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PART III

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

To be substituted bearing same date & same number

THE HARYANA REAL ESTATE REGULATORY AUTHORITY, GURUGRAM

The Haryana Real Estate Regulatory Authority Gurugram (Fixing of Standard Fees to be Levied on the Promoter and the Real Estate Agent) Regulations, 2021

No. 23/RERA GGM Regulations 2021.—

Dated: 21st August 2021

In exercise of the powers conferred on it under section 85(2)(h) read with section 34(e) 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 Haryana Real Estate Regulatory Authority Gurugram (Fixing of Standard Fees to be Levied on the Promoter and the Real Estate Agent) Regulations, 2021 in supersession of regulations made earlier specifying the processing fee for scrutiny of application of registration of real estate project under section 4 of the Real Estate (Regulation and Development) Act, 2016 read with rule 3 of the Haryana Real Estate (Regulation and Development) Rules, 2017, processing fees to be accompanied with the application for grant of extension of real estate project under section 6 of the Real Estate (Regulation and Development) Act, 2016 read with rule 6 of the Haryana Real Estate (Regulation and Development) Rules, 2017 and the standard fees levied upon delay in making an application for registration/extension of the real estate project with the Authority.

Further the following regulations notified earlier in the Haryana Government gazette stands repealed with effect from date of enforcement of the Haryana Real Estate Regulatory Authority Gurugram (Fixing of Standard Fees to be Levied on the Promoter and the Real Estate Agent) Regulations, 2021:

Sr. No.	Regulation	Notification Number	Date
1.	The Haryana Real Estate Regulatory Authority Gurugram (Late Fees for Registration of On-going Real Estate Projects) Regulations, 2018	No. 9/RERA GGM Regulations 2018	5 th December 2018
2.	The Haryana Real Estate Regulatory Authority, Gurugram (Processing Fee for Registration of Real Estate Projects) Regulations, 2018.	No. 13/RERA GGM Regulations 2019	6 th December, 2018
3.	The Haryana Real Estate Regulatory Authority, Gurugram (Processing Fee for Registration of Real Estate Projects) First Amendment Regulations, 2019	No. 14/RERA GGM Regulations 2019	14 th February, 2019

4.	Haryana Real Estate Regulatory Authority, Gurugram (late fee for delay in applying for extension of registration of real estate project) Regulations, 2019	No. 17/RERA GGM Regulations 2019	10 th May, 2019
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1. Short Title, Object, Commencement and Extent:

- (a) These regulations may be called the Haryana Real Estate Regulatory Authority Gurugram (Fixing of Standard Fees to be Levied on the Promoter and Real Estate Agent) Regulations, 2021.
- (b) Section 34(e) of the Act empowers the Authority "to fix through regulations for each area under its jurisdiction the standard fees to be levied on the allottees or the promoter or the real estate agent, as the case may be." Further section 85 (h) of the Act empowers the authority to make regulations regarding "standard fees to be levied on the promoter, the allottees or the real estate agent under clause (e) of section 34." The aim and purpose of the Haryana Real Estate Regulatory Authority Gurugram (Fixing of Standard Fees to be Levied on the Promoter and Real Estate Agent) Regulations, 2021 is to fix the following Standard Fee:
- (i) Standard Fee to be levied on promoters for processing of application for grant of registration/amendment of registration of real estate projects under section 4 of the Real Estate (Regulation and Development) Act, 2016.
 - (ii) Standard Fee for Processing of application for grant of extension of registration of real estate projects under section 6 of the Real Estate (Regulation and Development) Act, 2016.
 - (iii) Standard Fee payable at the time of application for permitting continuation of registration of the real estate project to remain in force for one year u/s 7(3) of the Real Estate (Regulation and Development) Act, 2016.
 - (iv) Standard Fee for Processing of application for permitting continuation of registration u/s 7(3) of the Real Estate (Regulation and Development) Act, 2016.
 - (v) Standard Fee for Processing of application for grant of registration to real estate agent u/s 9 of the Real Estate (Regulation and Development) Act, 2016.
 - (vi) Standard Fee for Processing application for change of bank account.
 - (vii) Standard Fee for Processing application for amendment in Registration Certificate.
 - (viii) Standard fee for delay in applying for registration of ongoing real estate projects.
 - (ix) Standard Fee for delay in applying for extension of registration of real estate project.
 - (x) Standard Fee for delay in applying for continuation of registration of real estate project.
 - (xi) Standard Fee for withdrawing application for registration of the project.
 - (xii) Standard Fee for withdrawing application for registration of the real estate agent.
 - (xiii) Standard Fee for any other matter as Authority may decide from time to time.
- (c) These regulations shall supersede the Haryana Real Estate Regulatory Authority Gurugram (Fixing of Standard Fees to be Levied on the Promoter) Regulations, 2021 earlier notified on 21.08.2021 in the Haryana Government gazette under the same notification number and date. In the earlier Regulations, while consolidating the various standard fees leviable under Section 34(e) of the Act into a comprehensive set of Regulations, an inadvertent drafting anomaly had occurred whereby the express provision contained in the aforesaid repealed Regulations notified in the year 2018 and 2019 providing for computation of various fees has not been expressly incorporated. The Authority has consistently interpreted and implemented the Regulations in accordance with the original regulatory intent. The present substitution is, therefore, clarificatory in nature and is intended solely to remove the aforesaid drafting anomaly, expressly reflect the original intent of the Authority, ensure uniform implementation of the Act and obviate avoidable disputes and litigation.
- (d) The Haryana Real Estate Regulatory Authority Gurugram (Fixing of Standard Fees to be levied on the Promoter and the Real Estate Agent) Regulations, 2021 shall apply to matters as mentioned in (b) above for 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-ITCP dated 14/12/2017, which comprises entire area of Gurugram district.

