

NOTE ON THE RIGHTS OF THE ALLOTTEES

Rights of allottees are given under Chapter IV of the Real Estate (Regulation and Development) Act, 2016 (for short “the Act”) which provides them with the following rights:

Right to obtain information

The allottee shall be entitled to obtain the information relating to sanctioned plans, layout plans along with the specifications, approved by the competent authority and such other information as provided in this Act or the rules and regulations made thereunder or the agreement for sale signed with the promoter. (Section 19(1))

Know stage wise time schedule

The allottee shall be entitled to know stage-wise time schedule of completion of the project, including the provisions for water, sanitation, electricity and other amenities and services as agreed to between the promoter and the allottee in accordance with the terms and conditions of the agreement for sale. (Section 19(2))

Claim possession

The allottee shall be entitled to claim the possession of apartment, plot or building, as the case may be, and the association of allottees shall be entitled to claim the possession of the common areas. (Section 19(3))

Claim Compensation

The allottee shall be entitled to claim the refund of amount paid along with interest at such rate as may be prescribed and compensation in the manner as provided under this Act, from the promoter, if the promoter fails to comply or is unable to give possession of the apartment, plot or building, as the case may be. (Section 19(4))

Necessary documents and plans

The allottee shall be entitled to have the necessary documents and plans, including that of common areas, after handing over the physical possession of the apartment or plot or building as the case may be, by the promoter. (Section 19(5))

Rights in general/Other Rights

The allottee shall be entitled to the following apart from the above:

- To obtain the completion certificate from the promoter. (Section 11 (4)(b))
- Obtain the lease certificate from the promoter, where the real estate project is developed on a leasehold land. (Section 11 (4)(c))
- Essential services, on reasonable charges from the promoter, till the taking over of the maintenance of the project by the association of the allottees. (Section 11 (4)(d))
- Amount with interest in case he incurs a loss because of false advertising, and wishes to withdraw from the project. (Section 12)
- Rectification of defects by the promoter within 30 days of notice to him. (Section 14 (3))
- Compensation in case the promoter fails to rectify the structural defects or other deficiencies for a period of 5 years from the date of delivery of possession. (Section 14 (3))
- Consent to transfer or assignment of the majority rights and liabilities of the promoter in respect of a real estate project to a third party. (Section 15 (1))