



# Haryana Government Gazette

## EXTRAORDINARY

Published by Authority

© Govt. of Haryana

No. 156-2019/Ext.] CHANDIGARH, THURSDAY, SEPTEMBER 12, 2019 (BHADRA 21, 1941 SAKA)

### HARYANA GOVERNMENT

#### TOWN AND COUNTRY PLANNING DEPARTMENT

##### Notification

The 12th September, 2019

**No. Misc-862/1/83/2019/ITCP.**— In exercise of the powers conferred by sub-section (1) read with sub-section (2) of section 84 of the Real Estate (Regulation and Development) Act, 2016 (Central Act 16 of 2016), the Governor of Haryana hereby makes the following rules further to amend the Haryana Real Estate (Regulation and Development) Rules, 2017, namely:-

1.	(1)	These rules may be called the Haryana Real Estate (Regulation and Development) Amendment Rules, 2019.
	(2)	They shall come into force on the date of their publication in the Official Gazette.

2.	In the Haryana Real Estate (Regulation and Development) Rules, 2017 (herein after called the said rules), in rule 2, in sub-rule (1), for clause (c), the following clause shall be substituted, namely: - (c) "association of allottees" means a collective of the allottees of a real estate project, by whatever name called, registered under any law for the time being in force, acting as a group to serve the cause of its members and shall include the authorised representatives of the allottees as recognised by the Authority. The manner in which the association of allottees of a project or a part thereof may be recognised for the purposes of section 17 shall be such, as specified in the regulations;'	
3.	In the said rules, in rule 3,-	
	(i)	in sub-rule (1), -
	(a)	in the first para, the words "in triplicate" shall be omitted;
	(b)	in clause (b), for the word "lost" the word "loss" shall be substituted;
	(c)	in clause (d), for the word "chain" the word "claim" shall be substituted;
	(d)	in clause (f), in seventh line, for the word "on" the word "of" shall be substituted; and
	(ii)	after sub-rule (3), the following sub-rule shall be inserted, namely: - "(4) Application for registration of a real estate project of a promoter under clause (zk) (iii) of section 2 shall be restricted to submission of documents/ information as required under clauses (d), (f) and (h) of sub-section (2) of section 4 only and other relevant information as required by the Authority from time to time."
4.	In the said rules, in rule 4, for sub-rule (4), the following sub-rule shall be substituted, namely: - "(4) For ongoing projects, the promoter shall, within a period of three months of the application for registration of the project with the Authority, deposit in a separate bank account, seventy percent of the amount already realized from the allottees, minus expenditure incurred and paid for meeting the cost of construction and the proportionate land cost of the project as provided under sub-clause (D) of clause (1) of sub-section (2) of section 4 which shall be used for the purposes specified therein."	
5.	In the said rules, in rule 6, in sub-rule (1), the words "in triplicate within" shall be omitted.	
6.	In the said rules, in rule 9, in sub-rule (1),-	
	(i)	the words and sign "intriplicate," shall be omitted; and
	(ii)	for clause (a), the following clause shall be substituted namely:- "(a) the brief details of his enterprise including its name, registered address, type of enterprise (individual, sole proprietorship, proprietorship, society, partnership, company etc.);"
7.	In the said rules, in rule 11, in sub-rule (1), the words and sign "in triplicate, within" shall be omitted.	
8.	In the said rules, in rule 14,-	
	(i)	in sub-rule (1), -
	(I)	in clause (a),-
	(a)	in sub-clause (i), in item (A), for the words "competent authority", occurring twice, the words and sign "development authority, public body" shall be substituted; and
	(b)	in sub-clause (ii), in item (B), for the word "constructed", the words "Constructed or launched" shall be substituted.
	(II)	in clause (b), in sub-clause (v), in item (B), the sign and word "/ promoters" shall be omitted.

