



**Gujarat Real Estate Regulatory Authority (RERA)**

**4<sup>th</sup> Floor, Sahyog Sankul, Sector-11, Gandhinagar-382010**

**Website: <https://gujrera.gujarat.gov.in>**

**No: GujRERA/Order -103**

**Date: 20/12/2024**

**Order-103**

**Subject: - Gujarat RERA Bank Account Directions, 2025**

**1. Reference: -**

- a) Section 4(2)(l)(D) of The Real Estate (Regulation and Development) Act, 2016.
- b) Gujarat Real Estate (Regulation and Development) (General) Rules, 2017. (Rule-5, Rule 9, Rule 3(6))
- c) Gujarat Real Estate Regulatory Authority (General) Regulations 2017.
- d) As approved by the Authority in note as on 20/12/2024.

**2. Read:-**

- a) GujRERA Circular bearing No. 02/2017 issued on 29 July 2017.
- b) GujRERA Circular bearing No. 9 issued on 30<sup>th</sup> August 2018.
- c) GujRERA Circular bearing No. 11 issued on 5<sup>th</sup> October 2018.
- d) GujRERA Circular bearing No. 15 issued on 23<sup>rd</sup> May 2019.

**3. Short Title and Commencement: -**

- a) In exercise of the powers conferred by Section 37 of the Real Estate (Regulation and Development) Act, 2016 the Gujarat Real Estate Regulatory Authority having considered it necessary in the interest of on-time delivery of any plot, apartment

or building and for the purpose of ensuring the non-diversion of project funds has decided to issue the order for RERA Bank Account.

- b) These Directions shall be called the “Gujarat RERA Bank Account Directions, 2025” and shall come into force from date 1st January,2025.
- c) These directions supersede the Gujarat RERA Bank Account Directions,2018 dated 19<sup>th</sup> February, 2018 and Guidance note-5 dated 21<sup>st</sup> October,2022 and circular-35 dated 23<sup>rd</sup> September, 2024 issued relating to the separate RERA Bank Account.
- d) The object of these directions is to establish mechanism for operation and maintenance of separate bank account for GujRERA registered project and to safeguard consumer interests, to ensure compliance, promote transparency, accountability, and the financial discipline, as well as to have uniformity in the operation and maintenance of bank accounts of the project and standardize legitimate utilization of funds deposited in the separate RERA Bank account.

#### **4. Definitions: -**

- a) “**Act**” means the Real Estate (Regulation and Development) Act, 2016;
- b) “**No Lien Account**” means Account without any third party rights or security interests;
- c) “**No Lien Fixed Deposit**” means Fixed Deposit without any third party rights or security interests;
- d) “**RERA Collection Bank Account**” means an account to be maintained by the promoter for receiving all the collections from the allottees from time to time as mentioned in the agreement for sale including amenity and any other charges but excluding the Pass-through charges and Indirect taxes;
- e) “**RERA Retention Bank Account**” means the separate bank account wherein seventy percent of the amount received in “**RERA Collection Bank Account**” shall be deposited. Deposited amount in this account shall solely be utilised to cover the cost of construction and the land cost as prescribed in the Rule 5 of the Gujarat Real Estate (Regulation and Development) General Rules,2017;
- f) “**RERA Transaction Bank Account**” means an account of the project to be maintained by the promoter for transferring up to 30% of the total collection received in the “**RERA Collection Bank Account**” of the Project;

- g) Words or expressions used in this order and not defined herein but defined in the Act or Rules or Regulations shall bear the same meanings respectively assigned to them in the Act, Rules and Regulations.

## **5. Opening of RERA project Bank Accounts**

The Promoter shall open following three bank accounts in a single scheduled bank branch operating in the State of Gujarat before applying for the project registration,

- A. RERA Collection Bank Account of the Project
- B. RERA Retention Bank Account of the Project
- C. RERA Transaction Bank Account of the project

On the publication of this Order, all the ongoing projects registered with the Authority, shall mandatorily migrate to above mentioned system of three tier bank account system. If any promoter for ongoing project is holding RERA bank account in a bank branch out side the State of Gujarat, then such promoter will have to get the account transferred to a branch operating within the State.

