



Haryana Government Gazette

Published by Authority

© Govt. of Haryana

No. 6-2023] CHANDIGARH, TUESDAY, FEBRUARY 7, 2023 (MAGHA 18, 1944 SAKA)

PART III

Notifications by High Court, Advertisement, Notices and Change of Name etc.

HARYANA REAL ESTATE REGULATORY AUTHORITY, GURUGRAM

Notification

The 23rd January, 2023

No. 25 RERA GGM Regulations 2023.—

The Haryana Real Estate Regulatory Authority, Gurugram (Delegation of Powers to single member of the authority to hear and decide complaints) Regulations, 2023.

In exercise of the powers conferred on the Haryana Real Estate Regulatory Authority, Gurugram under section 85(2) of the Real Estate (Regulation and Development) Act, 2016 read with section 81 of the Real Estate (Regulation and Development) Act, 2016 and all other powers enabling it on that behalf, the Haryana Real Estate Regulatory Authority, Gurugram having considered it necessary to delegate its powers to a single member of the Authority to hear and decide complaints instituted under section 31 of the Real Estate (Regulation and Development) Act, 2016; hereby makes the Haryana Real Estate Regulatory Authority, Gurugram (Delegation of powers to single Member of the Authority to hear and decide complaints) Regulations, 2023.

Purpose

These regulations are developed with an aim to delegate the powers of the Authority to a single member bench for speedy disposal of the complaints filed under section 31 of the Real Estate (Regulation and Development) Act, 2016. Such delegation of power to a single member bench shall help expedite the disposal of large number of complaints pending before the Authority.

1. Short Title and Commencement

- i. These Regulations may be called as the Haryana Real Estate Regulatory Authority, Gurugram (Delegation of powers to single Member of the Authority to hear and decide complaints) Regulations, 2023.
- ii. The Real Estate (Regulation and Development) Act, 2016 read with the Haryana Real Estate (Regulation and Development) Rules, 2017 have come into force and are being implemented by the Haryana Real Estate Regulatory Authority, Gurugram *for regulation and promotion of the real estate sector and to ensure sale of plot, apartment or building, as the case may be, or sale of real estate*

project, in an efficient and transparent manner and to protect the interest of consumers in the real estate sector and to establish and adjudicating mechanism for speedy dispute redressal of the grievance received by it from time to time. The Real Estate (Regulation and Development) Act, 2016 intends to ensure speedy and expeditious redressal of the complaints filed before the Authority as per the provisions of section 31 of the Real Estate (Regulation and Development) Act, 2016.

- iii. The Haryana Real estate Regulatory Authority, Gurugram (Delegation of powers to single Member of the Authority to hear and decide complaints) Regulations, 2023 shall apply to all complaints instituted under section 31 of the Act of 2016 with respect to the real estate 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 the entire area of Gurugram district.
- iv. These regulations shall come into force with effect from the date of notification in the official gazette.

2. Definitions

- (a) Unless the context otherwise requires in these regulations: -
 - (i) "Act" means the Real Estate (Regulation and Development) Act, 2016.
 - (ii) "Rules" means the Haryana Real Estate (Regulation and Development) Rules, 2017 as amended from time to time.
 - (iii) "Regulation" means the Haryana Real Estate Regulatory Authority, Gurugram (Delegation of powers to single Member of the Authority to hear and decide complaints) Regulations, 2023.
 - (iv) "Authority" means the Haryana Real Estate Regulatory Authority, Gurugram established under sub-section (1) of section 20 of the Act.
 - (v) Member shall have the same meaning as assigned to it under section 2(zd) of the Act.
 - (vi) "Real Estate Project" shall have the same meaning as assigned to it under section 2(zn) of the Act.

3. The powers of delegation as per the provisions of the Real Estate (**Regulation and Development**) Act, 2016.

Section 81. Delegation

The Authority may, by general or special order in writing, delegate to any member, officer of the Authority or any other person subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the power to make regulations under section 85, as it may deem necessary).

The Act grants the power to the authority to delegate such of its powers and functions under this Act (except the power to make regulations under section 85 and therefore after these regulations get notified in the Haryana Government gazette, the constitution of single members bench shall be made.

4. **Delegation of powers to single member of the Authority to hear and decide complaints filed under section 31 of the Real estate (Regulation and Development) Act, 2016.**

- i. The authority, if it deems necessary, may delegate its power to one or more members of the authority to hear and decide the complaints instituted under section 31 of the Act of 2016.
- ii. The authority, if deems necessary, for the purpose of expeditious disposal of cases may delegate powers to single members and the Chairman may constitute more than one single member benches to conduct the hearing in the complaints cases.
- iii. For hearing and deciding complaints filed under section 31 of the Real Estate (Regulation and Development) Act, 2016 at least one member of the authority shall preside over the hearing proceeding in complaint cases.
- iv. The registry of the authority shall be responsible for listing of cases before the single member benches.
- v. The administration wing of the authority shall create adequate infrastructure to enable the single member benches to smoothly carry out their day-to-day proceedings of complaint cases.

5. **Matter to be heard by two members bench/full bench of the authority.**

- i. Where the presiding Bench Member feels that complaint involves substantive interpreting of policies, rules and regulations the member may transfer same for hearing by a bench comprising of at least two member or the Chairman and one member of the authority or the full bench of the authority.
- ii. Ordinarily penal proceedings under section 59 and 63 of the Act of 2016 shall be conducted by a full bench, however in case of non-availability of a member or the chairman/vacancy, a single member may hear the parties but in no case the matter be disposed of unless there is a quorum of at least two members including the chairman.

6. Vacancies, etc. not to invalidate proceedings of the authority

- i. No proceedings of the authority shall be invalidated merely by reason of any vacancy or defect in the constitution of the bench.
- ii. No proceedings of the authority shall be invalidated by reason of any procedural omission not affecting the merits of the case.

7. Case proceedings though virtual/online and physical/offline mode

The case proceedings may be conducted both through physical and virtual mode. However, hearing proceedings through virtual mode shall be conducted with the approval of the Chairman of the Authority.

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

[84-1]