	(ii) in sub-rule (3), -
	(I) in clause (a),-
	(a) in sub-clause (ii), for the word "proprietorship", the words and sign "individual, sole proprietorship" shall be substituted;
	(b) in sub-clause (iv), for the words "an individual", the words and sign "an individual, sole proprietorship" shall be substituted;
	(c) in sub-clause (v), at the end, sign and word "/agency" shall be omitted; and
	(II) in clause (b),-
	(a) in the first para, for the words "application" and "has", the words "applications" and "have" respectively shall be substituted; and
	(b) in sub - clause (ii), for the word "proprietorship", the words and sign "individual, sole proprietorship" shall be substituted.
9.	In the said rules, in part V, for the existing heading, the following heading shall be substituted, namely:- "PRESCRIBED RATE OF INTEREST AND TIMELINES FOR REFUND"
10.	In the said rules, for rule 15, the following rule shall be substituted, namely:- "15. Prescribed rate of interest.- [Proviso to section 12, section 18 and sub-section (4) and sub-section (7) of section 19] - For the purpose of proviso to section 12; section 18; and sub-sections (4) and (7) of section 19, the "interest at the rate prescribed" shall be the State Bank of India highest marginal cost of lending rate +2%. Provided that in case the State Bank of India marginal cost of lending rate (MCLR) is not in use, it shall be replaced by such benchmark lending rates which the State Bank of India may fix from time to time for lending to the general public.
11.	In the said rules, for rule 16, the following rule shall be substituted, namely:- "16 (1) Timelines for refund of money and interest at such rate as may be prescribed, payment of interest at such rate as may be prescribed.- [section 18 and section 19] (1) Any refund of money alongwith the interest at such rate as may be prescribed payable by the promoter in terms of the Act or rules and regulations made there under shall be payable by the promoter to the allottee within a period of ninety days from the date on which such refund alongwith interest at such rate as may be prescribed has been ordered by the Authority. (2) Where an allottee does not intend to withdraw from the project and interest for every month of delay till handing over of the possession at such rate as may be prescribed ordered by the Authority to be paid by the promoter to the allottee, the arrears of such interest accrued on the date of the order by the Authority shall be payable by the promoter to the allottee within a period of ninety days from the date of order of the Authority and interest for every month of delay shall be payable by the promoter to the allottee before 10 <sup>th</sup> day of the subsequent month.
12.	In the said rules, in rule 19, in clause (i), for the word "courses", the words "courses within" shall be substituted.
13.	In the said rules, in rule 21, sub-rule (4), shall be omitted.
14.	In the said rules, in rule 22, in sub-rule (1) the words "in triplicate" shall be omitted.
15.	In the said rules, in rule 27, in sub-rule (1), for the words " regulation" and "adjudicating officer of", the words "regulations" and "adjudicating officer or" respectively shall be substituted.
16.	In the said rules, in part IX, for the existing heading, the following heading shall be substituted, namely:- "FILING OF COMPLAINT WITH THE AUTHORITY OR THE ADJUDICATING OFFICER, INQUIRY AND DISPOSAL OR ADJUDGING QUANTUM OF COMPENSATION".

17. In the said rules, for rule 28, the following rule shall be substituted, namely:-

**28. Filing of complaint with Authority (section 31), and inquiry into allegations of contravention or violations (section 35) and disposal of complaint (section 36, section 37 and section 38). —(1)**

Any aggrieved person may file a complaint with the Authority for any violation or contravention of the provisions of the Act or the rules and regulations made thereunder, against any promoter, allottee or real estate agent as the case may be in *Form 'CRA'*, or in the form specified in the regulations, which shall be accompanied by a fees as prescribed in *Schedule III* in the form of a demand draft or a bankers cheque drawn on a Scheduled bank or online payment in favour of "Haryana Real Estate Regulatory Authority".