In the case of multiple promoters, necessary contractual or legal arrangements should be made by the principal promoter, who is registering the project, to ensure proper operations of RERA Account. (This will apply in the case of Joint Development Agreement)

However, in case of promoter(s) having joint rights on project land applying under the category of "others", joint RERA Bank account with the name of all the promoter(s) or in the name of person having registered power of attorney from all the joint right holders of project land, for the purpose of operation of RERA bank account needs to be opened and to be reported to the GujRERA.

## **6. Nomenclature, Maintenance, and Operations of three bank accounts mentioned in the clause 3 herein above.**

### **a) RERA Collection Bank Account of the Project**

The Promoter shall open and maintain the "RERA Collection Bank Account of the Project "in a schedule bank branch operating in the State of Gujarat.

**Nomenclature-** Name of the collection bank account shall contain name of the promoter and name of the project prescribed in the following manner:

"Name of Promoter" + **RERA Collection** Bank Account for + "Project Name"

Example-

Name of Promoter - "ABC Ltd.",  
Name of Project-"XYZ"

Account name- "ABC Ltd. RERA Collection Bank Account for XZY"

The entire amount accepted from the allottees should be deposited in this account excluding indirect taxes (GST, taxes, stamp duty registration charges etc) and Pass-Through Charges (if any).

The bank where the RERA Collection Bank Account of the Project is opened shall ensure that no debits or withdrawals are permitted by means of cheque, debit card, credit card, internet banking facility, or any other payment methods (e.g., Demand Draft (DD), on line transfer etc.) or any means of instruments, except through an auto sweep facility transferring a minimum of seventy (70%) percent of the amount collected from allottees to the RERA Retention Bank Account of the Project and a maximum of thirty (30%) percent of the collected amount to the RERA Transaction Bank Account of the project.

The Promoter shall furnish/publish particulars of the RERA Collection Bank Account of the project in the Allotment letter and agreement for sale with the prospective homebuyers for the purpose of receiving payments towards their unit in the registered project. **However those Units in which AFS has already been executed and/or Allotment letter is issued to the Allottee are not required to comply with this requirement.**

**b) RERA Retention Bank Account of the project-**

The promoter shall open and maintain RERA Retention Bank Account of the project in the same bank for each registered project separately wherein seventy percent of the amount received in RERA Collection Bank Account of the project from the allottees shall be transferred through auto sweep facility.

**Nomenclature-** Name of the Retention Bank account shall contain name of the promoter and name of the project prescribed in the following manner:

*"Name of Promoter (Account holder)" + RERA Retention Bank Account for + "Project Name*

Example- Name of Promoter - "ABC Ltd.",

Name of Project- "XYZ"

Account name- "ABC Ltd. RERA Retention Bank Account for XZY"

**Deposits -**

Minimum 70% of the amounts realised for the real estate project by the allottees, from time to time received in **RERA Collection Bank Account** of the project shall be deposited through auto- sweep transfer facility in a **RERA Retention Bank**

**Account of the project** to cover the cost of construction and the land cost and shall be used for that purpose only.

This account shall be free from all encumbrances and should not be escrow account for any purpose and shall be free from Lien, loans, and third-party control i.e. lender/ bank/ financial institution and cannot be attached by any other government authority/body unless any direction given by GujRERA.

**Withdrawals -**

As per the provisions of section 4(2)(l)(D) of the Act and as prescribed by regulation 3 of the Gujarat Real Estate Regulatory Authority (General) Regulations, 2017, the amounts from the RERA Collection Bank Account shall be withdrawn by the promoter under certification in Form 1 (Architect Certificate), Form 2 (Engineer Certificate) and Form 3 (CA Certificate). Such certificates should be uploaded on GujRERA portal for each withdrawal of funds from the RERA Retention Bank Account.

