

HARYANA BILL NO _____ OF 2013

THE HARYANA REAL ESTATE (REGULATION AND DEVELOPMENT) BILL, 2013

A
Bill

to establish the Haryana Real Estate Regulatory Authority for regulation and planned development of the real estate sector and to ensure sale of immovable properties in an efficient and transparent manner and to protect the interest of consumers in the real estate sector and establish an Appellate Tribunal to adjudicate disputes and hear appeals from the decisions or orders of the Authority and for matters connected therewith or incidental thereto.

Be it enacted by the State legislature in the Sixty-third Year of the Republic of India as follows:

CHAPTER I
PRELIMINARY

1.	<p>(1) This Act may be called the Haryana Real Estate (Regulation and Development) Act, 2013;</p> <p>(2) It extends to the State of Haryana;</p> <p>(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint;</p> <p>Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.</p>	Short title, extent and commencement.
2.	<p>In this Act, unless the context otherwise requires:</p> <p>(a) "advertisement" means any document described or issued as advertisement through any form of media and includes any notice, circular or other documents offering for sale of a plot, building or apartment or inviting persons to purchase in any manner such plot, building or apartment or to make advances or deposits for such purposes;</p> <p>(b) "allottee", in relation to a premises of an immovable property, means the person to whom such premises or immovable property has been allotted, sold or otherwise transferred by the promoter, and includes the person who subsequently acquires the said allotment through sale, transfer or otherwise, but does not include a person to whom such immovable property is given on rent,</p> <p>(c) "apartment" means a self-contained immovable property covered under the definition of "Apartment" in the Haryana Apartment Ownership Act, 1983 as amended from time to time;</p> <p>(d) "Appellate Tribunal" means the Haryana Real Estate Appellate Tribunal established under section 35;</p> <p>(e) "architect" mean a person registered as an architect under the</p>	Definitions.

