

U.P. Real Estate Regulatory Authority

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Press Note

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RERA to restrict the arbitrariness of promoters in the name of Offer of Possession Letters

- In the name of Offer of possession, any letters sent like; Demand Notice, Final Demand Notice or with similar language will not be valid.
- The letter of Offer of Possession will be sent only after obtaining OC or CC from the Development Authority and its sole purpose will be to obtain possession.
- To bring uniformity in the Offer of Possession letter and to protect the allottees from binding conditions, a model format has been made available on the RERA portal by the Authority.

Lucknow / Gautam Buddha Nagar: In order to prevent arbitrariness being done by the promoters through the offer of possession letters sent to the allottees and to eliminate the disputes arising between the promoter and his allottees due to this, U.P. RERA has made a model format of the letter of offer of possession publicly available on the RERA portal. In the office order issued by the Authority on 29 May,2024, it has also been clarified that the promoters will issued offer of possessin to the allottees on the same format of Offer of Possession letter available on the portal and no binding conditions will be imposed on the allottees by the promoters in any way through the offer of possession letter. After receiving the OC / CC of the project, the offer of possession letters will be sent to the allottees by the promoter in writing to their registered email and residential address by post and they will also be

informed by SMS on their respective mobile numbers and phone number. In this regard, the promoter should also display information at the project site and its head office.

Keeping in mind the complaints received regarding the Offer of Possession letter issued to the allottees by the promoters and variety of formats of the letter, the Regulatory Authority has uploaded a model format of Offer of Possession so that uniformity can be achieved in the language and purpose of this letter. The core intention of the letter related to Offer of Possession should be that the allottee is being invited to hand over the possession of his unit. If any construction work is still remaining in the unit, the promoter will have to clearly mention the remaining finishing work of the unit and the duration required for it in completion. If the allottee has any liability, then it should not be outside the scope of the Agreement for Sale and its legal justification should be proved. Letters sent using demand notice, final demand notice and offer of possession or similar language will not be considered as Offer of Possession letter.

Offer of possession letters should be sent within 2 months of receiving OC/CC and at the time of possession, a copy of OC/CC certificate issued by the development authority will also have to be given to the allottees. After receiving the offer of possession letter by the allottee, it will be the responsibility of the allottee to comply according to the further procedure. After this order, if any dispute arises regarding the offer of possession and instead of giving offer of possession, a final demand notice or notice is given, then its decision will be pronounced according to the provisions of U.P. Real Estate (Regulation and Development) (Agreement for Sale/Lease) Rules, 2018.

According to Chairman, U.P. RERA, Sanjay Bhoosreddy, "The promoters send Final Demand Letter and Final Demand Notice using the name and language of Offer of Possession, which creates confusion among the allottees, and it carries some binding conditions. Offer of Possession should be meant only for the purpose of taking possession. Hence, we have made available a model Offer of Possession on the portal and any other format of letter will not be valid. This will remove confusion among the stakeholders and help in disposal of disputes related to it."
