or building, as the case may be.
- (v) The real estate agent shall comply with the provisions of the Act and the rules and regulations made thereunder;
- (vi) The real estate agent shall not contravene the provisions of any other law for the time being in force in the area where the project is being developed;
- (vii) The real estate agent shall discharge such other functions as may be specified by the regulatory authority by regulations;

3. The registration is valid for a period of five years commencing from _____ and ending with _____ unless renewed by the regulatory authority in accordance with the provisions of the Act or the rules and regulations made thereunder.

4. If the above mentioned conditions are not fulfilled by the real estate agent, the regulatory authority may take necessary action against the real estate agent including revoking the registration granted herein, as per the Act and the rules and regulations made thereunder.

Dated: _____

Place: _____

Signature and seal of the Authorized Officer Real
Estate Regulatory Authority

AGENT REGISTRATION-RENEWAL

Rule 11- Renewal of registration of real estate agent.-

- (1) The registration granted under section 9, may be renewed as per section 6, on an application made by the real estate agent in Form 'J' which shall not be less than three months prior to the expiry of the registration granted.
- (2) The application for renewal of registration shall be accompanied with a demand draft drawn on any scheduled bank, for **a sum of rupees five thousand** in case of the real estate agent being an individual or **rupees fifty thousand** in case of the real estate agent being anyone other than an individual.
- (3) The real estate agent shall also submit all the updated documents set out in clauses to (f) of rule 10 at the time of application for renewal.

AGENT REGISTRATION-RENEWAL

(4) In case of renewal of registration, the regulatory authority shall inform the real estate agent about the same as per Form 'K' and in case of rejection of the application for renewal of registration the regulatory authority, shall inform the real estate agent as per Form 'I': Provided that no application for renewal of registration shall be rejected unless the applicant has been given an opportunity of being heard in the matter.

(5) The renewal of registration of the real estate agent shall be granted provided that the real estate agent remains in compliance with the provisions of the Act and the rules and regulations made thereunder.

(6) The renewal granted under this rule shall be valid for **a period five years.**

FORM 'F'
[See rule 12(1)]

APPLICATION FOR RENEWAL OF REGISTRATION OF REAL ESTATE AGENT

From:

To
The Real Estate Regulatory Authority,

Sir,
I/we beg to apply for renewal my/our registration as a real estate agent under registration certificate bearing Nos. _____, which expires on _____.

As required I/we submit the following documents and information, namely:-

- (i) A demand draft no. _____ dated _____ for rupees _____ in favour of _____ drawn on _____ bank as renewal fee;
- (ii) The original registration certificate; and
- (iii) Status of the applicant, whether individual / company / proprietorship firm / societies / partnership firms / limited liability partnerships;
- (iv) In case of individual -
 - (a) Name
 - (b) Father's Name
 - (c) Occupation
 - (d) Permanent address
 - (e) PhotographOR
In case of firm / societies / companies -
 - (a) Name
 - (b) Address
 - (c) Copy of registration certificate
 - (d) Major activities
 - (e) Name, photograph and address of partners / directors
- (v) income tax returns filed under the provisions of the Income Tax Act, 1961 for three financial years preceding the application or in case the applicant was exempted from filing returns under the provisions of the Income Tax Act, 1961 for any of the three year preceding the application, a declaration to such effect;
- (vi) particulars of registration including the bye-laws, memorandum of association, articles of association etc. as the case may be;

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- (vii) authenticated copy of the address proof of the place of business;
 - (viii) Details of registration in any other State or Union territory;
 - (ix) Any other information as specified by regulations.

Dated:
Place:

Yours faithfully, Signature and seal of
the applicant(s)

REVOCATION OF REGISTRATION

Revocation of Registration- Sub section (7) of Section 9-

Where any real estate agent who has been granted registration under this Act commits breach of any of the conditions thereof or any other terms and conditions specified under this Act or any rules or regulations made thereunder, or where the Authority is satisfied that such registration has been secured by the real estate agent through **misrepresentation or fraud**, the Authority may, without prejudice to any other provisions under this Act, revoke the registration or suspend the same for such period as it thinks fit: Provided that no such revocation or suspension shall be made by the Authority unless **an opportunity of being heard** has been given to the real estate agent.

Rule 12- Revocation of Registration of real estate agent.-

The authority may, due to reasons specified under sub-section (7) of section 9, revoke the registration granted to the real estate agent or renewal thereof, as the case may be, and intimate the real estate agent of such revocation as per Form 'I'

FORM 'I'
[See rule11(2), 12(4), 13]

**INTIMATION OF REJECTION OF APPLICATION FOR REGISTRATION OF REAL ESTATE
AGENT / REJECTION OF APPLICATION FOR RENEWAL OF REGISTRATION OF REAL
ESTATE AGENT / REVOCATION OF REGISTRATION OF REAL
ESTATE AGENT**

From:

The Real Estate Regulatory Authority,

To

Application / Registration No.: Dated:

You are hereby informed that your application for registration as real estate agent is rejected.

OR

You are hereby informed that your application for the renewal of the registration as real estate agent is rejected.

OR

You are hereby informed that the registration granted to you as real estate agent is hereby revoked.

for the reasons set out:-

Place:
Dated:

Signature and seal of the Authorized Officer
Real Estate Regulatory Authority

PENALTY

Section 62- Penalty for non-registration and contravention under sections 9 and 10-

If any real estate agent fails to comply with or contravenes the provisions of section 9 or section 10, 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 per cent** 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 the Authority.

PENALTY

Section 65- Penalty for failure to comply with orders of Authority by real estate agent-

If any real estate agent, 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 per cent., of the estimated cost of plot, apartment or building, as the case may be, of the real estate project, for which the sale or purchase has been facilitated and as determined by the Authority.**

PENALTY

Section 66- Penalty for failure to comply with orders of Appellate Tribunal by real estate agent-

If any real estate agent, who fails to comply with, or contravenes any of the orders, decisions or directions of the Appellate Tribunal, **he shall be punishable with imprisonment for a term which may extend up to one year or with fine** for every day during which such default continues, **which may cumulatively extend up to ten per cent. of the estimated cost of plot, apartment or building**, as the case may be, of the real estate project, for which the sale or purchase has been facilitated, or with both.