	<p>provisions of the Architects Act, 1972;</p> <p>(f) "Authority" means the Haryana Real Estate Regulatory Authority established under section (1) of section 17;</p> <p>(g) "building" includes any structure or erection or part of a structure or erection which is intended to be used for residential, commercial or other related purposes;</p> <p>(h) "Chairperson" means the Chairperson of the Haryana Real Estate Regulatory Authority appointed under section 18 or Chairperson of the Appellate Authority constituted under section 37, as the case may be;</p> <p>(i) "carpet area" means the net usable floor area of an immovable property, excluding the area covered by the walls and balcony but including the area under kitchen, toilet, bathroom etc;</p> <p>(j) "Commencement certificate" means the certificate issued by the competent authority to allow or permit the promoter to begin development works on immovable property which shall also include any licence granted under the Haryana Development and Regulation of Urban Areas Act, 1975;</p> <p>(k) "common areas" means an area defined as such in the Haryana Apartment Ownership Act, 1983 as amended from time to time;</p> <p>(l) "company" means a company incorporated and registered under the Companies Act, 1956 partnership firms, Limited liability partnerships etc. and includes, -</p> <ul style="list-style-type: none"> (i) a corporation established by or under any Central Act or State Act; (ii) a development authority or any public authority established by the Government in this behalf under any law for the time being in force; <p>(m) "Competent authority" means the authority created under the law made by the State Government including any local authority which exercises authority over land under its jurisdiction and has powers to give permission for development of such immovable property;</p> <p>(n) "completion certificate" means the completion certificate, as defined under the relevant statute, i.e. Haryana Development and Regulation of Urban Areas Act, 1975 or Haryana Municipal Corporation Act 1994 or Haryana Municipal Act 1973;</p> <p>(o) "cost of apartment" shall be an all inclusive cost including but not limited to the land cost, construction cost, all fees and charges payable to the Government including External Development Charges/ Infrastructure Development charges, etc. beyond which nothing else shall be recoverable from the allottee which shall be prescribed on 'per square metre of carpet area' basis in all advertisements and agreements/ documents.</p> <p>(p) "development" with its grammatical variations and cognate expressions, means carrying out the development of immovable property, engineering or other operations in, on, over or under the land or the making of any material change in any immovable property or land and includes re-development;</p> <p>(q) "development charges" means the cost of development works and</p>	
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	<p>includes all charges levied by the competent authority by whatever name called towards the development of the real estate project on immovable property;</p> <p>(r) "development works" means the external development works and internal development works on immovable property;</p> <p>(s) "engineer" means a person who possesses a bachelor's degree or equivalent from an institution recognized by the All India Council of Technical Education or is registered as an engineer under any law for the time being in force;</p> <p>(t) "estimated cost of real estate project" means the total cost involved in developing the real estate project and includes land cost;</p> <p>(u) "external development works" means all works defined as such in the Haryana Development and Regulation of Urban Areas Act,1975;</p> <p>(v) "internal development works" means all works defined as such in the Haryana Development and Regulation of Urban Areas Act,1975;</p> <p>(w) "immovable property" includes land, buildings, rights of ways, lights or any other benefit arising out of land and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, standing crops or grass;</p> <p>(x) "interest" means the rates of interest payable by the promoter or the allottee, as the case may be;</p> <p>(y) "local authority" means the Municipal Corporation or Municipality or Local Body constituted under any law for the time being in force for providing municipal services in respect of areas under its jurisdiction;</p> <p>(z) "Member" means the member of the Haryana Real Estate Regulatory Authority appointed under section 18 and includes the Chairperson;</p> <p>(za) "notification" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly;</p> <p>(zb) "occupation certificate" means the occupation certificate, as defined under the relevant statute, i.e. Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 or Haryana Municipal Corporation Act 1994 or Haryana Municipal Act 1973;</p> <p>(zc) "person" includes, -</p> <ul style="list-style-type: none"> (i) an individual; (ii) a Hindu undivided family; (iii) a company; (iv) a firm, (v) a local authority; (vi) an association of persons or a body of individuals whether incorporated or not; (vii) a cooperative society registered under any law relating to cooperative societies (viii) any such other entity as the State Government may, by notification in the Official Gazette, specify in this behalf. 	
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<p>(zd) "prescribed" means prescribed by rules made under this Act,</p> <p>(ze) "project" means the real estate project under this Act;</p> <p>(zf) "promoter" means,-</p> <p style="padding-left: 40px;">(i) a person who constructs or causes to be constructed an independent building or a building consisting of apartments, or converts an existing building or a part thereof into apartments, for the purpose of selling all or some of the apartments to other persons and includes his assignees and also includes a buyer who purchases in bulk for resale; or</p> <p>(ii) a person who develops a colony for the purpose of selling to other persons all or some of the plots, whether with or without structures thereon; or</p> <p>(iii) any development authority or any other public body in respect of allottees of-</p> <p style="padding-left: 40px;">(a) buildings or apartments constructed by such authority or body on lands owned by them or placed at their disposal by the Government; or</p> <p style="padding-left: 40px;">(b) plots owned by such authority or body or placed at their disposal by the Government;</p> <p style="padding-left: 40px;">for the purpose of selling all or some of the apartments or plots, or</p> <p>(iv) an apex State level co-operative housing finance society and a primary co-operative housing society which constructs apartments or buildings for its members or in respect of the allottees of such apartments or buildings; or</p> <p>(v) any other person who acts himself as a builder, colonizer, contractor, developer, estate developer or by any other name or claims to be acting as the holder of a power of attorney from the owner of the land on which the building or apartment is constructed or colony is developed for sale; or</p> <p>(vi) such other person who constructs any building or apartment for sale to the general public.</p> <p style="padding-left: 40px;">Explanation.- For the purposes of this clause where the person who constructs or converts a building into apartments or develops a colony for sale and the persons who sells apartments or plots are different persons, both of them shall be deemed to be the promoters;</p> <p>(zg) "prospectus," means any document described or issued as a prospectus or any notice, circular, or other documents offering for sale any immovable property or inviting any person to make advances or deposits for, such purposes;</p> <p>(zh) "real estate agent" means any person, who negotiates or acts on behalf of one person in a transaction of transfer of his immovable property, by way of sale, with another person or transfer of immovable property of any other person to him and receives remuneration or fees or any other charges</p>	
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	<p>for his services whether as a commission or otherwise and Includes a person who introduces prospective buyers and sellers to each other for negotiation for sale or purchase of immovable property and includes property dealers, brokers, middlemen by whatever name called;</p> <p>(zi) "real estate project" includes the activities of development, sale, transfer and management of immovable property including construction thereon or alternation thereof;</p> <p>(zj) "regulations" means the regulations made by the Authority under this Act:</p> <p>(zk) "State Government" means the Government of Haryana.</p>	
	<p>CHAPTER (1)</p> <p>REGISTRATION OF REAL ESTATE PROJECT AND</p> <p>REGISTRATION OF REAL ESTATE AGENTS</p>	
3.	<p>No promoter shall book, sell or offer for sale, or invite persons to purchase in any manner any immovable property or part of it without registering the real estate project with the Haryana Real Estate Regulatory Authority established under this Act:</p> <p>Provided that no such registration shall be required,-</p> <p>(a) when the area of land proposed to be developed does not exceed 1000 square meters or the number of apartments proposed to be developed does not exceed twelve, inclusive of all phases;</p> <p>(b) where the promoter has received occupation certificate/ completion certificate from the competent authority prior to the commencement of this Act;</p> <p>(c) for the purpose of renovation or repair or redevelopment which does not involve re-allotment and marketing of immovable property.</p> <p><i>Explanation:-</i> For the purpose of this Act, where immovable property is to be developed in phases then every such phase shall be considered a standalone real estate project, and the promoter would have to seek registration under the Act for each phase separately.</p>	<p>Prior registration of real estate project with Haryana Real Estate Regulatory Authority.</p>
4	<p>(1) Every promoter shall make an application to the Authority for registration of the project in such form accompanied by such fee as may be specified by the regulations made by the Authority.</p> <p>(2) The promoter shall enclose the following documents alongwith the application referred to in sub-section (1), namely:-</p> <p>(a) brief of his enterprise details including its name, registered address, type of enterprise (proprietorship, societies, partnership, companies, local authority etc.) and the particulars of registration;</p> <p>(b) an authenticated copy of the commencement certificate from the competent authority obtained in accordance with the laws as may be applicable for the real estate project mentioned in the application,</p>	<p>Application to Authority</p>

	<p>and where the project is proposed to be developed in phases, an authenticated copy of the approval and sanction from the competent authority for each of such phases;</p> <p>(c) the layout plan of the proposed project or the phase thereof, and also the layout plan of the whole project as sanctioned by the competent authority;</p> <p>(d) the plan of development works to be executed in the proposed project and the proposed facilities to be provided thereof;</p> <p>(e) Performa of the agreements proposed to be signed with the allottees;</p> <p>(f) the number and the carpet area of apartments for sale in the project;</p> <p>(g) the names and addresses of his real estate agents, if any, for the proposed project;</p> <p>(h) the names and addresses of the contractors, architect, structural engineer, if any and other persons concerned with the development of the proposed project;</p> <p>(i) a declaration, supported by an affidavit, which shall be signed by the promoter or any officer authorized in this behalf, stating,-</p> <p>(A) that he has a legal title to the land on which the development is proposed along with a legally valid authentication of such title if such land is owned by another person;</p> <p>(B) that the land is free from all encumbrances, or as the case may be, of the encumbrances on such land including any rights, title, interest or name of any party in or over such land along with details;</p> <p>(C) the likely period of time within which he undertakes to complete the project or phase thereof;</p> <p>(D) that seventy percent of the amounts realized for the real estate project from the allottees, from time to time, would be deposited in a separate account to be maintained in a scheduled bank, within a period of fifteen days of its realization for meeting the costs of the real estate project and would be used only for that purpose.</p> <p>Explanation: For the purpose of this clause, the term "scheduled bank" means a bank included in the second schedule to the Reserve Bank of India Act, 1934.</p> <p>(E) that he has furnished such other documents as may be prescribed by the rules or regulations made under this Act; and</p> <p>(j) such other information and documents as may be prescribed.</p>	
5.	<p>(1) On receipt of the application under sub-section (1) of section 4, the Authority shall within a period of fifteen days</p> <p>(a) grant registration subject to the provisions of this Act and the rules</p>	Grant registration of

