



Chhattisgarh Real Estate Regulatory Authority

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Subject: Clarification regarding registration of Promoter and prescription of Standard Operating Procedure (SOP) for registration of Real Estate Projects under the Real Estate (Regulation and Development) Act, 2016.

Reference: Earlier issued Circular No.3 dated 28.03.2018 and circular 38 dated 24.12.2019.

Statutory Framework and Background

Whereas the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as “the Act”) mandates registration of real estate projects for the purpose of regulation, transparency, and protection of the interests of allottees, and whereas registration with the Chhattisgarh Real Estate Regulatory Authority (hereinafter referred to as “the Authority”) is compulsory for all ongoing and new real estate projects of all types, including residential, commercial, mixed-use, and plotted developments, **where the land area exceeds 500 square meters or the project comprises more than eight units**, the Authority has observed recurring ambiguities and interpretational issues relating to

- (i) classification and registration of persons or entities other than the Original Promoter, and
- (ii) Procedural requirements governing project registration.

Therefore, in exercise of powers conferred under Sections 25 and 37 of the Act, the Authority hereby issues the following clarifications and directions for uniform compliance.

PART – I

Clarifications Regarding Categories of Promoters

1. Definition and Scope of Promoter

For the purposes of this Circular, the expression “Promoter” shall bear the meaning assigned under Section 2(zk) of the Act and shall include all persons or entities falling within the inclusive clauses thereof. It is hereby clarified that the determination of promoter status shall be governed by the substance of the role performed and not merely by contractual designation, nomenclature, or private arrangement.

2. Promoter – P (Promoter)

The **Promoter** shall mean the person or entity primarily responsible for the development, sale and registration of the real estate project under the Act.

Ordinarily, the land proposed for development and all statutory approvals, permissions, and sanctions required for the project shall be in the name of the Promoter.

Provided that, in the case of a **Joint Venture, Development Agreement, or similar arrangement**, the ownership of the land and/or the building/development permission should be in the name of such party/parties to such agreement as per the Law.

The Promoter shall open and maintain the **designated RERA bank account(s)** in accordance with the **Circular No. 99** and related circulars, and shall ensure compliance with all financial and reporting requirements prescribed under the Act.

The Promoter shall be responsible for all statutory compliances under the Act, including but not limited to:

- Compliance with **Section 11**, filing of **Quarterly Progress Reports (QPR)**; and
- Compliance with **Section 4(2)(I)(D)**, submission of the **Annual Audit Report**.
- Compliance with **Section 17**, for execution of Conveyance Deed

The Promoter shall disclose to the Authority time to time of the involvement of any other person, entity, or organization participating, whether directly or indirectly, in the **development, financing, marketing, sale, construction, or management** of the real estate project.

Where multiple promoters or promoter-like entities are involved in the project, the Promoter shall ensure that all such arrangements are duly disclosed to the Authority and shall remain **jointly and severally liable** for compliance with the provisions of the Act and the rules and regulations made thereunder.

Any failure to disclose a **material arrangement, agreement, participation, financial structuring, or beneficial interest** affecting the project shall be construed as **suppression or misrepresentation of material facts**, and shall attract appropriate regulatory action under the provisions of the Act.

3 Promoter – P-3(A) Conversion of Plotted Development to Constructed Units

Conversion of Plotted Development to Constructed Units – Promoter Contractor (P-3(A))

Where a real estate project initially registered is subsequently partially altered, modified, or executed in such a manner that it involves construction of buildings, apartments, or any structures on the plotted land, and thereby falls within the ambit of registration under Section 3 of the Real Estate (Regulation and Development) Act, 2016, the concerned person or entity shall be mandatorily required to obtain fresh registration with the Authority as a *Promoter under category P-3(A)*.



The **Promoter (P-3(A))** undertaking such construction activity shall be responsible for obtaining the necessary permissions and approvals from the competent authorities prior to commencement of construction viz. Building permission and also the completion shall be on the basis of Building completion Certificate

Such Promoter shall comply with all applicable provisions of the Act, including but not limited to:

- The Promoter shall open and maintain the **designated RERA bank account(s)** in accordance with the **Circular No. 99** and related circulars, and shall ensure compliance with all financial and reporting requirements prescribed under the Act.
- Compliance with **Section 11**, filing of **Quarterly Progress Reports (QPR)**; and
- Compliance with **Section 4(2)(I)(D)**, submission of the **Annual Audit Report**.
- Compliance with **Section 17**, for execution of Conveyance Deed

The Authority directs such Promoter to register the construction component of the project separately, in order to ensure **transparency, accountability, and protection of allottees**.

Failure to obtain such registration prior to undertaking construction or sale of constructed units shall be treated as **violation of Section 3 of the Act** and shall attract regulatory action under the provisions of the Act and the rules and regulations made thereunder.

4. Promoter Contractor – P-3(B)

Construction on Allottee-Owned Land – Promoter Contractor (P-3(B))

Where construction or development is undertaken on land owned by an **allottee**, and such construction involves **more than eight (8) units within a single project**, the person or entity undertaking such construction or development shall be deemed to fall within the definition of **“Promoter”** under the Act.

In such cases, the necessary **statutory permissions and approvals** for construction may remain in the name of the allottee who owns the land. The end date of each unit shall be determined on the basis of building permission and on the basis of individual agreement between the contractor and allottee.

Where the number of units in the project is subsequently proposed to be increased beyond the originally approved number, such increase shall be changed through a request module.

The person or entity undertaking such construction shall **mandatorily obtain registration with the Authority as a Promoter Contractor (P-3(B))** prior to undertaking development or marketing of the units. The validity of the said registration shall be till the submission of the Completion Certificate for all the units.