2. Definitions

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) **“Authority”** means the Haryana Real Estate Regulatory Authority, Gurugram.
- (iii) **“Members”** shall have the same meaning as assigned to it under sub-section (zd) of section 2 of the Act.
- (iv) **“Processing Fee”** is the standard fee to be deposited by the promoter along with the application of registration/extension/continuation of real estate project to be submitted as per requirement of section 4/6/7(3) of the Act read with rule 3 of the Rules for scrutiny and processing of such application and requisite documents.
- (v) **“Promoter”** shall have the same meaning as assigned to it under sub-section (zk) of section 2 of the Act.
- (vi) **“Real Estate Agent”** shall have the same meaning as assigned to it under sub-section (zm) of section 2 of the Act.
- (vii) **“Real Estate Project”** shall have the same meaning as assigned to it under sub-section (zn) of section 2 of the Act.
- (viii) **“Regulations”** means the Haryana Real Estate Regulatory Authority, Gurugram (Fixing of Standard Fees to be Levied on the Promoter) Regulations, 2018 as amended from time to time.
- (ix) **“Rules”** means the Haryana Real Estate Regulatory Authority (Regulation and Development) Rules, 2017 as amended from time to time.
- (x) **“Standard fee”** is the fee to be levied on the promoter under section 34 (e) of the Real Estate (Regulations and Development) Act, 2016 for the matters as mentioned in 1 (b) of these regulations.

3. Registration of real estate project, provision in the Real Estate (Regulation and Development) Act, 2016, Haryana Real Estate (Regulation and Development) Rules, 2017 and Regulations made by the authority.

- (a) **Section 4 of the Real Estate (Regulation and Development) Act, 2016 provides as under:**

“4. Application for registration of real estate projects

(1) 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.”

- (b) **Rule 3(2) of Haryana Real Estate (Regulation and Development) Rules, 2017 provides as under:**

“3. Application for registration

(1) ...

(2) “The promoter shall pay a registration fee at the time of application for registration by way of a demand draft or a banker(s) cheque in favour of “Haryana Real Estate Regulatory Authority” drawn on any Scheduled bank or through online payment mode, as the case may be, for a sum calculated at the rate mentioned in Schedule I.”

RATES OF REGISTRATION FEE TO BE PAID BY THE PROMOTER (Rs. per sq. meter) (As per schedule 1) (See Rule 3(2))			
Sr no.	Category of uses	Hyper/high potential I & II	Medium/Low potential
1.	Residential/Industrial	10	5
2.	Commercial/cyber park	20	10
3.	Plotted Colony	10	10
Note:- <i>(1) Category of zones as defined in schedule mentioning rate of license fee in Rule 1976 of the Haryana Development and Regulation of Urban Area Act, 1975</i>			

(2)	<i>In case of residential/industrial plotted colony, the rate would be applicable for gross area of the colony.</i>
(3)	<i>In the case of Group Housing/Commercial/Cyber Park, rates are up to 100 FAR and would be proportionately higher for higher FAR.</i>

- (c) The Authority hereby fixes following Standard Fee for processing of application for registration/amendment of registration of the real estate project and for delay in filing application for registration of ongoing real estate projects:

I- STANDARD FEE FIXED FOR PROCESSING OF APPLICATION FOR REGISTRATION OF THE REAL ESTATE PROJECT/AMENDMENT OF REGISTRATION OF REAL ESTATE PROJECT		
1.	Residential/Commercial/Industrial	Rs. 10/- per sq.m. of total floor area as per FAR
2.	Plotted colony	Rs. 10/- per sq.m. of total area of plotted colony.