	<p>and regulations made there under, and provide a registration number, including a Login Id and password to the applicant for accessing the website of the Authority and to create his web page and to fill therein the details of the proposed project; or</p> <p>b) reject the application for reasons to be recorded in writing, if such application does not conform to the provisions of this Act:</p> <p>Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard,</p> <p>(2) If the Authority fails to grant registration or reject the application, as the case may be, as provided under sub-section (1), the project shall be deemed to have been registered, and the Authority shall within two days of the expiry of the said fifteen days, provide a registration number and a Login Id and password to the promoter for accessing the website of the Authority and to create his web page and to fill therein the details of the proposed project.</p> <p>(3) The registration granted under this section shall be valid for a period declared by the promoter under sub-clause (C) of clause (i) of sub-section (2) of section 4 for completion of the project or phase thereof, as the case may be.</p>	
6	<p>The registration granted under section 5 may be extended by the Authority on an application made by the promoter, under such conditions, including force majeure, as may be prescribed, and in such form and on payment of such fee as may be specified by the regulations made by the Authority:</p> <p>Provided that no application for extension of registration shall be rejected unless the application has been given an opportunity of being heard in the matter.</p> <p>Explanation- For the purpose of this section, force majeure means acts of God, fire, windstorm, flood, explosion, collapse of structures, riot, war etc.</p>	Extension of registration.
7	<p>(1) The Authority may, on receipt of a complaint in this behalf or on the recommendation of the competent authority, revoke the registration granted under section 5, after being satisfied that-</p> <p>(a) the promoter makes willfull default in doing anything required of him by or under this Act or the Rules or the Regulations made thereunder;</p> <p>(b) the promoter violates any of the terms or conditions of the approval given by the competent authority:</p> <p>(c) the promoter is involved in any kind of unfair practice or irregularities</p> <p>Expiation.-- For the purposes of this clause, the term "unfair practice means" a practice which, for the purpose of promoting the sale or development of any immovable property adopts any unfair method or</p>	Revocation of registration

	<p>unfair or deceptive practice including any of the following practices, namely'-</p> <p>(A) the practice of making any statement, whether orally or writing or by visible representation which,-</p> <p>(i) falsely represents that the services are of a particular standard or grade;</p> <p>(ii) represents that the promoter has approval or affiliation which such promoter does not have;</p> <p>(iii) makes a false or misleading representation concerning the services;</p> <p>(B) the promoter permits the publication of any advertisement for sale or prospectus whether in any newspaper or otherwise of services that are not intended to be offered.</p> <p>(2) The registration granted to the promoter under section 5 shall not be revoked unless the Authority has given to the promoter not less than thirty days notice, in writing, stating the grounds on which it is proposed to revoke the registration, and has considered any cause shown by the promoter within the period of that notice against the proposed revocation.</p> <p>(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.</p> <p>(4) Upon the revocation of the registration, the Authority,-</p> <p>(a) shall debar the promoter from accessing its website in relation to that project and inscribing his name in the list of defaulters on its website and also inform the other Real Estate Regulatory Authorities in other States and Union Territories about such cancellation;</p> <p>(b) may recommend to the competent authority or any public authority established by the State Government to facilitate the balance of the development works to be carried out in accordance with the provisions of section 8;</p> <p>(c) may, to protect the interest of prospective buyers or in the public interest, issue such directions as it may deem necessary.</p>	
8	<p>Upon lapse of the registration or on revocation of the registration under this Act, the Authority, may consult the State Government to take such action as it may deem fit including the carrying out of the remaining development works by competent authority or by the association of allottees or any public authority established by the State Government or in any other manner, as the case maybe.</p>	<p>Obligation of Authority consequent upon lapse of or revocation of registration.</p>
9	<p>(1) No real estate agent shall facilitate the sale or purchase of or act on behalf of any person to facilitate the sale or purchase of any immovable property or part of it without first registering with the Haryana Real Estate Regulatory Authority.</p>	<p>Registration of Real Estate Agents.</p>

	<p>(2) Every real estate agent shall make an application to the Authority for registration in such form and manner and accompanied by such fee and documents as may be prescribed.</p> <p>(3) The registration of all real estate agents who make an application under sub-section (2) shall be made by the Authority within such period, and in such manner and conditions, as may be prescribed.</p> <p>(4) The Authority shall not reject any application without giving the applicant an opportunity of being heard.</p> <p>(5) Where, on the completion of the period specified under sub-section (3), if the applicant does not receive any response about the deficiencies in his application or the rejection of his application, he shall be deemed to have been registered.</p> <p>(6) Every real estate agent who is registered as per the provisions of this Act or the rules and regulations made thereunder, shall be granted a registration number by the Authority, which shall be quoted by the real estate agent in every sale facilitated by him under the Act.</p> <p>(7) Every registration shall be valid for such a period as may be prescribed, and shall be renewable for a period in such manner and on payment of such fee as may be prescribed.</p> <p>(8) Where any real estate agent who has been registered under this Act commits breach of any of the conditions thereof or any other terms and conditions specified under this Act or any rules or regulations made there under, or where the Authority is satisfied that such registration has been secured by the real estate agent through misrepresentation or fraud, the Authority may, without prejudice to any other provisions under this Act, revoke the registration or suspend the same for such period as it thinks fit:</p> <p>Provided that no such revocation or suspension shall be made by the Authority unless an opportunity of hearing has been given to the real estate agent.</p>	
	<p>CHAPTER III</p> <p>OBLIGATIONS OF PROMOTER AND ALLOTTEE</p>	
10	<p>(1) The promoter shall, upon receiving his Login-Id and password under clause (a) of sub-section (1) of section 5 or under sub-section (2) of section 5, as the case may be, create his web page on the website of the Authority and enter all details of the proposed project as provided under sub-section (2) of section 4, in all the fields as provided, including:</p> <ul style="list-style-type: none"> (a) details of the registration granted by the Authority; (b) quarterly up-to-date list of number and types of apartments booked; (c) quarterly up-to-date status of the project; and (d) such other information and documents as may be specified by the regulations made by the Authority. <p>(2) The advertisement for sale or prospectus issued or published by the promoter shall mention prominently the website address of the Authority,</p>	Obligation of Promoter