- (a) Complaint under section 31 may be filed by any aggrieved person, in case of violation or contravention of the provisions of the Act by the promoter, allottee or the real estate agent, as the case may be, and such violation or contravention has been established after an inquiry made by the Authority under section 35.
  - (b) In case, in the complaint, only an allegation has been made regarding contravention or violation of the provisions of the Act or the rules or regulations made thereunder, then the Authority shall conduct an inquiry in relation to the affairs of the promoter or the allottee or the real estate agent, as the case may be, for establishing the veracity of the allegations of the contravention/violation of the provisions of the Act or the rules or regulations made thereunder.
  - (c) If after an inquiry it is not established that contravention/violation of the provisions of the Act or the rules or regulation made thereunder had been committed by the promoter or the allottee or the real estate agent, as the case may be, then the Authority shall drop the allegations of contravention/violation of the Act.
  - (d) In case, it is established that contravention or violation of the provisions of the Act or the rules or regulations has been committed by the promoter or the allottee or the real estate agent, as the case may be, the Authority shall pass such orders or issue directions or grant relief as per provisions of the Act.
  - (e) Where the allottee is the aggrieved person and the promoter has violated the provisions of the Act or the rules or the regulations made thereunder as established on inquiry by the Authority under section 35 and in the complaint compensation has been sought by the allottee, the complaint for adjudging quantum of compensation as contained in sections 12, 14, 18 and 19, shall be referred to the adjudicating officer by the Authority and the adjudicating officer shall conduct an inquiry to adjudge the quantum of compensation as per the provisions mentioned in sub section (3) of section 71 by taking into consideration the factors mentioned in section 72, in the manner as prescribed in rule 29.
- (2) The Authority shall for the purposes of deciding any complaint as specified under sub-rule (1), shall follow summary procedure for inquiry in the following manner, namely: —
- (a) upon receipt of the complaint, the Authority shall issue a notice alongwith particulars of the alleged violation or contravention and the relevant documents to the respondent specifying date and time of hearing and by order in writing and recording reasons thereof call upon the respondent to furnish in writing such information or explanation relating to its affairs as the Authority may require; [section 35(1)]
  - (b) the respondent against whom such notice is issued under clause (a), shall file his reply in respect of the complaint alongwith information or explanation relating to its affairs within the period as specified in the notice;
  - (c) the notice shall specify a date and time for further hearing and the date and time for the hearing shall also be communicated to the complainant;
  - (d) on the date so fixed, the Authority shall explain to the respondent about the contravention alleged to have been committed in relation to any of the provisions of the Act or the rules and regulations made thereunder and if the respondent: —
    - (i) pleads guilty, the Authority shall record the plea, and pass such orders as it thinks fit in accordance with the provisions of the Act or the rules and regulations, made thereunder;
    - (ii) does not plead guilty and contests the complaint, the Authority shall demand an explanation from the respondent;

- (e) in case the Authority is satisfied on the basis of the information and explanation and other submissions made that the complaint does not require any further inquiry, it may dismiss the complaint with reasons to be recorded in writing;
- (f) in case the Authority is satisfied on the basis of the information, explanation and other submissions made that there is need for further hearing into the complaint or matter taken up suo-motu, it may order production of documents or other evidence on a date and time fixed by it;
- (g) the authority shall have the power to carry out an inquiry into the complaint on the basis of documents and submissions, the Authority may appoint any person or expert agency to make an inquiry in relation to the affairs of any promoter or allottee or the real estate agent, as the case may be;
- (h) the Authority for making inquiry shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) while trying a suit, in respect of matters mentioned in sub-section (2) of section 35;
- (i) on the date so fixed, the Authority upon consideration of the evidence produced before it and other records and submissions is satisfied that, —
- (i) the respondent is in contravention of the provisions of the Act or the rules and regulations made thereunder, it shall record its findings accordingly;
- (ii) the respondent is not in contravention of the provisions of the Act or the rules and regulations made thereunder, the Authority may, by order in writing, dismiss the complaint, with reasons to be recorded in writing;
- (j) having come to the conclusion that the respondent has committed contravention of the provisions of the Act or the rules or the regulations made there-under or the provisions of the agreement for sale, it shall pass such orders and directions for the purpose of discharging its functions under the provisions of this Act or rules or regulations made thereunder to the respondent as it may consider necessary and such directions shall be binding to all concerned. In addition, the Authority may order relief as deemed fit keeping in view the provisions of the Act or the rules or regulations made thereunder or the terms of the agreement and also keeping in view the principles of natural justice.
- (k) the Authority may provide relief in such form as deemed appropriate including return of the amount to the allottee received by the promoter along with interest at the rate as prescribed in rule 15.
- (l) if the complaint in form 'CRA' filed before the authority for interim orders, directions for compliance of obligations, relief and initiating penalty proceedings the complaint shall be admissible from the stage of concluding inquiry by the Authority that respondent has violated or contravened provisions of the Act or the rules or regulations made thereunder warranting penalty proceedings under the provisions of the Act. The Authority may initiate penal proceedings exercising its powers under sub-section (1) of section 38 to impose penalty or interest, in regard to any contravention of obligations cast upon the promoters, the allottees and the real estate agents, under this Act or the rules and the regulations made thereunder and Authority shall be guided by the principle of natural justice and shall have power to regulate its procedure.
- (i) the Authority shall issue a notice to the respondent mentioning the section under which it intends to initiate penal proceedings alongwith a show cause as why penalty as contemplated by the Authority shall not be imposed upon the violator respondent;
- (ii) on the date so fixed, the Authority upon consideration of the reply to the show cause notice, may order the respondent liable to pay penalty as deem fit subject to provisions of the Act:
- Provided that penalty may be expressed in lump sum amount or interest imposed by the Authority upon the respondent violator and it shall be credited to the account of the State Government of Haryana in accordance with the provisions of sub-section (2) of section 76;
- (iii) if allottee is violator for any delay in payment towards any amount or charges to be paid by him as per provisions of the Act or rules or regulations or agreement for sale, the Authority may order that the allottee shall be liable to pay interest at such rate as prescribed in rule 15 to the promoter.