II - STANDARD FEE PAYABLE FOR DELAY IN REGISTRATION OF ONGOING REAL ESTATE PROJECTS
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 <i>ibid</i> . 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 28 th October 2018 with the fee as prescribed in schedule I of the said rules.
For the projects where applications are submitted after 28 th October 2018, the promoters/ developers shall be liable to pay the prescribed registration fee alongwith the standard fee for delay in filing application for registration @ 50% of the registration fee as prescribed in schedule I for first six months thereafter the standard fee for delay shall be increased to 50% of the registration fee for every next six months or part thereof.
Note: For the on-going projects where registration application is submitted after 31st July, 2017 the promoters of the real estate projects shall be liable to penal proceedings as provided in section 59 of the Act <i>ibid</i> .

4. Extension of real estate project, provision in the Real Estate (Regulation and Development) Act, 2016, Haryana Real Estate (Regulation and Development) Rules, 2017 and regulations made by the authority.

- (a) Section 6 of Real Estate (Regulation and Development) Act, 2016 provides as under:
"6. Extension of registration

The registration granted under section 5 may be extended by the authority on an application made by the promoter due to force majeure, in such form and on payment of such fee as may be prescribed:

Provided that the authority may in reasonable circumstances, without default on the part of the promoter, based on the facts of each case, and for reasons to be recorded in writing, extend the registration granted to a project for such time as it considers necessary, which shall, in aggregate, not exceed a period of one year:

Provided further that no application for extension of registration shall be rejected unless the applicant has been given an opportunity of being heard in the matter.

Explanation. — *For the purpose of this section, the expression "force majeure" shall mean a case of war, flood, drought, fire, cyclone, earthquake or any other calamity caused by nature affecting the regular development of the real estate project."*

- (b) Rule 6 of the Haryana Real Estate (Regulation and Development) Rules, 2017 provides as under:
"6. Extension of registration of project. [Section 6]

- (1) *The registration granted under the Act, may be extended by the Authority, on an application made by the promoter in Form REP-V, three months prior to the expiry of the registration granted.*

- (2) *The application for extension of registration shall be accompanied with a demand draft or a bankers cheque in favour of "Haryana Real Estate Regulatory Authority" drawn on any Scheduled bank or through online payment mode, as the case may be, for **an amount equivalent to half the registration fees** as prescribed under sub-rule (2) of rule 3 along with an explanatory note setting out the reasons for delay in the completion of the project and the need for extension of registration for the project, along with documents supporting such reasons:*

Provided that where extension of registration is due to force majeure, court orders, Government policy/guidelines, decisions, the authority may at its discretion, waive the extension fee of registration."

FEE PAYABLE FOR APPLICATION FOR EXTENSION OF REGISTRATION OF THE REAL ESTATE PROJECT AS PER RULE 6 OF RULES, 2017

Sr. No.	Category of uses	Hyper/high potential I & II	Medium/Low potential
1.	Residential/Industrial	Half of registration fees	
2.	Commercial/cyber park		
3.	Plotted colony		

- (c) **The Authority hereby fixes following Standard Fee for processing of application for extension of registration of the real estate project and for delay in making an application for extension of registration of real estate project under section 6 of the Act ibid:**

I - STANDARD FEE FIXED FOR PROCESSING OF APPLICATION FOR EXTENSION OF REGISTRATION OF THE REAL ESTATE PROJECT U/S 6 OF THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016			
1.	Residential/Commercial/Industrial	Rs. 10/- per sq.m. of total floor area as per FAR	
2.	Plotted colony	Rs. 10/- per sq.m. of total area of plotted colony	

II - STANDARD FEE PAYABLE FOR DELAY IN MAKING AN APPLICATION FOR EXTENSION OF REGISTRATION OF THE REAL ESTATE PROJECT U/S 6 OF THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016	
i.	Standard Fee for delay in making an application for extension of registration shall be @ 50% of the extension fee in addition to the fee for such extension of registration for first one month of delay in filing application for extension of registration of real estate project.
ii.	Thereafter standard fee for delay in filing application for registration of real estate project for delay more than one month shall be increased to 50% of the extension fee for every additional month or part thereof.

5. **Permitting Continuation of registration of the real estate project to remain in force under section 7(3) of the Real Estate (Regulation and Development) Act, 2016 and regulations made by the authority**

- (a) **Section 7 (3) of the Real Estate (Regulation and Development) Act, 2016 provides as under:**

"7. Revocation of registration

....

