

One Time Voluntary Compliance Scheme - 2019 Under RERA

#RERAUPDATES/2019-20/01

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CHARTERED ACCOUNTANTS

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One Time Voluntary Compliance Scheme - 2019

Whereas, Promoters of real estate projects registered with GujaratRERA under the RERA Act, 2016 are inter-alia required to file their QPR - Quarterly Progress Return with GujaratRERA on "GujRERA PORTAL" so as to ensure compliance with the provisions of Section 4, 11 & rule 10 of Authority Rules etc. Non-filing of such reports is an offence under Section 60, 61 & 63 of the Act. Whereas, GujaratRERA has made available the online facility of filing of QPR within the Promoter's login on the GujRERA PORTAL. Promoters of all registered projects are required to submit the quarterly updates as per respective due dates indicated in the system.

Whereas, the Authority has vide order-7 enabled the filing of the QPR beyond its due date (late submission) by payment of processing fees of Rs. 10,000. Over the period of one year since introduction of Online QPR filing, GujaratRERA has observed that almost 92% of QPRs are filed by due date for the same or within the late filing window. Whereas, Promoters failing to file QPRs for two consecutive quarters, and effectively not reporting the project progress to the Authority for the period of six months, are prosecuted for default u/s 63 of the Act. Post imposition of penalty for non-compliance they are brought out of non-compliance and allowed to file subsequent QPRs.

Whereas, with a view to giving an opportunity for the non-compliant, defaulting promoters to rectify the default by filing of QPR and payment of processing fee for acceptance of their delayed filing and to exempt them from prosecution u/s 63, in exercise of its powers conferred under sections 34 of the RERA Act, 2016, the Gujarat Real Estate Regulatory Authority has decided to introduce a "One Time - Voluntary Compliance Scheme" (VCS-2019) as follows:

1. The scheme shall come into force, with effect from 01.05.2019 and shall remain in force up to 07.06.2019
2. Definitions- In this Scheme, unless the context otherwise requires, -
 1. "Act" means the RERA Act, 2016;
 2. 'QPR' means the Quarterly Progress Report to be filed by the promoter of registered project within the promoter's login on GujRERA Portal
 3. "Promoter" means a promoter as defined in clause of (zk) of section 2 of the RERA Act, 2016;
 4. "Defaulting Promoter" means a promoter who has not filed his QPR statements under RERA Act, 2016, and the Rules made therefor for a continuous period of two quarters.

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3. Applicability: - This scheme is applicable to all defaulting promoters. A defaulting promoter is permitted to file his QPRs, which were due for filing till 30.04.2019 in accordance with the provisions of this Scheme.

4. Procedure to be followed for the purpose of the scheme: -

1. The Defaulting Promoter will receive email communication along with the Challan details for filing of QPR. The processing fees for availing VCS-2019 is determined equitably, so as to charge lower processing fees from smaller projects, as under;

Sr No	Project Cost	Processing Fees
1	Less Than 50 Crore	Rs 50000/-
2	50 Crore to 100 Crore	Rs 100000/-
3	Above 100 Crore	Rs 150000/-

2. The defaulting promoter shall file the QPR in the prescribed Format after paying the statutory filing fee and additional processing fee payable as per this scheme.
3. There will not be any further prosecution of the defaulting promoter u/s 63 of the Act, after filing his QPR under this scheme, for the period prior to 30" April, 2019.

5. Scheme not to apply for certain documents: - This Scheme shall not apply to the filing of documents other than the overdue QPR.

6. The Secretary shall withdraw the prosecution(s) pending if any before the Authority for all QPRs filed under the scheme.

7. At the conclusion of the Scheme, the Secretary shall take all necessary actions under the RERA Act, 2016 against the promoters who have not availed themselves of this Scheme and continue to be in default for filing

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