	<p>(m) If the complaint in form 'CAO' filed before the adjudicating officer for adjudging quantum of compensation, the complaint shall be admissible from the stage of concluding inquiry by the Authority that respondent being promoter has violated or contravened provisions of the Act or the rules or regulations made thereunder warranting liability of the promoter to pay compensation to the allottee under the provisions of the Act or the rules or regulations made thereunder. The Authority may refer the matter to the adjudicating officer for adjudging the quantum of compensation payable to the complainant allottee, and direct both the parties to appear before the adjudicating officer on the appointed day. The quantum of compensation payable to the complainant may be expressed by the adjudicating officer in the form of lump sum amount or in the form of percentage of interest on the amount paid by the complainant to the respondent promoter (compensation expressed in terms of interest i.e. compensatory interest)</p> <p>(n) if any person fails, neglects or refuses to appear, or present himself as required before the Authority, the Authority shall have the power to proceed with the inquiry in the absence of such person or persons after recording the reasons for doing so.</p> <p>(3) The procedure for day to day functioning of the Authority, which have not been provided by the Act or the rules made thereunder, shall be as specified by regulations made by the Authority.</p> <p>(4) Where a party to the complaint is represented by an authorised person, as provided under section 56, a copy of the authorisation to act as such and the written consent thereto by such authorised person, both in original, shall be appended to the complaint or the reply to the notice of the complaint, as the case may be."</p>
18.	<p>In the said rules, for rule 29, the following rules shall be substituted, namely:-</p> <p><b>29. Filing of complaint/ application for inquiry to adjudge quantum of compensation by adjudicating officer, in respect of compensation under sections 12, 14, 18 and 19.</b> —(1) (a) Any aggrieved person may file an application/ complaint with the adjudicating officer for adjudging quantum of compensation as provided under sections 12, 14, 18 and 19, where violation by the promoter has been established by the Authority in an inquiry under section 35, in Form 'CAO' or in such form as specified in the regulations, which shall be accompanied by a fee as mentioned in Schedule III in the form of a demand draft or a bankers cheque drawn on a Scheduled bank or online payment in favour of "Haryana Real Estate Regulatory Authority" and payable at the branch of that bank at the station where the seat of the said Authority is situated.</p> <p>(2) The adjudicating officer shall for the purposes of adjudging compensation follow summary procedure for inquiry in the following manner, namely: —</p> <p>(a) upon receipt of the complaint, the adjudicating officer shall issue a notice to the respondent promoter along with particulars of the contravention and the copy of the complaint seeking compensation and supporting relevant documents regarding compensation demanded by the allottee (aggrieved person) to be paid by the respondent promoter;</p> <p>(b) the respondent against whom such notice is issued under clause (a) may file his reply in respect of admissibility of the compensation and quantum of compensation within the period as specified in the notice;</p> <p>(c) the notice shall specify a date and time for further hearing and the date and time for the hearing shall also be communicated to the complainant;</p> <p>(d) the adjudicating officer shall have the power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any documents which in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry i.e. adjudging quantum of compensation. [section 71(3)]</p> <p>(e) while holding inquiry for adjudging the quantum of compensation or interest (compensation expressed in term of interest i.e. compensatory interest) as the case may be, the adjudicating officer shall have due regard to the following factors, -</p> <p>(i) the amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the default;</p> <p>(ii) the amount of loss caused as a result of the default;</p> <p>(iii) the repetitive nature of the default;</p> <p>(iv) such other factors which the adjudicating officer considers necessary to the case in furtherance of justice.</p>