	<p>wherein all details of the registered project have been entered and include the registration number received from the Authority and such other matters which are incidental thereto.</p> <p>(3) The promoter, upon entering into an agreement of sale with the allottee shall be responsible to make available to the allottee, the following information, namely:-</p> <p>(a) site and layout plans along with specifications, approved by the local authority, by display at the site or such other place as may be specified by the regulations made by the Authority;</p> <p>(b) the stage wise time schedule of completion of the project, including the provisions for water, sanitation, and electricity.</p> <p>(4) The promoter shall-</p> <p>(a) be responsible to obtain a completion certificate/occupation certificate or as the case may be from the competent authority as per local laws or other laws in force and to make it available to the allottees individually or to the association of allottees, as the case may be;</p> <p>(b) be responsible for providing and maintaining the essential services, as may be specified in the service level agreements, on reasonable charges, till the taking over of the maintenance of the project by the association of the allottees or the local authority as the case may be;</p> <p>(c) take steps for the formation of an association or society or co-operative Society, as the case may be, of the allottees, or a federation of the same, under the laws applicable.</p> <p>(5) The promoter may cancel the allotment only in terms of the agreement of sale:</p> <p>Provided that the allottees may approach the Authority for relief if he is aggrieved by such cancellation and such cancellation is not in accordance with the terms of the agreement of sale, unilateral and without any sufficient cause.</p> <p>(6) The promoter shall prepare and maintain all such other details as may be specified, from time to time, by the regulations made by the Authority.</p>	
11	<p>Where any person makes an advance or a deposit on the basis of the information contained in the advertisement for sale or prospectus and sustains any loss or damage by reason of any incorrect, false statement Included therein, he shall be compensated by the promoter in the manner as may be determined by the Authority:</p> <p>Provided that if the person affected by such incorrect, false statement contained in the advertisement for sale or prospectus, intends to withdraw from the proposed project, he shall be returned his entire investment along with interest at such rate as may be prescribed.</p>	Obligation of Promoter regarding veracity of the advertisement or prospectus
12	(1) A promoter shall not accept a sum more than ten percent of the cost of the apartment, plot, or building as the case may be, as an advance	No deposit or advance to be

	<p>payment or an application fee, from a person without first entering into a written agreement for sale with such person.</p> <p>(2) The agreement referred to in sub-section (1) shall be in such form as may be prescribed and specify the particulars of development of the project including the construction of building and apartments, along with specifications and external development works, the dates and the manner by which payments towards the cost of the apartment, plot, or building as the case may be, are to be made by the allottees and the likely date on which the possession of the apartment, plot, or building is to be handed over and such other particulars, as may be prescribed.</p>	<p>taken by promoter without first entering into an agreement of sale.</p>
13	<p>(1) The proposed project shall be developed and completed by the promoter in accordance with the plans and structural designs and specifications as approved by the Competent Authorities.</p> <p>(2) In case any major structural defect in such development is brought to the notice of the promoter within a period of two years by the allottee from the date of handing over possession, it shall be the duty of the promoter to rectify such defects without further charge, within reasonable time, and in the event of promoter's failure to rectify such defects within such time, the aggrieved allottees shall be entitled to receive appropriate compensation as may be determined by the Authority.</p>	<p>Adherence to approved plans and project specifications by the promoter.</p>
14	<p>(1) The promoter shall take necessary steps to execute a registered conveyance deed in favour of the allottee along with the undivided proportionate title in the common areas including the handing over of the possession of the immovable property and the other title documents pertaining thereto.</p> <p>(2) After obtaining the occupation/completion certificate as the case may be and handing over physical possession to the allottees in terms of this section, it shall be the responsibility of the promoter to hand over the necessary documents and the plans to the association of the allottees or the local authority as per the local laws.</p>	<p>Transfer of title</p>
15.	<p>If the promoter fails to complete or is unable to give possession of a apartment , plot or building,-</p> <p>(a) in accordance with the terms of the agreement or, as the case may be, duly completed by the date specified therein or any further date agreed to by the parties or</p> <p>(b) due to discontinuance of his business as a developer on account of suspension or revocation of his license under this Act or For any other reason he shall be liable to demand, without prejudice to any other remedy available, to return the amount received by him in respect of that apartment, plot, building as the case may be, with interest at such rate as may be prescribed in this behalf including penalty as may be determined by the Authority.</p>	<p>Return of form</p>
16	<p>(1) Every allottee who has entered into an agreement of sale to take a apartment, plot or a building as the case may be, under section 12 shall be responsible to make necessary payments in the manner and within the time</p>	<p>Obligation of allottees</p>

	<p>as specified in the said agreement and shall pay at the proper time and place, the proportionate share of the registration charges, municipal taxes, water and electricity charges, maintenance charges, ground rent, and other charges, if any, in accordance with such agreement.</p> <p>(2) The allottee shall be liable to pay interest, at such rate as may be prescribed, for any delay in payment towards any amount or charges to be paid under sub-section (1).</p> <p>(3) The obligations of the allottee under sub-section (1) and the liability towards interest under sub-section (2) may be reduced when mutually agreed to between the promoter and such allottee.</p> <p>(4) Every allottee after taking possession of the apartment, plot or building as the case may be, shall participate towards the formation of an association or society or co-operative society as the case may be of the allottees, or a federation of the same.</p> <p style="text-align: center;">CHAPTER IV THE HARYANA REAL ESTATE REGULATORY AUTHORITY</p>	
17	<p>(1) The State Government shall, within a period of one year from the Act coming into force, by notification in the Official Gazette establish an Authority to be known as the Haryana Real Estate Regulatory Authority to exercise the powers conferred on it and to perform the functions assigned to it under this Act.</p> <p>(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.</p>	Establishment and incorporation of Real Estate Regulatory Authority
18	<p>(1) The Authority shall consist of a Chairperson and not less than two whole time Members to be appointed by the State Government.</p> <p>(2) Subject to the provisions of this Act and in case the Authority consists of more than three members, including the Chairperson -</p> <p>(a) the jurisdiction of the Authority may be exercised by Benches thereof;</p> <p>(b) a Bench may be constituted by the Chairperson of the Authority with two or more Members of the Authority as the Chairperson of the Authority may deem fit:</p> <p>Provided that any Bench constituted under this clause shall be headed either by the Chairperson or by a member having qualification equivalent to that of the Chairperson ;</p> <p>(c) the Benches of the Authority shall ordinarily sit at Chandigarh/ Panchkula, and such other places as the State Government may, in consultation with the Chairperson of the Authority, notify;</p> <p>(d) the Chairperson shall notify the areas in relation to which each Bench of the Authority may exercise jurisdiction.</p> <p>(3) Notwithstanding anything contained in sub-section (2), the Chairperson of</p>	Composition of Authority