However, if promoter has balance limit for withdrawal as per previous certificate, then fresh certificates for subsequent withdrawal(s) are not required to be provided except for the **first time submission** of the withdrawal certificates. In other words, after 1<sup>st</sup> January,2025 every promoter needs to submit the Form-1,2,3 certificate on portal first time for the withdrawal of funds after that every withdrawal does not require fresh issuance of certificate, **as long as**, earlier certificate provided by promoter has balance amount left for the purpose of withdrawal.

The money deposited in this account can be utilized only for meeting following expenditures incurred on the project: -

**i. Land cost: -**

As laid down in Rule 5 of the Gujarat Real Estate (Regulation and Development) (General) Rules,2017 read with GujRERA Circular No. 02 regarding the subject "Clarification on CA Certificates" and Circular No. 11 regarding the subject "Clarification of Land cost to be consider in Form-3".

**ii. Development Cost/ Cost of Construction: -**

As laid down in above cited Rule 5 read with GujRERA Circular bearing No 02 regarding the subject "Clarification on CA Certificates".

**iii. Interest for loan-**

Any secured/Unsecured loan taken for the project and fund being used for the project development, may be serviced from the RERA Retention Bank Account.

However, interest on a loan taken from the partners cannot be served from this account.

**iv. Refunds to the allottees-** Cancellation amount(s), if any, to be paid by the promoter to the allottees on cancellation of booking / allotment of the apartment, should be treated as cost incurred for the project and the same can be withdrawn from the RERA Retention Bank Account, to the maximum extent of 70% of the amount to be paid to the Allottee on cancellation of the booking/allotment.

Any excess money lying in the RERA Retention Bank Account can be converted in fixed deposits with the bank operating all three RERA Designated Bank Accounts. Such fixed deposits have to be a no lien Fixed Deposit and no loan can be obtained against or on such Fixed Deposit nor any charge can be created on such Fixed Deposit.

**c) RERA Transaction Bank Account of the project-**

The promoter shall open and maintain the "RERA Transaction Bank Account of the Project" in a scheduled bank for each registered project separately.

**Nomenclature-** Name of the transaction bank account shall contain name of the promoter and name of the project formatted in the following manner:

"Name of Promoter (Account holder)" + RERA Transaction Bank Account for + "Project Name"

Name of Promoter - "ABC Ltd.",  
Name of Project- "XYZ"

Transaction Account name- "ABC Ltd. RERA Transaction Bank Account for XZY"

**Deposits -**

Maximum thirty percent (30%) of the amounts realised for the real estate project from the allottees, received in RERA Collection Bank Account of the project shall be deposited in RERA Transaction Bank Account of the project.

This account can be utilized for meeting expenses other than those directly related to the land cost and construction/development cost of the project, in accordance with the provisions laid down in the Act and the rules and the regulations made thereunder.

**Withdrawal-**

i. Minimum thirty percent (30%) of cancellation amount(s), if any, to be paid by the promoter to the allottees on cancellation of booking / allotment of the apartment, will be eligible for payment from the RERA Transaction Bank Account.

ii. Interest/compensation to the allottee- The interest/compensation paid by the promoter to the allottees should not be treated as cost incurred for the project and hence such sum required to be paid as interest/ compensation to the Allottee cannot be withdrawn from the RERA Retention Bank Account. Any such amount can be withdrawn from RERA Transaction Bank Account.

iii. The penalty imposed by GujRERA to be paid by the promoter should not be treated as cost incurred for the project hence cannot be withdrawn from RERA Retention Bank Account. Hence such amount may be withdrawn from the RERA Transaction Bank Account.