	<p>(f) before announcing his award, a show cause notice shall be issued to the promoter respondent opposite party; specifying therein the quantum of compensation proposed to be paid along with reasons thereof. After considering the reply of the promoter (respondent), evidences and documents all facts and circumstances and taking into account of the factors mentioned in section 72. The adjudicating officer shall announce his final award regarding quantum of compensation.</p> <p>(g) the quantum of compensation to be paid to the allottee (complainant) by the promoter (violator respondent) may be expressed in the form of lump sum amount to be paid to the allottee (complainant) or in percentage of interest on the amount paid by the allottee (complainant) to the promoter (respondent).</p> <p>(h) any compensation payable by the promoter to the allottee in terms of the Act or the rules and regulation made there under shall be payable by the promoter to the allottee within a period of ninety days from the date on which compensation has been adjudged by the adjudicating officer.</p> <p>(3) The procedure for day to day functioning of the adjudicating officer, which have not been provided by the Act or the rules made thereunder, shall be as specified by regulations made by the Authority.</p> <p>(4) Where a party to the complaint is represented by an authorised person, a copy of the authorisation to act as such and the written consent thereto by such authorised person, both in original, shall be appended to the complaint or the reply to the notice of the complaint, as the case may be</p> <p><b>29-A: Appointment and Terms and Conditions of adjudicating officer. -</b></p> <p>(1) For the purpose of adjudging compensation under sections 12, 14, 18 and 19, the Authority shall appoint in consultation with the Government one or more Judicial Officers as deemed necessary, who is/or has been a District Judge/ additional District Judge to be an adjudicating officer for holding an inquiry in accordance with rule 29.</p> <p>(2) The Authority shall issue an advertisement in the newspapers for inviting applications from the eligible persons for appointment as adjudicating officer. A panel of eligible officers shall be prepared for appointment of the adjudicating officer(s) and that panel shall be sent to the State Government for consultation and Authority shall appoint persons so approved by the Government from the panel.</p> <p>(3) Eligibility conditions for appointment as adjudicating officer shall be,-</p> <p>(i) adjudicating officer may be a serving district judge/ additional district judge or a retired district judge/ additional district judge;</p> <p>(ii) he should be below the age of sixty five years;</p> <p>(iii) he should not have faced any disciplinary proceedings in his career which have resulted into awarding of a punishment to him.</p> <p>(4) Terms and conditions of appointment of the adjudicating officer shall be,-</p> <p>(i) he shall be appointed for a period of five years or upto sixty five years of age, whichever is earlier: provided that in case of non-availability of suitable candidates age can be relaxed upto sixty eight years.</p> <p>(ii) remuneration in the case of a serving officer shall be the same as he is drawing in his parent cadre; and in the case of a retired officer it shall be the last pay drawn minus pension;</p> <p>(iii) other terms and conditions of appointment shall be as decided by the Authority in consultation with the State Government.</p> <p>(5) As a stop-gap arrangement, till appointment of adjudicating officer in accordance with these rules, the Authority may appoint any officer who has been a District Judge or Additional District Judge as adjudicating officer for a period of six months;</p> <p>(6) If more than one adjudicating officers are appointed, the Authority may specify by way of regulations the manner in which the work will be distributed amongst them.</p> <p>(7) If there are service rules applicable to judicial officer even after his retirement, for post retiral assignment, same shall be applicable to him.</p>
19.	In the said rules, in FORM 'REP-I', in clause 2.,the words "in triplicate", shall be omitted.