	the Authority may transfer a Member of the Authority from one Bench to another Bench.	
19	<p>The Chairperson and other Members of the Authority shall be appointed by the State Government on the recommendations of a Selection Committee consisting of such persons and in such manner as may be prescribed, from amongst persons having adequate knowledge of and professional experience (for at-least twenty years in case of the Chairperson and fifteen years in the case of the Members) in urban development, housing, real estate development, infrastructure, economics, planning, law, commerce, accountancy, industry, management, social service, public affairs or administration:</p> <p>Provided that a person who is, or has been, in the service of the State Government shall not be appointed as a Chairperson unless such person has held the post of Principal Secretary to the State Government.</p> <p>Provided further that a person who is, or has been, in the service of the State Government shall not be appointed as a Member unless such person has held the post of Secretary to the State Government or any equivalent post in the State Government or the post of Chief Town Planner in the State Government.</p>	Qualifications of Chairperson and Members of Authority
20.	<p>(1) The Chairperson and Members shall hold office for a term not exceeding five years from the date on which they enter upon his office, or until he attains the age of sixty five years, whichever is earlier.</p> <p>(2) Before appointing any person as a Chairperson or Member, the State Government shall satisfy itself that the person does not have any such financial or other interest as is likely to affect prejudicially his functions as such Member.</p>	Term of office of Chairperson and Members.
21	<p>(1) The salary and allowances payable to, and the other terms and conditions of service of the Chairperson and other Members shall be such as may be prescribed and shall not be varied to their disadvantage during their tenure.</p> <p>(2) Notwithstanding anything contained in sub-sections (1) and (2) of section 20, the Chairperson or a member, as the case may be, may, -</p> <p>(a) relinquish his office by giving in writing to the State Government notice of not less than three months; or</p> <p>(b) be removed from his office in accordance with the provisions of section 23.</p> <p>(3) A vacancy caused to the office of the Chairperson or any other member, as the case may be, shall be filled up within a period of six months from the date on which such vacancy occurs.</p>	Salary and allowances payable to Chairperson and Members
22	The Chairperson shall have powers of general superintendence and directions in the conduct of the affairs of Authority and he shall, in addition to presiding over the meetings of the Authority exercise and discharge such administrative powers and functions of the Authority as may be prescribed.	Administrative Powers of Chairperson
23	(1) The State Government may, by order, remove from office the Chairperson or other Members, if the Chairperson or such other Member, as	(2) The salary and allowances

	<p>the case may be,-</p> <p>(a) has been adjudged as insolvent; or</p> <p>(b) has been convicted of an offence, involving moral turpitude; or</p> <p>(c) has become physically or mentally incapable of acting as a member; or</p> <p>d) has acquired such financial or other interest as is likely to affect prejudicially his functions; or .</p> <p>(e) has so abused his position as to render his continuance in office prejudicial to the public interest.</p> <p>(2) No such Chairperson or Member shall be removed from his office under clause (c), (d) or clause (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.</p>	<p>payable to and the other conditions of service of the officers and of the employees of the Authority appointed</p>
24	<p>(1) The Chairperson or a Member, ceasing to hold office as such, shall not for a period of three years,-</p> <p>(a) accept any employment in, or connected with, the management or administration of, any person or organization which has been associated with any work under the Act from the date on which they cease to hold office:</p> <p>Provided that nothing contained in this clause shall apply to any employment under the State Government or a local authority or in any statutory authority or any corporation established by or under any Central, State or provincial Act or a Government Company, as defined in section 617 of the Companies Act, 1956;</p> <p>(b) Act, for or on behalf of any person or organization in connection with any specific proceeding or transaction or negotiation or a case to which the Authority is a party and with respect to which the Chairperson or such Member had, before cessation of office, acted for or provided advice to, the Authority;</p> <p>(c) give advice to any person using information which was obtained in his capacity as the Chairperson or a Member and being unavailable to or not being able to be made available to the public;</p> <p>(d) enter into a contract of service with, or accept an appointment to a board of directors of, or accept an offer of employment with, an entity with which he had direct and significant official dealings during his term of office as such.</p> <p>(2) The Chairperson and Members shall not communicate or reveal to any person any matter which has been brought under his consideration or known to him while acting as such.</p>	<p>Restrictions on Chairperson or Members on employment after cessation of office.</p>
25	<p>(1) The State Government shall in consultation with the Authority sanction posts of officers and employees as it considers necessary for the efficient discharge of their functions under this Act who would discharge their functions under the general superintendence of the Chairperson.</p> <p>(2) The Authority shall appoint the officers and employees against posts sanctioned under sub-section (1) above in the manner as may be prescribed.</p> <p>(3) The salary and allowances payable to and the other conditions of</p>	<p>Officers and other employees of Authority.</p>