- (3) *The authority may, instead of revoking the registration under sub-section (1), permit it to remain in force subject to such further terms and conditions as it thinks fit to impose in the interest of the allottees, and any such terms and conditions so imposed shall be binding upon the promoter"*

- (b) **The Authority hereby fixes following Standard Fee payable at the time of application for permitting continuation of registration of the real estate project to remain in force for one year u/s 7(3) of the Real Estate (Regulation and Development) Act, 2016, for processing of the application for permitting continuation of registration of the real estate project to remain in force under section 7(3) of the Act ibid and for delay in making an application for permitting continuation of registration of the real estate project to remain in force under section 7(3) of the Act ibid:**

I – STANDARD FEE PAYABLE AT THE TIME OF APPLICATION FOR PERMITTING CONTINUATION OF REGISTRATION OF THE REAL ESTATE PROJECT TO REMAIN IN FORCE FOR ONE YEAR U/S 7(3) OF THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016

Sr. No.	Category of uses	Hyper/high potential I & II	Medium/Low potential
1.	Residential/Industrial	Half of registration fees	
2.	Commercial/cyber park		
3.	Plotted colony		

Note:

In case the promoter applies for permitting continuation of registration of the real estate project to remain in force for more than one year, then the standard fees payable for such years shall be Extension fee for one year multiply by no. of years for which permission for continuation of registration of real estate project has been sought by the promoter.

II - STANDARD FEE FIXED FOR PROCESSING OF APPLICATION FOR PERMITTING CONTINUATION OF REGISTRATION OF THE REAL ESTATE PROJECT TO REMAIN IN FORCE U/S 7(3) OF THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016

1. Residential/Commercial/Industrial	Rs. 10/- per sq.m. of total floor area as per FAR
2. Plotted colony	Rs. 10/- per sq.m. of total area of plotted colony

III - STANDARD FEE PAYABLE FOR DELAY IN MAKING AN APPLICATION FOR PERMITTING CONTINUATION OF REGISTRATION OF THE REAL ESTATE PROJECT TO REMAIN IN FORCE U/S 7(3) OF THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016

- i. In case the application for permitting continuation of registration of the real estate project to remain in force under section 7(3) of the Act is late by a period of one month, then the Standard Fee for delay payable shall be @ 50% of the continuation fee for one year in addition to the fee for such permission for continuation of registration for first one month of delay in filing application for permitting continuation of registration of the real estate project to remain in force under section 7(3) of the Act.
- ii. Thereafter standard fee for delay in filing application for permitting continuation of registration of the real estate project to remain in force under section 7(3) of the Act for delay more than one month shall be increased to 50% of the continuation fee for one year for every additional month or part thereof.

Note: Application for seeking permission for continuation of registration of the real estate project to remain in force under section 7(3) of the Act shall be made within a period of 3 months prior to the date of expiry of the extension period.

6. Standard Fee for processing of application of registration of real estate agents

A Standard Fee of ₹5,000/- may be levied towards scrutiny and processing of an application for registration of a real estate agent, as and when so decided by the Authority in its meeting. Such levy shall be effective from the date specified by the Authority.

7. Standard Fee for processing of application for change of bank account

Standard Fee @ Rs.5000/- shall be levied in case of application for any change in the bank account.

8. Standard Fee for amendment in Registration Certificate.

Standard Fee @ Rs.5000/- shall be levied in case of application for any change/ amendment in the Registration Certificate (Certificate only) issued by this Authority.

9. Fee for withdrawing application for registration of the project

In case the promoter applies for withdrawal of application for registration of the project before the expiry of the period of thirty days specified under sub-section (1) of section 5 of the Real Estate (Regulation and Development) Act, 2016, a Standard Fee @ Rs. 50,000/- or the Standard Fee for processing the application of registration of the real estate project, whichever is higher, shall be deducted from the fees deposited by the promoter and the remaining amount will be refunded to the promoter within thirty days from the date of such withdrawal or as may be decided by the Authority.

10. Standard Fee for withdrawing application for registration of the real estate agent

In case the real estate agent applies for withdrawal of application for registration of the real estate agent before the expiry of the period of thirty days specified under Rule 10 of the Haryana Real Estate (Regulation and Development) Rules, 2017, a standard fee @ Rs. 5,000 shall be deducted from the Agent registration fee paid by the applicant and the remaining amount will be refunded to the applicant within thirty days from the date of such withdrawal.

11. Miscellaneous

1. The authority may waive partly or fully at its discretion on an application by the promoter seeking such waiver on grounds mentioned therein and found to be just and reasonable.
2. The authority reserves its rights to make any amendments in these regulations as and when required as approved by the Authority.
3. These regulations have been approved by the Authority in its 166th meeting held on 03.08.2026.

(Sd.) ...,
Secretary,
For: Haryana Real Estate Regulatory Authority,
Gurugram.