

Resolution passed by RERA Authority on 26/08/2025 regarding treatment of Projects for registration outside the planning area

1. Background:

- **P&RD Exemption Notification:** Under Notification No. PDA.29/2022/12 dated 28/06/2022 issued by the Panchayat & Rural Development (P&RD) Department, construction of buildings within Gaon Panchayat, Anchalik Panchayat, and Zilla Parishad jurisdictions does not require building permission, except where the land falls under the jurisdiction of a designated Development Authority.
- **Regulatory Gap:** Large-scale, multi-storied commercial and residential real estate projects are increasingly being developed in border/peripheral rural areas lying outside designated planning areas to circumvent urban planning approvals.
- **Safety and Structural Verification Concerns:** Because these areas fall outside Development Authority jurisdictions, promoters do not obtain building NOCs or undergo structural safety scrutiny from competent technical bodies. Consequently, such projects generally fall outside the default registration trigger under Section 3(1) of the Real Estate (Regulation & Development) Act, 2016.

2. Key Issues Identified

- **Consumer Risk:** Homebuyers investing in multi-storied complexes outside planning areas face severe financial and physical risks due to the absence of vetted structural designs and quality checks.
- **Enforcement Challenges:** Under Section 3(1) of the RERA Act, 2016, projects outside designated planning boundaries do not mandatorily require prior registration unless specifically notified or brought under authority oversight.

3. Resolutions Adopted by RERA Assam

(As per RERA Authority Resolution dated 26/08/2025, circulated vide Order No. RERA/Assam/Esstt/2024/150/70 dated 22/05/2026)

- **Voluntary Promoter Registration (Clause i):** Promoters of projects outside planning areas may voluntarily apply for RERA registration. Acceptance is subject to the promoter submitting an affidavit of undertaking agreeing to comply with all provisions of the RERA Act, 2016, relevant rules/regulations, and any special directions issued by the Authority.
- **Action on Allottee Complaints (Clause ii):** RERA Assam will issue registration notices to promoters upon receiving a complaint from any allottee, provided the project meets the threshold of **1 (one) Bigha or above in land area** OR comprises **20 (twenty) or more apartments** in total.

- **Inter-Departmental Referral for Technical Scrutiny (Clause iii):** The Authority resolved to move the Government of Assam and the Department of Housing & Urban Affairs (DoHUA) to issue necessary instructions directing the Director, Town & Country Planning to carry out technical vetting and scrutiny for projects under consideration outside planning areas.

4. Conclusion / Action Required

- Ensure strict implementation of the threshold criteria (≥ 1 Bigha / ≥ 20 apartments) for issuing notices on allottee complaints.

RERA ASSAM