	service of the officers and of the employees of the Authority appointed under sub-section (1) shall be such as may be prescribed.	
26	<p>(1) The Authority shall meet at such places and times, and shall follow such rules of procedure in regard to the transaction of business at its meetings, including quorum at such meetings, as may be specified by the regulations made by the Authority.</p> <p>(2) The Chairperson or any member, if for any reason, is unable to attend a meeting of the Authority, the senior-most Member present shall preside at the meeting.</p> <p>(3) All questions which come up before any meeting of the Authority shall be decided by a majority of the Members.</p>	Meetings of Authority.
27	<p>No act or proceeding of the Authority shall be invalid merely by reason of-</p> <p>(a) any vacancy in, or any defect in the constitution of the Authority; or</p> <p>(b) any defect in the appointment of a person acting as a member of the Authority; or</p> <p>(c) any irregularity in the procedure of the Authority nor affecting the merits of the case.</p>	Vacancies etc. not to invalidate proceeding of Authority.
28	<p>The Authority shall to facilitate the growth and promotion of a healthy, transparent, efficient and competitive real estate sector make recommendations to the State Government or the competent authority as the case may be, on-</p> <p>(a) protection of interest of the allottees and promoter;</p> <p>(b) measures to improve the processes and procedures for clearance and sanction of plans and development of projects,</p> <p>(c) measures to encourage construction of environmentally sustainable and affordable housing, promote standardization including grading and use of appropriate construction materials, fixtures, fittings and construction techniques;</p> <p>(d) measures to facilitate amicable settlement of dispute between the promoters and the allottees through dispute settlement forums set up by the consumer or promoter associations;</p> <p>(e) any other issue that the Authority may think necessary for the promotion of the real estate sector.</p>	Functions of Authority for planned development and promotion of real estate sector
29	<p>The functions of the Authority shall, inter alia, include-</p> <p>(a) to render advice to the State Government in matters relating to the development of real estate sector;</p> <p>(b) to publish and maintain a website of records of all real estate projects for which registration has been given, with such details as may be prescribed, including information provided in the application for which registration has been granted;</p> <p>(c) to maintain a database, on its website, and enter the names of promoters as defaulters including the project details, registration for which has been cancelled or have been penalized under the Act, with reasons thereof, for access to the general public,</p> <p>(d) to maintain a database, on its website, and enter the names of real estate agents who have applied and registered under this Act, with such details as may be prescribed, including those whose registration</p>	Functions of Authority.

	<p>has been rejected or revoked;</p> <p>(e) to fix through regulations for each areas under its jurisdiction the standard fees, to be levied to the allottees by the promoter or the association of allottees, as the case may be;</p> <p>(f) to ensure compliance of the obligations cast upon the promoters, the allottees and the real estate agents under this Act and the rules and regulations made there under;</p> <p>(g) to make an inquiry to be made into compliance of its regulations or orders or directions made in exercise of its powers under the Act;</p> <p>(h) to perform such other functions as may be entrusted to the Authority by the State Government as may be necessary to carry out the provisions of the Act.</p>	
30	<p>(1) The Authority shall have powers to settle any dispute between the promoter and the allottee, that may be referred to it by either party, relating to the Act or the rules or regulations made thereunder;</p> <p>(2) The dispute referred to it under sub-section (1), shall be dealt with by the Authority as expeditiously as possible and dispose of the complaint preferably within a period of ninety days from the date of receipt of the complaint</p> <p>(3) The Authority shall have powers to set up a dispute resolution mechanism for an amicable settlement of disputes between the promoter and the allottee through regulations and to appoint, if it deems necessary, persons with such qualification and experience in adjudication, arbitration, mediation or conciliation or-other such operational areas, who are skilled in dispute resolution, for the settlement of disputes between the promoter and the allottee.</p>	Powers of Authority for settlement of disputes
31	Where the Authority considers it expedient to do so, on a complaint relating to the Act or the Rules or Regulations made thereunder, it may, by order in writing and recording reasons therefore call upon any promoter or allottee at any time to furnish in writing such information or explanation relating to its affairs as the Authority may require and appoint one or more persons to make an inquiry in relation to the affairs of any promoter or allottee, as the case may be.	Powers of Authority to call for information, conduct Investigations, etc.
32	The Authority may, for the purpose of discharging its functions under section 29, section 30 and section 31, issue such directions from time to time, to the promoters and allottees as it may consider necessary and such directions shall be binding on all concerned.	Powers of Authority to issue directions
33	<p>(1) 'The Authority shall be guided by the principles of natural justice and, subject to the other provisions of this Act and the rules made thereunder, the Authority shall have powers to regulate its own procedure.</p> <p>(2) The Authority shall have, for the purpose of discharging its functions under tills Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:</p> <p>(a) summoning and enforcing the attendance of any person and examining him on oath;</p> <p>(b)requiring the discovery and production of documents;</p> <p>(c) receiving evidence on affidavits;</p>	Powers of Authority

	<p>(d) issuing commissions for the examination of witnesses or documents;</p> <p>(e) reviewing its decisions;</p> <p>(f) dismissing an application for default or directing it <i>ex-parte</i>; and</p> <p>(g) any other matter which may be prescribed.</p> <p>(3)Where in the course of proceeding before the Authority an issue is raised relating to agreement, action, omission, practice or procedure that-</p> <p>(a) has an appreciable prevention, restriction or distortion of competition in connection with the development of a real estate project; or</p> <p>(b) has effect of market power of monopoly situation being abused for affecting interest of allottees adversely, then the Authority, may, suo-moto, make reference in respect of such issue to the Competition Commission of India.</p>	
34	If a promoter or an allottee or a real estate agent, as the case may be, fails to pay any interest or penalty imposed on him under this Act, it shall be recoverable from such promoter or allottee or real estate agent, in such manner as may be prescribed.	Recovery of Interest of Penalty.
	<p>CHAPTER V</p> <p>THE REAL ESTATE APPELLATE TRIBUNAL</p>	
35	The State Government shall, by notification in the Official Gazette, establish an Appellate Tribunal to be known as the Real Estate Appellate Tribunal to hear and dispose of appeal against any direction, decision or order of the Authority under this Act.	Establishment of Real Estate Appellate Tribunal
36	<p>(1) The State Government or the competent Authority or any person aggrieved by any direction or order or decision of the Authority may prefer an appeal to the Appellate Tribunal.</p> <p>(2) Every appeal under sub-section (1) shall be preferred within a period of sixty days from the date of which a copy of the direction or order or decision made by the Authority is received by the State Government or the competent authority or the aggrieved person and it shall be in such form, and accompanied by such fee as may be prescribed: Provided that the Appellate Tribunal may entertain any appeal after the expiry of sixty days if it is satisfied that there was sufficient cause for not filling it within that period,</p> <p>(3) On receipt of an appeal under sub-section (1), the Appellate Tribunal may after giving the parties an opportunity of being heard, pass such orders thereon as it thinks fit.</p> <p>(4) The Appellate Tribunal shall send a copy of every order made by it to the parties and to the Authority, as the case may be.</p> <p>(5) The appeal preferred under sub-section (1), shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the appeal within a period of ninety days from the date of receipt of appeal:</p>	Application for settlement of disputes and appeals to appellate Tribunal

