



GOVERNMENT OF KERALA

Abstract

Housing Department - Interim Order of the hon'ble High Court dated 10.12.2024 in WP(C) No.15166/2024 & 42279/2024 - Effective implementation of Kerala Apartment Ownership Act, 1983 - Enforcement of the Annexure A Standard format for Agreement for Sale stipulated in the Rule 10 of KRERA Rules - Orders issued.

HOUSING (A) DEPARTMENT

G.O.(Ms)No.6/2025/HSG Dated,Thiruvananthapuram, 27-07-2025

- Read:- 1. Interim Order of the Hon'ble High Court dated 10.12.2024 in WP(C) No.15166/2024 & 42279/2024
2. Government Letter No. HSG-A1/46/2024-HSG dated 11.04.2025 & 12.06.2025
3. Letter No.1163/L1/KRERA/2025 dated 19.06.2025 from the Secretary (Legal), KRERA.
4. Contempt Case (C)1328/2025 filed by Sri. Ananda Padmanabhan

ORDER

W.P.(C) No. 15166 of 2024, a Public Interest Litigation petition, is filed by Sri. Ananda Padmanabhan before the Hon.High Court seeking various reliefs including the issuance of direction to ensure that Clause 20 of Annexure A(standard form agreement for sale under the Kerala Real Estate (Regulation and Development) Rules 2018 is strictly complied by all the Promoters of the Apartment Buildings, registered under Section 3 of RERA.

2. The Hon'ble High Court in its interim order read as first paper above ordered to examine and issue necessary instruction to the concerned Authorities to ensure that Clause 20 of Annexure A is strictly complied with.

3. As per Section 13(1) of the RERA Act 2016 ,the promoter shall not accept a deposit or advance without first entering into a written

Agreement for sale and registering the Agreement under any law for the time being in force. Section 13(2) RERA Act of 2016 stipulates that the Agreement for sale referred to in sub-section 13(1) shall be in the form as may be prescribed. Government of Kerala has framed the Kerala Real Estate (Regulation and Development) Rules, 2018 including the following as Rule 10.

“10. Agreement for sale.- (1) For the purpose of sub section (2) of Section 13, the Agreement for sale shall be in the form in Annexure ‘A’.

The Annexure A to the Kerala Real Estate (Regulation and Development) Rules, 2018 prescribes the Standard format for the Agreement for sale to be entered into between a Promoter and an Allottee with respect to purchase of an Apartment/Plot as part of a Real estate project. Clause 20 of the Standard format reads thus:-

“The promoter has assured the Allottees that the project in its entirety is in accordance with the provisions of the Kerala Apartment Owners Act, 1983 (5 of 1984).”

4. Based on the contexts explained above and in order to comply with the interim order read above, Secretary RERA as well as its Administrative department, Local Self Government Department were directed to take necessary action towards stringent enforcement of the Annexure A standard format for Agreement for sale as stipulated in the Rule 10 of KRERA Rules as per Government letter read as 2nd paper above. The Secretary, KRERA as per the letter read as 3rd paper above has informed that at the time of the registration of the real estate project, the legal wing of the Authority is strictly scrutinizing Annexure 'A' Agreement for sale including Clause 20 of Rules, 2018.

5. Government have examined the matter in detail and have observed that there prevails serious lacuna in the implementation of the Kerala Apartment Ownership Act, 1983 resulting in grievances faced by Apartment owners in the State. Non compliance of the Annexure A Standard Format for Agreement for Sale helps the registered Promoters to evade from their statutory obligations to abide by the Kerala Apartment Ownership Act, 1983. Considering the said

factors, and in compliance of the Interim Order of hon'ble High Court read as first paper above, Government are pleased to order that the Chairman, Kerala Real Estate Regulatory Authority should take all necessary steps to ensure that Clause 20 of Annexure A under the Kerala Real Estate (Regulation and Development) Rules 2018 is strictly complied by all the registered Promoters of the Apartment Buildings.

(By order of the Governor)
M G RAJAMANICKAM
SECRETARY

Chairman, Kerala Real Estate Regulatory Authority, 6th Floor, Trinity Centre, TC No. 14/4354, Opp Chaithanya Eye Hospital, Kesavadasapuram, Pattom P.O, Thiruvananthapuram -695004.

Local Self Government Department.

Housing Commissioner, Thiruvananthapuram.

Secretary, Kerala State Housing Board, Thiruvananthapuram.

The Advocate General ,Ernakulam with C/L

Inspector General of Registration, Office of the Inspector General of Registration, Thiruvananthapuram.

Competent Authorities appointed as per S.R.O.No.261/2014 dated 29.04.2014.

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Section Officer