#### **7. Reporting to the Authority: -**

The promoter shall enter and update following financial details on his web page created on GujRERA portal, namely: -

- a) The details of RERA Collection Bank Account and RERA Retention Bank Account along with the bank statements at the time of Registration and subsequently, if any change in such bank accounts are made;
- b) Quarterly progress report of project in Form 8 prescribed under regulation 4AA of the Gujarat Real Estate Regulatory Authority (General) Regulation,2017 as amended;
- c) All the withdrawal certificates for withdrawal of funds from the RERA Retention Bank Account, in Form-1, Form 2 and Form 3 prescribed under regulation 3 of the Gujarat Real Estate Regulatory Authority (General) Regulation,2017;
- d) All the project loans obtained prior to or subsequent to project registration, in report submitted under sub-clause (b) and (c) above;
- e) Annual report on statement of accounts in Form 5 prescribed under regulation 4 of the Gujarat Real Estate Regulatory Authority (General) Regulation,2017.

#### **8. Changing the bank accounts of the project: -**

- a) The Promoter may change the RERA Accounts from one Bank to another Bank only with prior approval of the Authority.
- b) For RERA Account change request, promoter has to make written application along with necessary documents in the following forms: -
  - I. Application for change in RERA Accounts as per Form RA1 annexed to these Directions;
  - II. Certificate of account balance from bank with existing RERA Accounts as per Form RA2 annexed to these Directions;
  - III. Account Statement / copy of passbook of account proposed as new RERA Accounts

- c) The fund lying in the RERA Collection Bank Account and RERA Retention Bank Account needs to be transferred in total in the respective account i.e. amount lying in the existing RERA Retention Bank Account needs to be transferred in the new RERA Retention Bank Account in total and same applies to RERA Collection bank account if there is any balance in the same.
- d) Promoter is also required to submit fund transfer compliance letter as per Form RA3 along with Form RA4 annexed to these Directions and proof of previous RERA Account closure.

**9. Closure of separate bank accounts of the project: -**

On completion of project and handing over the project to the society as per section 11(4) of the Act, the Promoter should submit the Project End Compliance (Q-E) as per Order 20, dated 31<sup>st</sup> Jan, 2019, Order 30, dated 27<sup>th</sup> September, 2019 and Order 93, dated 28<sup>th</sup> May, 2024 issued by the Authority.

The Promoter may close the RERA Bank Account subsequent to successful submission of Project End compliance.

**10. Obligations of the Banks-**

- a) Banks shall be obliged to follow the provisions of opening, operating and closing of all three RERA Designated project bank accounts as per above prescribed Directions.
- b) Banks shall notify every promoter approaching the branch to open and maintain three bank accounts namely RERA Collection Bank Account of Project, RERA Retention Bank Account of Project and RERA Transaction Bank Account of Project for all registered projects.
- c) Banks shall follow strictly the nomenclature prescribed in these Directions for the bank accounts.
- d) The bank where the RERA accounts of the project is opened shall ensure that no debits or withdrawals are permitted by means of cheque, debit card, credit card, internet banking facility, or any other payment methods (e.g., Demand Draft (DD), bank guarantees, etc.) or any means of instruments, except through an auto sweep facility to transfer the amount deposited in RERA Collection Bank Account to the RERA Retention bank account and RERA Transaction bank account respectively in 70:30 ratio.