20.	In the said rules, in FORM 'REA-I',-
(i)	in clause 1., for the words "an individual", the words and sign "an individual, sole proprietorship" shall be substituted; and
(ii)	in clause 2.,-
I.	in sub-clause (i), for the word "individual", the words and sign "individual/ sole proprietorship" shall be substituted;
II.	<p>for sub-clause (ii), the following sub-clause shall be substituted, namely: -</p> <p>"(ii) In case of individual/ sole proprietorship: —</p> <p>(a) (i) Name of [Individual/ sole proprietor/Proprietorship]</p> <p>(ii) Name of the sole proprietorship firm</p> <p>(b) Father's Name</p> <p>(c) Occupation</p> <p>(d) Address</p> <p>(e) Contact Details (Phone number, E-mail, Fax Number etc.)</p> <p>(f) Photograph, of individual / sole proprietor</p> <p>(Note: - as in sole proprietorship firm business is carried out by a different name accordingly treated separate than individual and fee charged in the category other than individual)</p> <p style="text-align: center;">or</p> <p>In case of [firm/societies/company etc.]: —</p> <p>(a) Name</p> <p>(b) Address</p> <p>(c) Copy of registration certificate as [firm/ societies/ company etc.]</p> <p>(d) Major activities</p> <p>(e) Contact Details (Phone number, E-mail, Fax Number etc.)</p> <p>(f) Photograph, or individual/ sole proprietor</p> <p>(Note:- as in sole proprietorship firm business is carried out by a different name, accordingly treated name, accordingly treated separate than individual and fees is charged for the category other than individual)</p>
21.	<p>In the said rules, in FORM 'AAT', for clause 5, the following clause shall be substituted, namely: -</p> <p>"5. Facts of the case:</p> <p>(give a concise statement of facts and grounds of appeal against the specific order of Authority or the orders of the adjudicating officer regarding adjudging quantum of compensation or interest, as the case may be, passed under section(s) _____ or rule(s) _____ or regulation(s) _____).".</p>
22.	In the said rules, in FORM 'CRA',-
(i)	<p>for the existing heading, the following heading shall be substituted, namely: -</p> <p style="text-align: center;"><b>"COMPLAINT TO AUTHORITY</b></p> <p style="text-align: center;"><b>Claim for relief, directions/ orders and penalty proceedings under section 31 read with sections 35, 36, 37 and 38";</b></p>
(ii)	in clause 3, for the word "claim", the words "relief claimed" shall be substituted;
(iii)	<p>for clauses 4 and 5, the following clauses shall be substituted, namely: -</p> <p>"4. Facts of the case:</p> <p>[give a concise statement of facts and grounds for complaint and the contravention or violation of provisions of the Act or the rules or regulations made thereunder as established by an inquiry under section 35 by the Authority being ground for penal proceedings against the violator, copy be enclosed]</p>