	<p>Provided that where any such appeal could not be disposed of within the said period of ninety days, the Appellate Tribunal shall record its reasons in writing for not disposing of the appeal within that period.</p> <p>(6) The Appellate Tribunal may, for the purpose of examining the legality or propriety or correctness of any order or decision of the Authority, on its own motion or otherwise, call for the records relevant to deposing of such appeal and make such orders as it thinks fit.</p>	
37	<p>(1) The Appellate Tribunal consists of</p> <p>(a) a full time Chairperson;</p> <p>(b) at-least two full-time Members designated as Judicial Member and Administrative or Technical Member;</p> <p>(2) Subject to the provisions of this Act and in case the Appellate Tribunal consists of more than three members, including the Chairperson -</p> <p>(a) the jurisdiction of the Appellate Tribunal may be exercised by Benches thereof;</p> <p>(b) a Bench may be constituted by the Chairperson of the Appellate Tribunal with two or more Members of the Appellate Tribunal as the Chairperson of the Appellate Tribunal may deem fit: Provided that every Bench constituted under this clause shall include at least one Judicial Member and one Administrative or Technical Member;</p> <p>(c) the Benches of the Appellate Tribunal shall ordinarily sit at Chandigarh/Panchkula, and such other places as the State Government may, in consultation with the Chairperson of the Appellate Tribunal, notify;</p> <p>(d) the Chairperson shall notify the areas in relation to which each Bench of the Appellate Tribunal may exercise jurisdiction.</p> <p>(3) Notwithstanding anything contained in sub-section (2), the Chairperson of the Appellate Tribunal may transfer a Member of the Appellate Tribunal from one Bench to another Bench,</p> <p><i>Explanation.-</i> For the purposes of this Chapter-</p> <p>(i) "Judicial Member" means a Member of the Appellate Tribunal appointed as such under clause (b) of sub-section (1) of section 38 and includes the Chairperson of the Appellate Tribunal;</p> <p>(ii) " Administrative or Technical Member " means a Member of the Appellate Tribunal appointed as such under clause (c) of sub- section (1) of section 38.</p>	Composition of Appellate Tribunal.
38	<p>(1) A person shall not be qualified for appointment as the Chairperson or a Member of the Appellate Tribunal unless he,-</p> <p>(a) in the case of Chairperson, is or has been a Judge of the High Court; and</p> <p>(b) in the case of a Judicial Member, is or has been a Session Judge for at least five years; and</p> <p>(c) in the case of a Administrative or Technical Member he shall be a person who is well versed in the field of urban development, housing,</p>	Qualifications for appointment of Chairperson and members

	<p>real estate development, infrastructure, economics, planning, law commerce, accountancy, industry, management, public affairs or administration and possesses experience of at least 20 years in the field or who has held the post in the State Government equivalent to the post of Principal Secretary to the Government or has been in the service of the State Government and has held the post of Chief Town Planner in the State Government.</p> <p>(2) The Chairperson or Judicial Member of the Appellate Tribunal shall be appointed by the State Government in consultation with the Chief Justice of Punjab and Haryana High Court or his nominee.</p> <p>(3) The Administrative or Technical Members of the Appellate Tribunal shall be appointed by the State Government on the recommendations of a Selection Committee consisting of such persons and in such manner as may be prescribed.</p>	
39	<p>(1) The Chairperson of the Appellate Tribunal or a member of the Appellate Tribunal shall hold office as such for a term not exceeding five years from the date on which he enters upon his office:</p> <p>Provided that no Chairperson of the Appellate Tribunal or member of the Appellate Tribunal shall hold office as such after he has attained the age of sixty five years;</p> <p>(2) Before appointing any person as Chairperson or member, the State Government shall satisfy itself that the person does not have any such financial or other interest as is likely to affect prejudicially his functions as such member.</p>	Term of office of Chairperson and members
40	<p>(1) The salary and allowances payable to and the other terms and conditions of service of the Chairperson and other members shall be such as may be prescribed and shall not be varied to their disadvantage during their tenure.</p> <p>(2) Notwithstanding anything contained in sub-sections (1) and (2) of section 39, the Chairperson or a member, as the case may be, may:-</p> <p>(a) relinquish his office by giving in writing to the State Government a notice of not less than three months;</p> <p>(b) be removed from his office in accordance with the provisions of section 41.</p> <p>(3) A vacancy caused to the office of the Chairperson or any other member, as the case may be, shall be filled up within a period of six months from the date on which such vacancy occurs.</p>	salary and allowances payable to Chairperson and members.
41	<p>(1) The State Government may remove from office, the Chairperson or any Member of the Appellate Tribunal who _</p> <p>(a) has been adjudged an insolvent; or</p> <p>(b) has been convicted of an offence which, in the opinion of the State Government involves moral turpitude; or</p> <p>(c) has become physically or mentally incapable of acting as the Chairperson or a Member, or</p> <p>(d) has acquired such financial or other interest as is likely to affect</p>	Removal of Chairperson and Member from office in certain circumstances

