



Haryana Government Gazette

EXTRAORDINARY

Published by Authority

© Govt.ofHaryana

No. 202-2018/Ext.] CHANDIGARH, WEDNESDAY, DECEMBER 5, 2018 (AGRAHAYANA 14, 1940 SAKA)

THE HARYANA REAL ESTATE REGULATORY AUTHORITY, GURUGRAM

Notification

The 5th December, 2018

The Haryana Real Estate Regulatory Authority Gurugram (Late Fees for Registration of On-going Real Estate Projects) Regulations, 2018

No. 09/RERA GGM Regulations 2018.— In exercise of the powers conferred on it under section-85 of the Real Estate (Regulation and Development) Act, 2016 and all other powers enabling it in that behalf the Haryana Real Estate Regulatory Authority, Gurugram, hereby makes the following regulations: -

1. Short Title, Object, Commencement and Extent:

- (a) These regulations may be called the Haryana Real Estate Regulatory Authority, Gurugram (Late Fees for Registration of On-going Real Estate Projects) Regulations, 2018.
- (b) The purpose of the Haryana Real Estate Regulatory Authority Gurugram (Late Fees for Registration of On-going Real Estate Projects) Regulations, 2018 is to establish procedures and guidelines regarding applicability of late fee for registration of on-going real estate projects where applications have been submitted after the expiry of three months from the date of commencement of the Act i.e. 31.07.2017.
- (c) The Real Estate (Regulation and Development) Act, 2016 provides for penal proceedings in case of non-registration of real estate projects. The Real Estate (Regulation and Development) Act, 2016 is a new legislation and there are large number of issues regarding registration which are to be properly understood by the promoters. To avoid large number of cases from penal proceedings it shall be worthwhile if the regulations relating to applicability of late fee are made, as such these regulations shall provide for applicability of late fees for registration of on-going real estate projects in different time intervals after the commencement of relevant provisions of the Act and the rules made thereunder.
- (d) These regulations have been framed to prescribe the late fee payable by the promoters/developers for registration of on-going real estate projects after 31st July, 2018. These regulations will come into force from the date of their publication in the official gazette;
- (e) These Haryana Real Estate Regulatory Authority Gurugram (Late Fees for Registration of On-going Real Estate Projects) Regulations, 2018 shall apply to all on-going projects falling within the jurisdiction of the Real Estate Regulatory Authority, Gurugram as notified by the Government of Haryana vide notification No. 1/92/2017-1TCP dated 14/12/2017, which comprises entire area of Gurugram District.

2. Definitions

(a) Unless the context otherwise requires in these regulations: -

- (i) “Act” means the Real Estate (Regulations and Development) Act, 2016 as amended from time to time;
- (ii) “Rules” means the Haryana Real Estate Regulatory Authority (Regulation and Development) Rules, 2017 as amended from time to time;
- (iii) “Regulations” means the Haryana Real Estate Regulatory Authority, Gurugram (Late Fees for Registration of On-going Real Estate Projects) Regulations, 2018 as amended from time to time;
- (iv) “Authority” means the Haryana Real Estate Regulatory Authority, Gurugram;
- (v) “Authority members” means the members of the Authority including the Hon’ble Chairman;
- (vi) “Promoter” shall have the same meaning as is assigned to it under sub-section (zk) of Section 2 of the Act;
- (vii) “real estate project” shall have the same meaning as is assigned to it under sub-section (zn) of section 2 of the Act.

3. Applicability of normal fees:

The provisions for registration of real estate projects in the Real Estate (Regulation and Development) Act, 2016 came into force with effect from 1st May 2017 and the Haryana Real Estate (Regulation and Development) Rules, 2017 came into force with effect from 28th July 2017. As per proviso to section 3(1) the on-going real estate projects were required to be registered within three months from the date of commencement of the Act i.e. by 31.07.2017.

As per Section 4 of the Real Estate(Regulation and Development) Act, 2016 “*Every promoter shall make an application to the authority for registration of the real estate project in such form, manner, within such time and accompanied by such fee as may be prescribed*”.

As the Haryana Real Estate (Regulation and development) Rules, 2017 were notified on 28.07.2017, hence the promoter could only apply after notification of rules. Hence, three months period after publication of rules is justified for making an application for registration of on-going real estate projects so as to comply with the provisions of section 3(1) of the Act *ibid*. However, to facilitate the promoters and to give them enough time to understand and submit their applications for registration of project according to the provisions of the Act and rules made thereunder the authority has thought it proper to give further extension of one year for registration of ongoing real estate projects i.e. before 28th October 2018 with the fee as prescribed in schedule I of the said rules.

4. Liability to pay Late fees:

For the projects where applications are submitted after 28th October 2018, the promoters/developers shall be liable to pay the prescribed registration fee alongwith the late fee @ 50% of the registration fee as prescribed in schedule I for first six months thereafter the late fee shall be increased to 50% of the registration fee for every next six months or part thereof.

5. Penal proceedings:

For the on-going projects where registration application is submitted after 31st July,2017 the promoters of real estate projects shall be liable to penal proceedings as provided in section 59 of the Act *ibid*.

DR. K. K. KHANDELWAL,
Chairman
Haryana Real Estate Regulatory Authority, Gurugram