	<p>5. Relief(s) sought: In view of the facts mentioned in paragraph 4 above, the complainant prays for the following relief(s) (relief may include:</p> <p>(i) in case of withdrawal from the project, refund of amount, received by the promoter with interest at such rate as may be prescribed,</p> <p>(ii) in case of non-withdrawal from the project by the allottee interest for every month of delay till the handing over of the possession at such rate as may be prescribed,</p> <p>(iii) interest at such rate as may be prescribed for any delay in payment by the allottee towards any amount or charges to be paid by the allottee.</p> <p>(iv) taking physical possession of unit/ plot or</p> <p>(v) compliance of any other obligations under the Act/ rules/ regulations or BBA.)"; and</p>		
(iv)	In clause 9, in sub-clause (i), for the word "relief", the word "relied" shall be substituted.		
23.	In the said rules, in FORM 'CAO',-		
(i)	in the fourth line, the words "interest and" shall be omitted;		
(ii)	in clause 3, for the word "claim", the words and sign, "claim for compensation or interest, as the case may be" shall be substituted;		
(iii)	for clauses 4 and 5, the following clauses shall be substituted, namely:- "4. Facts of the case: [give a concise statement of facts and grounds of claim for compensation against the Promoter and the contravention or violation of provisions of the Act or the rules or regulations made thereunder as established by an inquiry under section 35 by the authority being ground for claim of the compensation, if yes copy be enclosed]"; 5. Compensation or interest, as the case may be sought: In view of the facts mentioned in paragraph 4 above, the complainant prays for the following compensation(s) _____ [Specify below the compensation(s) claimed explaining the grounds of claim(s) and the legal provisions (if any) relied upon, also keeping in view the factors to be taken into account as provided in section 72.]";		
(iv)	in clause 6, for the word "claim" the words "claim for compensation" shall be substituted,		
24.	In the said rules, in FORM 'ARA',-		
(i)	for clause C., the following clauses shall be substituted, namely:-		
" C. (1) Number of cases filed before the Authority for settlement of disputes and number of cases disposed.			
serial number	Number of Cases pending at the commencement of the year with the Authority	Number of Cases received during the year by the Authority	Number of Cases relief granted/ disposed of by the Authority during the year
1	2	3	4
No. of Cases where refund of amount received by the promoter and interest at such rate as may be prescribed ordered by the Authority			
No. of Cases where interest for every month of delay till the handing over of the possession at such rate as may be prescribed ordered by the Authority			
No. of Cases where other relief or compliance of obligations by the promoters/ real estate agents/ allottees ordered by the Authority (mentioned separately)			
5	6	7	

C. (2) Number of cases taken up by the Adjudicating Officer for adjudging compensation and number of cases disposed.				
serial number	Number of Compensation Cases pending at the commencement of the year with the adjudicating officer	Number of Compensation Cases received during the year by the adjudicating officer	Number of Compensation Cases disposed of by the adjudicating officer during the year	Number of compensation cases pending at the end of the year
1	2	3	4	5"
(ii) for clauses F. to J., the following clauses shall be substituted, namely:-				
"F. Statements on direction of the Authority and the penalty imposed for contraventions of the Act and the rules and regulations made thereunder and statement on compensation ordered by the adjudicating officer:				
(i) Direction issued by the Authority to the promoters and penalty imposed				
serial number	Name of the Promoter	Details of the directions issued by the Authority	Penalty imposed	Whether paid
(ii) Details of compensation to be paid by the promoters to the allottee ordered by the adjudicating officer				
serial number	Name of the Promoter	Compensations imposed	Whether paid	
(iii) Direction issued by the Authority to the allottee and penalty imposed				
serial number	Name of the Allottee	Details of the directions issued by the Authority/	Penalty imposed	Whether paid
(iv) Direction issued by the Authority to the allottee and interest at such rate as may be prescribed ordered to be paid by allottee to promoter				
serial number	Name of the Allottee	Details of the directions issued by the Authority	Interest at such rate as may be prescribed ordered to be paid by allottee to promoter	Whether paid
(v) Direction issued by the Authority to the real estate agent and penalty imposed				
serial number	Name of the agent	Details of the directions issued by the Authority/	Penalty imposed	Whether paid
"				
<b>G. Investigations and inquiries ordered by the Authority—</b>				
A brief narrative of investigations and inquiries taken up by the Authority and references received from the competent authority or the appropriate Government.				
<b>H.(1) Orders passed by the Authority—</b>				
A brief narrative of orders passed by the Authority for where no offence is made out, and in case offence is proved, category-wise for each category of orders passed along with a tabular statement indicating the sections under which the order was passed and brief particulars of the orders.				

