

RERA CHECK

Uttar Pradesh RERA issues Project advertisement Guidelines

Mentioning RERA registration numbers and UP-RERA portal is a mandatory provision in advertisements of projects on the platforms like: newspapers, magazines, brochure, leaflets, electronic, outdoor, social and digital media, radio, television, etc.

Shri Sanjay R. Bhoosreddy Chairman, Real Estate Regulatory Authority, Uttar Pradesh, said, "RERA registration numbers and UP-RERA portal should be mentioned clearly in bold and big fonts in the advertisements and that too at a prominent place. Noncompliance of this will result in action against promoters and agents. For media houses, violations will be forwarded to the ministry of information and broadcast, GOI for suitable action."

In reference to the above direction UPRERA issued the details Do's and Don'ts via a various letters mentioned below :-

1. Letter having Ref No. : 14/2022/ आई/244399/22-8-3099/500/2022 dated 06-12-20232
2. Letter having Ref No. : 13967/ यू. पी- रेरा/ तक प्रकोष्ठ/ 2023-24 dated 28-10-2023
3. Letter having Ref No. : 2387/ यू. पी- रेरा/ तक प्रकोष्ठ/2023-24 dated 22-02-2024

A. Definition:-

As per THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016, Section 2(b) , and **advertisement** is defined as:-

"advertisement" means any document described or issued as advertisement through any medium and includes any notice, circular or other documents or publicity in any form, informing persons about a real estate project, or offering for sale of a plot, building or apartment or inviting persons to purchase in any manner such plot, building or apartment or to make advances or deposits for such purposes;"

B. Uttar Pradesh RERA- Standard Directions for Advertisements of Projects- For PROMOTERS / STAKEHOLDERS

UP-RERA: Common mistakes while advertising realty projects

- No promotional activity at any platform by Promoter / stakeholder/ agents/ Brokers etc. shall be done before RERA Registration of any Project , whose project area is bigger than 500 square meters or having more than 8 apartment/ flats.
- Promotion, booking etc. should be done only through RERA registered agents.
- As a promoter, only the actual facilities and features to be provided in the project should be mentioned, which can be provided legally.
- In advertising related material like brochure etc. sale and valuation of units should be mentioned using carpet area.
- If any other person advertises a name, logo, project or brand similar to the promoter's actual website, then it is the responsibility of the concerned promoter to stop the person by taking effective steps.
- Not adding RERA registration number in the project.
- Not adding RERA portal name in the project.
- Use of illegible fonts while displaying RERA registration number.
- Placing RERA registration number in the advertisement which may not be easily visible.
- Placing RERA registration number outside the advertisement.
- Placing RERA registration number in the disclaimer.

1. In All Type of Advertisement

- Mention RERA registration number of the Project i.e. UPRERAPRJXXXX & RERA portal (i.e. <https://www.up-rera.in/projects>) prominently in all Advertisements.
- RERA no. and RERA portal must be mentioned on TOP RIGHT CORNER in an advertisement & font size must be in proportion to the remaining content of the advertisement.
- The main promotional content and design should be displayed within the frame or within the boundaries of the advertisement.
- Details of the Collection Account of the project to be published in every advertisement. Promoter preferably should mention Bank A/c no., Bank Name, and Bank Address in the advertisement.
- All Type of Unit Areas shall be in written in terms of Carpet area.

2. In Outdoor , Social and Digital Advertisement such as (outdoor hoardings, flakes, bill boards, onsite banners like railway, metro and bus stations, event and exhibition standees, stalls and

canopies, street light poles, direction indicators and LED poles, Social Media, Print Media Advertisement etc.)

- Mention RERA registration number of the Project i.e. UPRERAPRJXXXX & RERA portal (i.e. <https://www.up-rera.in/projects>) prominently in all Advertisements.
- RERA no. and RERA portal must be mentioned on TOP RIGHT CORNER in an advertisement & font size must be in proportion to the remaining content of the advertisement.
- The main promotional content and design should be displayed within the frame or within the boundaries of the advertisement.
- Details of the Collection Account of the project to be published in every advertisement. Promoter preferably should mention Bank A/c no., Bank Name, and Bank Address in the advertisement.
- RERA registration number of the project and RERA portal should be mentioned clearly and in big font such that it is easily readable to the person watching from a distance.
- Color combination and font size shall be used in such that it is clearly visible

3. Development of Project Website

- Project website shall also contain Project Briefing as per actual
- It shall Contain Project Registration No. along with RERA portal (i.e. <https://www.up-rera.in/projects>).
- No Promotional Schemes such as Assured Rental, Free Foreign Trips offer or similar schemes are prohibited that directly impacts the Project Cost and is not related to the Unit offered.

4. In Audio/ Video Advertisements such as Radio, Television, AV Clip, Electronic media, video clips, short videos, reels, media streaming, TV commercials etc.

- RERA number and RERA portal must be audible or announced in clear, readable, slow speed with adequate sound and spoken in the same tone and speed as in remaining advertisement.
- If the Advertisement is long, a banner shall be scrolling in the video containing RERA number and RERA portal, Collection account detail.
- Do not violate the RERA Act due to short time period, high content, limited time and cost-intensive promotional medium.
- Under no circumstances should the RERA registration number and portal be mentioned through fast tracking of the voice, which is very fast and unclear.
- There should be no haste by increasing the speed of voice in giving information about RERA registration number and RERA portal. The voice should not be transmitted in such a way that it is slowed down or distorted, which causes problems in listening and understanding.

5. Property Aggregator (Like: 99acres.com, magicbricks.com, makaan.com, housing.com, nobroker.com, commonfloor.com etc.)

- Mention RERA registration number and RERA portal prominently on the Main Page in Advertisement of the project (Including promoter's Own website).
- No advertisement shall be published without promoter's permission, Promoter shall keep a check and take immediate legal action against if it so.
- If booking, sale offers etc. are being done through these platforms then ensure they are registered as agents before UPRERA.

C. Penalty Imposed by UPRERA

ANY VIOLATION SHALL LEAD TO THE PENALTY UNDER SECTION -59 , 61, 62 AND 65 OF THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016.

Clauses:-

“59. (1) If any promoter contravenes the provisions of section 3, he shall be liable to a penalty which may extend up to ten per cent. of the estimated cost of the real estate project as determined by the Authority.

(2) If any promoter does not comply with the orders, decisions or directions issued under sub-section (1) or continues to violate the provisions of section 3, he shall be punishable with imprisonment for a term which may extend up to three years or with fine which may extend up to a further ten per cent. of the estimated cost of the real estate project, or with both.”

61. If any promoter contravenes any other provisions of this Act, other than that provided under section 3 or section 4, or the rules or regulations made thereunder, he shall be liable to a penalty which may extend up to five per cent. of the estimated cost of the real estate project as determined by the Authority.

62. 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.

65. 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.

THANK YOU