For projects registered under this category, no Quarterly Progress Reports or Annual Audit Reports shall be required. Further, no validity period shall be prescribed for such registrations. This provision shall also apply to projects already registered under this category. The promoter shall only be required to submit the Building Completion Certificate issued by the competent authority immediately upon its receipt.

The contractor shall not issue any brochure.



5.Promoter – P-3(C) Conversion of Plotted Development to Constructed Units

Conversion of Plotted Development to Constructed Units – Promoter Contractor (P-3(C))

Where a real estate project originally registered as is subsequently **sold, transferred, or otherwise conveyed** in such quantity or manner that attracts registration requirements under **Section 3 of the Act**, to any person or entity which thereafter undertakes **construction of buildings, apartments, or units** on such plotted land after obtaining the requisite permissions and approvals, such person or entity shall be required to obtain **mandatory registration with the Authority as a Promoter (P-3(C))**.

The **Promoter (P-3(A))** undertaking such construction activity shall be responsible for obtaining the necessary permissions and approvals from the competent authorities prior to commencement of construction viz. Building permission and also the completion shall be on the basis of Building completion Certificate

Such Promoter shall comply with all applicable provisions of the Act, including but not limited to:

- The Promoter shall open and maintain the **designated RERA bank account(s)** in accordance with the **Circular No. 99** and related circulars, and shall ensure compliance with all financial and reporting requirements prescribed under the Act.
- Compliance with **Section 11**, filing of **Quarterly Progress Reports (QPR)**; and
- Compliance with **Section 4(2)(I)(D)**, submission of the **Annual Audit Report**.
- Compliance with **Section 17**, for execution of Conveyance Deed

The Authority directs such Promoter to register the construction component of the project separately, in order to ensure **transparency, accountability, and protection of allottees**.

Failure to obtain such registration prior to undertaking construction or sale of constructed units shall be treated as **violation of Section 3 of the Act** and shall attract regulatory action under the provisions of the Act and the rules and regulations made thereunder.

The Promoter shall not issue any brochure or promotional material relating to development independently, in the event that a contractor undertakes any additional development of amenities within the allotted area, all requisite approvals as per the laws applicable in the State shall be obtained from the competent authority prior to such development. A revised brochure pertaining to such development shall be issued only after securing such approvals.

The Promoter may, however, issue a brochure limited to building amenities, the same needs to be mandatorily submitted to CG-RERA in accordance with applicable regulations.

Note: In case of Any change in promoter details the same shall be communicated in the good office in accordance with Circular 136.



PART – II

Standard Operating Procedure (SOP) for Project Registration

1. Registration Requirement

In accordance with Section 3(1) of the Act, no promoter shall advertise, market, book, sell, or offer for sale any real estate project without prior registration with the Authority. Any violation shall attract penal consequences under the Act.

2. Registration of New Projects

Projects that have received approvals but have not undertaken booking, sale, advertisement, marketing, or receipt of funds prior to commencement of the Act shall be treated as New Projects. The promoter shall submit a Chartered Accountant Certificate (Annexure-1) in the prescribed format certifying that no booking or sale has taken place and no amount has been received from any allottee. Submission of false certification or declaration shall attract regulatory action.

3. Registration of Ongoing Projects

Projects that have received approvals and have undertaken booking, sale, advertisement, marketing, or receipt of funds prior registration shall be treated as Ongoing Projects. The promoter shall submit a Chartered Accountant Certificate (Annexure-2) in the prescribed format certifying the inventory units that have been sold, submission of false certification or declaration shall attract regulatory action.

Projects ongoing as on 01 May 2017, for which Completion Certificate has not been issued, shall mandatorily be registered. Where the Completion Certificate has not been issued but the project is occupied or used, the promoter shall apply for registration and specify the timeline required for obtaining the Completion Certificate. Only Completion Certificates issued by the competent authority shall be considered valid, and occupancy or possession documents shall not be treated as Completion Certificates.

4. Statutory Declarations and Certifications

Form-B shall be executed on ₹100 Non-Judicial Stamp Paper, duly notarized, and shall not be modified, altered, or edited. The promoter shall submit certifications from the Architect, Engineer, and Chartered Accountant in prescribed formats. Land cost shall be determined as government guideline value or actual cost, whichever is higher. Certifying professionals shall be responsible for the correctness of certifications, and false or misleading certifications may attract legal consequences.



5. Documentation Standards

The list of documents shall be submitted at the time of registration as follows

S.no	Category	List of documents
1	Promoter (P/P3A/P3C)	Annexure 6
2	Promoter (Government)	Annexure 6G
3	Promoter (P3B)	Annexure 6/P3B

All documents submitted for registration shall be legible, self-attested, and uploaded in prescribed formats. Blurred, incomplete, or illegible submissions shall be liable for rejection. Mandatory fields in the application form shall be duly filled, and blank optional fields shall be presumed as NIL or Not Applicable. Non-applicable documents shall be supported by a self-declaration (Annexure-7)

6. Online Submission Mandate

Applications shall be submitted exclusively through the Authority's web portal. Offline submissions shall not be entertained. The statutory period under Section 5 of the Act shall commence upon receipt of the application, and delays attributable to the promoter shall be excluded from computation.

7. Quarterly Compliance

Promoters shall comply with quarterly update requirements under Section 11(1) of the Act along with the circulars issued time to time in this respect. Failure to comply shall constitute a statutory violation except for P3B category wherein the promoter shall submit the completion certificate of individual units as and when received.

8. Enforcement and Compliance

Non-compliance with this Circular may result in rejection of application, suspension or revocation of registration, initiation of penal proceedings, or any other action permissible under the Act. Interpretation of this Circular shall vest exclusively with the Authority. This Circular shall have overriding effect on Circular 3 & 38

This Circular shall come into force with immediate effect.

(Approved by Authority)


(Asitha Rajput)
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