



**Gujarat Real Estate Regulatory Authority**

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**Order No.111**

**Date: 08/09/2025**

**Order-111**

**Late Processing Fees for Non-Compliance of Form-5 (Annual Audit Report) under Gujarat RERA**

**References: -**

1. Section 4(2) of The Real Estate (Regulation and Development) Act, 2016
2. The Gujarat Real Estate Regulatory Authority (General) Regulations, 2017

**Read with: -**

1. Authority Order no.102 (Voluntary Compliance Scheme-2025 (Form-5)) dated 19.12.2024.
2. Authority Order no. 105 (Extension Voluntary Compliance Scheme-2025 (Form-5)) dated 28.03.2025.
3. Authority Order no. 105A (Extension Voluntary Compliance Scheme-2025 (Form-5)) dated 28.04.2025.

**1. Preface: -**

As per the third proviso to section 4(2) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as “the Act”) read with Regulation 4 of the Gujarat Real Estate Regulatory Authority (General) Regulations, 2017, every promoter is required to get his/her accounts audited within six months after the end of every financial year for every registered project and upload the annual report on statement of accounts in Form-5, on his/her webpage on the website of the Gujarat Real Estate Regulatory Authority (hereinafter referred to as “the Authority”)

## **2. Current Procedure for filling Form-5 (Annual Audit Report): -**

- 2.1 As per the prevalent practice for submission of Form-5 (Annual Audit Report of Project) on the Gujarat RERA Web Portal, the submission window is strictly governed by prescribed timelines. If a promoter fails to submit Form-5 for the concerned project within the stipulated time period, the submission window of Form-5 on Gujarat RERA Web Portal for that project is locked by the Authority. Once locked, the system does not permit filing of Form-5 for the respective financial year.
- 2.2 It is also pertinent to note that, prior to the closure of the submission window, the Authority provides ample opportunity to promoters by extending the due dates for submission of Form 5.
- 2.3 Non-compliance, even after such extensions, results in permanent closure of the filing window for that particular financial year. Such non-compliance may lead to undertaking *suo moto* proceedings against the defaulting promoter under section 60, 61 and 63 of the Act.
- 2.4 In pursuit of enhancing regulatory compliance and facilitating ease of business operations, the Authority issued Order 102, commonly referred to as the Voluntary Compliance Scheme 2025 (VCS 2025), which pertains to the submission of the Annual Audit Report for projects of all previously defaulted financial years. Under this Scheme, promoters in default are afforded an opportunity to regularize their Annual Audit Report compliance for their respective projects by submitting such reports along with the payment of one-time processing fee, as specified in the said Order.
- 2.5 Initially, the Scheme was set to remain valid until 31<sup>st</sup> March 2025. However, in a bid to achieve better compliance, the Authority extended the deadline till 30<sup>th</sup> April 2025, and subsequently till 31<sup>st</sup> July 2025, respectively vide its' Order No. 105 and 105A.



### **3. New procedure for filling Form-5 (Annual Audit Report): -**

#### **3.1 Effective Date of Order: -**

This Order shall come into force with effect from Dt. 01.10.2025 except Clause 3.3.1.1, which shall be effective from the date of issuance of the order.

#### **3.2 Applicability: -**

3.2.1 **Defaulted Projects** - The provisions of this order shall apply to projects which are in default, and promoters who have failed to submit Form 5 for one or more financial years between the year 2017-18 to 2023-24, within the period prescribed by the Authority time to time and finally extended under Order 105A:

3.2.2 **For Future Form-5 (Financial Year 2024-25 onwards)** - The provisions of this order shall also apply to all the projects which are obligated to submit the Form-5 (Annual Audit Report).

#### **3.3 Due Dates for filling Form-5 (Annual Audit Report): -**

##### **3.3.1 Submission for the Defaulted Projects: -**

3.3.1.1 Due date for submission of all defaulted Form 5 for financial years 2017-18 to 2023-24 is hereby extended till dt. **30/09/2025** under the Voluntary Compliance Scheme 2025, on payment of one-time processing fee as prescribed under Order-102 Voluntary Compliance Scheme-2025 (Form-5).

3.3.1.2 Promoters who fail to submit Form 5 by the date mentioned in clause 3.3.1.1 shall have to pay **Lump sum fees**, based on estimated cost of the project, as prescribed in Table A **along with** Daily Late Processing Fee (LPF) as prescribed under Table B. However, it is important to note that the Daily Late Processing Fee (LPF) will be calculated separately for each defaulted Form-5, unlike lump sum fees. The last date for submission of the such defaulted Form 5 will be **31/03/2026**.

3.3.1.3 For the purpose of clause 3.3.1.2, Daily Late Processing Fee (LPF) will be calculated from dt. 01.10.2025

**Example:** A promoter with Estimated Project cost of Rs. 75 Cr has defaulted in submitting Form 5 for financial year 2021-22 and 2022-23 and he is submitting the Form-5 for the financial year 2021-22 on dt. 25.11.2025, shall have to pay Lump sum fee Rs. 50,000 plus Daily Late Processing fee 56 days \* Rs.800 (for Project cost 50-100 Cr) = Rs. 94,800. If he is submitting the Form-5 for the financial year 2022-23 on dt. 30.11.2025, he shall have to pay Daily Late Processing fee for 61 days\* Rs. 800 (for Project cost 50-100 Cr) = Rs. 48,800/-.