- e) Banks shall ensure that cheque book, debit card, net banking facility and/or any other means of instrument for withdrawal of funds from RERA Collection Bank Account of the Project is not provided by the banks.
- f) The Banks should ensure that no withdrawal of funds should be permitted from the RERA Retention Bank Account without verifying the limit mentioned in the CA certificate (Form-3) uploaded on the Gujarat RERA portal.
- g) Banks shall ensure that the "RERA Collection Bank Account" and "RERA Retention Bank Account" of the project shall be free from all encumbrances and should not be an escrow account and free from lien, loans, and third-party control i.e lender/ bank/ financial institution. These two accounts cannot be attached by any other government authority/body without the order of GujRERA.
- h) In case of creation of Fixed deposit for the money lying in the RERA Retention Bank Account, the banks should ensure that the said Fixed deposit is free from any lien/charges/encumbrance.
- i) Banks should ensure before disbursing the project loan to any promoter that proper disclosure has been made by the promoter on GujRERA portal. However, banks may sanction the project loan to the promoter.
- j) In the eventuality of any orders of the Authority for freezing/de-freezing of any of the project accounts, the banks shall immediately comply with such orders and shall accordingly freeze/ de-freeze the concerned account(s).
- k) When project loan has been disbursed, loan sanctioning banks should observe due diligence before issuing the NOC for Project/Unit. Extra care needs to be taken while issuing the NOCs in case of re-financing of the project.
- l) On completion of the project, bank should allow the withdrawal of entire balance amount lying in the RERA Retention Bank Account by the Promoter only after verifying successful submission of necessary certificates and due project completion compliances on GujRERA Portal.

#### **11. Obligations of the professionals: -**

All the professionals issuing certificates under the Act, rules and regulations made thereunder should ensure that if any certificate issued by the project Architect, Engineer or the Chartered Accountant has false or incorrect information, the Authority may take up the matter with the concerned regulatory body of the such professionals for necessary penal action against them, including dis-membersment.

**12. Obligations of the Allottees: -**

The allottees or prospective allottees for RERA registered projects should make the all the payments, except Pass through charges and Indirect taxes, towards RERA Collection Bank Account of the particular project only.

**13. Power of the Authority: -**

- a) On lapse of the registration of the project or revocation of the registration the Authority may direct the bank holding the RERA Account to freeze or de-freeze the said account, to facilitate the remaining development works in accordance with the provisions of section 7(4)(c) and section 8 of the Act.
- b) The Authority may in the interest of the allottees, inquire into the payment of amounts out of RERA Retention Bank Account as per the provisions contained in sub-rule 3 (a) of Rule 8 of the Gujarat Real Estate (Regulation and Development) (Matters Relating to the Real Estate Regulatory Authority) Rules, 2016.

**Non-compliance of these directions in any manner will be punishable under section 60 and 63 of the Act.**

  
**Secretary  
GujRERA**

**Form RA1**  
**(See Direction 6)**

**Application for Change in RERA Bank Account**

To,  
Gujarat Real Estate Regulatory Authority,

**Sub: Application for change in RERA bank accounts**

**Ref:** Project Name: \_\_\_\_\_, Promoter Name: \_\_\_\_\_, Project Registration No. \_\_\_\_\_

Dear Sir,

With reference to the above-mentioned subject, I / We would like to apply for the Authority's approval for change in the RERA Account as per the following details:

<b>Current RERA Account</b>	
Bank Name	
Branch Name	
IFSC Code	
A/c No. of RERA Collection Bank Account (100%)	
A/c No. of RERA Retention Bank Account (70%)	

<b>Proposed RERA Account</b>	
Bank Name	
Branch Name	
IFSC Code	
A/c No. of RERA Collection Bank Account (100%)	
A/c No. of RERA Retention Bank Account (70%)	

I/We solemnly affirm and declare that the particulars given in herein are correct to my/ our knowledge and belief.

I / We further undertake that I shall freeze all transactions from the said account until RERA conveys its decision on the RERA bank account change application.

Dated: \_\_\_\_\_

Place: \_\_\_\_\_

Yours faithfully,

Name, Signature and Seal of the Promoter / Authorized Signatory

**Form RA2  
(See Direction 6)**

**Certificate of account balance from Bank with existing RERA Bank account**

To,

Gujarat Real Estate Regulatory Authority,

**Sub: Details of current RERA Accounts**

**Ref:** Project Name: \_\_\_\_\_, Promoter Name: \_\_\_\_\_, Project Registration No.  
\_\_\_\_\_

Dear Sir,

This is to certify that \_\_\_\_\_ (name of the Promoter) has RERA Account operational with our bank as per following details.

