



RICHMOND ENCLAVE PRIVATE LIMITED

Jyotinagar, sakeshpore sarani, Near Webel IT Park, Asansol,
Paschim Barddhaman- 713341

CIN NO. U45400WB2012PTC183950

✉ asn.anandadhara@gmail.com

☎ 7797620275

To

Date: 06.03.2026

The Authority
West Bengal Real Estate Regulatory Authority
Kolkata, West Bengal

Subject: Declaration regarding Open Car Parking in RERA Project

Respected Sir/Madam,

This is to state that as per the provisions of the Real Estate (Regulation and Development) Act, 2016, a promoter is permitted to show **open car parking spaces** within a real estate project and disclose the same in the RERA project documents.

Accordingly, in the project documents submitted before RERA, the promoter may:

- Show the **number of open car parking spaces** available in the project.
- Indicate the **location of the open parking spaces in the site/layout plan.**
- Mention the parking details under **Common Areas / Parking Details** in the project disclosure.

Therefore, **open car parking is allowed to be declared in a RERA project**, however such parking spaces are treated as **common areas and cannot be sold separately.**

Further, as per the judgment of the Supreme Court of India in the case of Nahalchand Laloochand Pvt. Ltd. vs Panchali Cooperative Housing Society Ltd. case, it has been held that **open parking spaces form part of the common areas of the building and cannot be sold independently by the developer.** However, the developer may **allot parking spaces for use by the flat owners.**

Definition of Common Areas

Section 2(n) of the Real Estate (Regulation and Development) Act, 2016 defines *Common Areas*. Clause 2(n)(iii) includes parking areas such as:

- Open parking areas

- Basement parking
- Stilt parking spaces
- Areas used for parking by apartment owners

Hence, **open parking spaces fall under the category of common areas of the project.**

Transfer of Common Areas

Under **Section 17 and Section 19** of the Real Estate (Regulation and Development) Act, 2016:

- All common areas are required to be **transferred to the Association of Allottees / Society.**
- The promoter **cannot sell common areas as separate units.**

Therefore:

- Open parking spaces **cannot be sold as independent property units.**
- They may only be **allotted to flat owners for use.**

This declaration is submitted for your kind consideration and record.

Thanking you.

Yours faithfully,

RICHMOND ENCLAVE PRIVATE LIMITED

M. S. K. Nalini
Director