	<p>(2) Compensation orders passed by the adjudicating officer— A brief narrative of compensation orders passed by the adjudicating officer section wise (sections 12, 14, 18 and 19) along with a tabular statement indicating the sections under which the order was passed and brief particulars of the orders.</p>
	<p>I. <b>Execution of the orders of the Authority and imposition of penalties—</b></p> <p>(i) <b>monetary penalties</b>—details of recovery of penalty imposed, details of penalty imposed but not recovered, total number of matters and total amount of monetary penalty levied;</p> <p>(ii) <b>prosecution matters referred to court under section 59</b>—total number of prosecution matters referred to the court during the year, total number of prosecution matters disposed of by the court during the year, total number of prosecution matters pending with the court at the end of the year;</p> <p>(iii) <b>execution of order under section 40 read with rule 27</b> —total number of orders taken up for execution during the year, total number of orders disposed of in execution proceedings during the year, total number of matters pending for execution at the end of the year.</p>
	<p>J. <b>Execution of the orders of compensation by the adjudicating officer :—</b></p> <p>(i) <b>compensations</b>—details of compensation paid, details of compensation imposed but not paid, total number of matters and total amount of compensation imposed and</p> <p>(ii) <b>compensation matters taken up for recovery under section 40</b>— total number of compensation matters taken up for recovery during the year, total number of compensation matters disposed of in recovery proceedings during the year, total number of compensation matters pending for recovery at the end of the year."</p>
25.	in the said rules, in SCHEDULE II, against serial number 2, for the words "other than individual", the words "Other than individual including sole proprietorship firms " shall be substituted.
26.	In the said rules, in ANNEXURE 'A',-
	(i) in serial number 7.6,-
	<p>I. for first para, the following paras shall be substituted, namely: -  <b>"Refund of money and interest at such rate as may be prescribed, payment of interest at such rate as may be prescribed or payment of compensation</b> — The promoter shall compensate the allottee in case of any loss caused to him due to defective title of the land, on which the project is being developed or has been developed, in the manner as provided under the Act and the claim for compensation under this provision shall not be barred by limitation provided under any law for the time being in force.";</p>
	<p>II. in para (ii), in the end, the following paras shall be inserted, namely: -  <b>"In case obligation is not complied with by the promoter</b>  (i) the Authority shall order to return the total amount received by the promoter in respect of the Plot/ Unit/ Apartment for Residential/ Commercial/Industrial/ Information Technology/ any other usage, with interest at the rate prescribed in the Rules in case the allottee wishes to withdraw from the project;  (ii) in case allottee claims compensation in this regard he may make an application for adjudging compensation to the adjudicating officer who shall order quantum of compensation having due regards to the factors in section 72;  (iii) if the allottee does not intend to withdraw from the project the authority shall order the promoter to pay the allottee interest at the rate prescribed in the rules for every month of delay till the offer of the possession of the Plot/ Unit/ Apartment for Residential/ Commercial/ Industrial/ Information Technology/ any other usage;  (iv) Timelines for refund of money and interest at such rate as may be prescribed, payment of interest at such rate as may be prescribed in rule 16."</p>

(ii)	in serial number 9.3, in para (ii), at the end, the following words shall be added, namely: - "In case the obligations as above are not complied with either by the allottee or the promoter, the Authority may issue suitable directions";
(iii)	in serial number 12, after the proviso, the following words and signs shall be added, namely: - "The application for adjudging quantum of compensation shall be made to adjudicating officer. In case there is dispute about whether there is any structural defect or any other defect in workmanship, quality or provision of services or any other obligations of the Promoter as per the agreement for sale relating to such development, the authority may conduct an inquiry and give its findings and may issue appropriate orders or directions in this regard."; and
(iv)	in serial number 33, for the words "which the same shall be settled through the adjudicating officer under the Act", the words and signs, " which the same shall be settled through the authority and compensation if any to be adjudged by the adjudicating officer under the Act, the rules and regulations made thereunder" shall be substituted.

ANAND MOHAN SHARAN,  
Principal Secretary to Government Haryana,  
Town and Country Planning Department.