Bank Name	
Branch Name	
IFSC	
A/c No. of RERA Collection Bank Account (100%)	
Account Holder Name (100%)	
A/c No. of RERA Retention Bank Account (70%)	
Account Holder Name (70%)	
Type of Account	
Closing Balance of RERA Collection Bank Account (as on Dt    /    /    ) in Amount Rs.	
Closing Balance of RERA Retention Bank Account (as on Dt    /    /    ) in Amount Rs.	

I/We solemnly affirm and declare that the particulars given in herein are correct to my/ our knowledge and belief.

Dated: \_\_\_\_\_

Place: \_\_\_\_\_

Yours faithfully,

Name, Signature and Seal of the Bank Authorized Signatory

**Form RA3**  
**(See Direction 6)**

**Confirmation Letter of change in RERA Account**

To,

Gujarat Real Estate Regulatory Authority,  
\_\_\_\_\_ ,

**Sub: Confirmation of change in RERA Accounts**

**Ref:** Project Name: \_\_\_\_\_, Promoter Name: \_\_\_\_\_Project Registration No..... with reference my / our application for change in RERA Account vide letter dated \_\_\_ and as per the terms and conditions mentioned in the in-principal approval received from the Authority vide letter / email dated \_\_\_\_\_, I / We confirm that the RERA Bank Account has been changed and an amount of Rs. \_\_\_\_\_ (In Words: \_\_) has been transferred to the new RERA Collection Bank Account and Rs. \_\_\_\_\_ (In Words: \_\_) has been transferred to the new RERA Retention Bank Account.

I/we undertake that I/we shall operate the RERA Account in compliance with RERA Act, Rules and Regulations.

<b>Previous RERA Account</b>	
Bank Name	
Branch Name	
IFSC Code	
A/c No. of RERA Collection Bank Account (100%)	
A/c No. of RERA Retention Bank Account (70%) No.	

  

<b>New RERA Account</b>	
Bank Name	
Branch Name	
IFSC Code	
A/c No. of RERA Collection Bank Account (100%) No.	
A/c No. of RERA Retention Bank Account (70%)	

I/We solemnly affirm and declare that the particulars given in herein are correct to my/ our knowledge and belief.

Dated: \_\_\_\_\_

Place: \_\_\_\_\_

Yours faithfully,

Name, Signature and Seal of the Promoter / Authorized Signatory

Form RA4  
(See Direction 6)

**Certificate of fund transfer by Bank having new RERA Bank Account**

To,

Gujarat Real Estate Regulatory Authority,

\_\_\_\_\_ ,

**Sub: Details of RERA Bank Accounts**

**Ref:** Project Name: \_\_\_\_\_, Promoter Name: \_\_\_\_\_, Project Registration No.

\_\_\_\_\_

Dear Sir,

This is to certify that the Promoter \_\_\_\_\_ has the bank account operational with our bank as per following details.

Bank Name	
Branch Name	
IFSC	
A/c No. of RERA Collection Bank Account (100%)	
Account Holder Name (100%)	
A/c No. of RERA Retention Bank Account (70%)	
Account Holder Name (70%)	
Type of Account	
Opening Balance of RERA Collection Bank Account (as on Dt    /    /    ) in Amount Rs.	
Opening Balance of RERA Retention Bank Account (as on Dt    /    /    ) in Amount Rs.	

Further, a sum of Rs. \_\_\_\_\_ (in words: \_\_\_\_\_) has been credited into the above mentioned RERA Retention Bank Account and a sum of Rs. \_\_\_\_\_ (in words: \_\_\_\_\_) has been credited into the above mentioned RERA Collection Bank Account on date \_\_\_\_\_.

Dated: \_\_\_\_\_

Place: \_\_\_\_\_

Yours faithfully,

Name, Signature and Seal of the Bank Authorized Signatory

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