- 3.3.1.4 Further, promoters failing to submit such defaulted Form-5 (Annual Audit Report) by **Dt. 31/03/2026** will be liable to stringent actions like freezing of RERA bank account and exemplary penalty under section 60, 61 and 63 of the Act. Further, any other applications related to the said project, including project alteration, project extension, profile change requests, quarter(project) end compliance, etc. shall be approved only after the defaulted Form-5 is duly uploaded.

**3.3.2 Submission of future Form-5 from financial year 2024-25 onwards: -**

- 3.3.2.1 Due Date for submission of Form 5 for financial year 2024-25 will be 31/10/2025.**

- 3.3.2.2 For submission of all future Form-5 the due date will be 31<sup>st</sup> October of the next financial year:**

Provided that, in exceptional circumstances, the Authority may extend date for submission of Form-5.

- 3.3.2.3 If a promoter fails to submit the Form-5 by the due date prescribed under clause 3.3.2.1 or 3.3.2.2, as the case may be, he shall have to submit Form 5 along with Daily Late Processing Fee (LPF) as prescribed under Table B. However, it is important to note that the Daily Late Processing Fee (LPF) will be calculated separately for each defaulted Form-5.

**Example:** A promoter with Estimated Project cost of Rs. 48 Cr submitting Form 5 for the financial year 2024-25 on 31.12.2025, shall have to pay Daily Late Processing fee 61 days \* Rs.600 (for Project cost 25-50 Cr) = Rs.36,600



- 3.3.2.4 For any financial year the last date for submission of Form 5 (Annual Audit Report) with Late Processing Fees (LPF) will be till the end of next financial year

**Example:** Any promoter may submit Form 5 for the financial year 2024-25, till 31.03.2026 with Late Processing Fee as prescribed under Table B.

- 3.3.2.5 Any promoter failing to submit the Form-5 (Annual Audit Report) by such extended period shall be liable to stringent actions like freezing of RERA bank account and exemplary penalty under section 60, 61 and 63 of the Act. Further, no other applications related to the said project, including project alteration, project extension, profile change requests, quarter(project) end compliance etc. shall be approved only after the defaulted Form-5 is duly uploaded.

#### **4. Fee Structure for filling Defaulted Form-5 (Annual Audit Report): -**

**Table-A (Lump sum Processing Fees)**

Project Cost (Rs. in cr)	< 25	25 to 50	>50 to 100	> 100
Processing Fee Form-5	₹.10,000/-	₹.25,000/-	₹.50,000/-	₹.1,00,000/-

**Table-B (Per Day Late Processing Fees)**

Project Cost (Rs. in crore)	< 25	25 to 50	>50 to 100	> 100
The Amount of Per Day Late Processing Fee (LPF)	₹.400/- per day	₹.600/- per day	₹.800/- per day	₹.1000/- per day

#### **5. Specific Scenarios & Procedure: -**

##### **5.1 In Case of Final Judgment of Non-Compliance of Annual Report:-**

In case of final judgment for **suo moto proceedings** for non-submission of Form-5 (NCAR) has been passed by the Authority, then Promoter shall comply **with the directions given in the Order.**

**5.2 In Case of Ongoing Non-Compliance of Annual Report Proceedings (No Final Order Passed): -**

In case of final judgment for suo moto proceedings for non-submission of Form-5 (NCAR) has not been delivered and only the proceedings are initiated, then the promoter shall pay the Lump sum fee as prescribed under Table A and submit the pending Form 5 on web portal. Upon such submission, the Authority will **drop the proceedings** against such promoter.

6. Henceforth, Form-5 will no longer be locked on the portal for submission by the promoter. However, the promoter shall remain liable to pay the applicable processing fees as per the relevant provisions of the Order and within the stipulated due date. Failure to submit Form-5 by the due date will attract stringent actions, including freezing of the RERA bank account and imposition of exemplary penalties under Sections 60, 61, and 63 of the Act. Furthermore, no other applications related to the said project such as project alterations, extensions, profile change requests, quarter(project) end compliance etc. shall be approved only after the defaulted Form-5 is duly uploaded.

**7. Repeal and savings: -**

- 7.1 In exercise of the powers conferred under the Real Estate (Regulation and Development) Act, 2016, and in supersession of earlier directions issued in this regard, it is hereby declared that the following orders shall stand repealed upon the issuance of this Order.

- (i) Authority Order 14 dated 29.09.2018
- (ii) Authority Order 31 dated 27.09.2019
- (iii) Authority Order 43 dated 30.09.2020
- (iv) Authority Order 44 dated 24.12.2020
- (v) Authority Order 46 dated 04.02.2021
- (vi) Authority Order 53 dated 17.09.2021
- (vii) Authority Order 59 dated 31.12.2021
- (viii) Authority Order 67 dated 13.04.2022
- (ix) Authority Order 72 dated 30.09.2022
- (x) Authority Order 73 dated 03.11.2022
- (xi) Authority Order 81 dated 30.09.2023
- (xii) Authority Order 96 dated 30.09.2024
- (xiii) Authority Order 99 dated 30.10.2024
- (xiv) Authority Order 100 dated 30.11.2024
- (xv) Authority's Guidance Note-3 dated 17.09.2019



7.2 Any action taken or proceedings initiated under such repealed orders before the issuance of this Order shall remain valid and shall be deemed to have been taken or initiated under the corresponding provisions of this Order.

**8. General: -**

8.1 If any question arises regarding interpretation of this Order, the decision of the Authority in the matter shall be final.

8.2 Promoters are advised to ensure timely compliance to avoid penal consequences under the Act.

  
**Secretary**  
**Gujarat RERA**