	<p>prejudicially his functions as the Chairperson or a member; or</p> <p>(e) has so abused his position as to render his continuance in office prejudicial to the public interest</p> <p>(2) No such Chairperson or member shall be removed from office under clause (c), (d) or clause (e) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.</p>	
42	<p>(1) The State Government shall in consultation with the Appellate Tribunal sanction posts of officers and employees as it considers necessary for the efficient discharge of its functions under this Act who would discharge their functions under the general superintendence of the Chairperson.</p> <p>(2) The Appellate Tribunal shall appoint the officers and employees against posts sanctioned under sub-section (1) above in the manner as may be prescribed.</p> <p>(3) The salary and allowances payable to and the other conditions of service of the officers and of the employees of the Appellate Tribunal appointed under sub-section (1) shall be such as may be prescribed</p>	Officers and other employees of Appellate Tribunal
43	<p>If, for reason other than temporary absence, any vacancy occurs in the office 'of the Chairperson or a member of the Appellate Tribunal, the State Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy and the proceedings may be continued before the Appellate Tribunal from the stage at which the vacancy is filled.</p>	Vacancies.
44	<p>(1) The Appellate Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice.</p> <p>(2) Subject to the provisions of this Act, the Appellate Tribunal shall have power to regulate its own procedure.</p> <p>(3) The Appellate Tribunal shall also not be bound by the rules of evidence contained in the Indian Evidence Act, 1872</p> <p>(4) The Appellate Tribunal shall have, for the purpose of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely.</p> <ul style="list-style-type: none"> (a) summoning and enforcing the attendance of any person and examining him on oath; (b) requiring the discovery and production of documents; (c) receiving evidence on affidavits; (d) issuing commissions for the examination of witnesses or documents; (e) reviewing its decisions; (f) dismissing an application for default or directing it <i>ex-parte</i>; and (h) any other matter which may be prescribed, <p>(5) All proceedings before the Appellate Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 for the purposes of section 196 of the Indian Penal Code, and the Appellate Tribunal shall be deemed to be civil court for the purposes of section 195</p>	Powers of Tribunal.

	and Chapter XXVI of the Code of Criminal Procedure, 1973.	
45	The Chairperson shall have powers of general superintendence and direction in the conduct of the affairs of Appellate Tribunal and he shall, in addition to presiding over the meetings of the Appellate Tribunal, exercise and discharge such administrative powers and functions of the Appellate Tribunal as may be prescribed.	Administrative Powers of Chairperson of Appellate Tribunal.
46	(1) Every order made by the Appellate Tribunal under the <i>Act</i> shall be executable by the Appellate Tribunal as a decree of civil court, and for this purpose, the Appellate Tribunal shall have all the powers of a civil court. (2) Notwithstanding anything contained in sub-section (1), the Appellate Tribunal may transmit any order made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court.	Orders passed by Appellate Tribunal to be executable as a Decree.
	CHAPTER VI OFFENCES AND PENALTIES	
47	If any promoter willfully fails to comply with or contravenes the provisions of section 3, he shall be punishable with imprisonment for a term which may extend upto three years, or penalty which may extend to ten per cent of the estimated cost of the real estate project, or with both.	Punishment for non-registration under section 3.
48	If any promoter knowingly provides false information or contravenes the provisions of section 4, he shall be liable to penalty which may extend upto five percent of the estimated cost of the real estate project.	Punishment for contravention of section 4.
49	If any promoter contravenes any other provisions of this Act, other than that provided under Section 3 or section 4, or the Rules or Regulations made thereunder, he shall be liable to penalty which may extend upto five percent of the estimated cost of the real estate project	Penalty for contravention of other provisions of Act.
50	If any real estate agent willfully fails to comply with or contravenes the provisions of section 9, he shall be liable to penalty of ten thousand rupees for every day during which such default continues, which may cumulatively extend upto five percent of the cost of immovable property, for which the sale or purchase has been facilitated.	Punishment for non-registration under section 9.
51	If any promoter, who willfully fails to comply with, or contravenes any of the orders or directions of the Authority, he shall be liable to penalty for every day during which such default continues, which may cumulatively extend upto five per cent .of the estimated cost of the real estate project.	Punishment for willful failure to comply with orders of Authority by the Promoter
52	If any promoter, who willfully fails to comply with, or contravenes any of the orders or directions of the Appellate Tribunal, he shall be liable to penalty for every day during which such default continues, which may cumulatively extend upto ten percent of the estimated cost of the real estate project.	Punishment for willful failure to comply with orders of Appellate

		Tribunal by the Promoter.
53	If any allottee, who willfully fails to comply with, or contravenes any of the orders or directions of the Authority, as the case may be, he shall be liable to penalty for the period during which such default continues, which may cumulatively extend upto five percent of the apartment cost.	Punishment for willful failure to comply with orders of the Authority by the Allottee
54	If any allottee, who willfully fails to comply with, or contravenes any of the orders or directions of the Appellate Tribunal, as the case may be, he shall be liable to penalty for the period during which such default continues, which may cumulatively extend upto ten percent of the apartment cost.	Punishment for willful failure to comply with orders of the Appellate Tribunal by the allottee.
55	<p>(1) Where an offence under this Act has been committed by a company. every person who, at the time the offence was committed was in charge of, or was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing contained in this sub-section, shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.</p> <p>(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> <p><i>Explanation.:</i> For the purpose of this section, -</p> <p>(a) "company" means any body-corporate and includes a firm or other association of individuals; and</p> <p>(b) "director" in relation to a firm, means a partner in the firm.</p>	Offences by Company
56	Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act, not being an offence punishable with imprisonment only, or with imprisonment and also fine, may either before or after the institution of the proceeding, be compounded by the court before which such proceedings are pending	Compounding of offences
	<p>CHAPTER VII</p> <p>FINANCE, ACCOUNTS, AUDITS AND REPORTS</p>	
57	The State Government may, after due appropriation made by State Legislature by law in this behalf, make to the Authority, grants of such sums of money as the State Government may think fit for being utilized	Grants by State Government.

	for the purposes of this Act.	
58	<p>(1) The State Government shall constitute a fund to be called the 'Realty Fund' and there shall be credited thereto-</p> <p>(a) all Government grants received by the Authority;</p> <p>(b) the fees received under this Act;</p> <p>(c) the interest accrued on the amounts referred to in clauses (a) to</p> <p>(2) The fund shall be applied for meeting-</p> <p>(a) the salaries and allowances payable to the Chairperson and other Members and the administrative expenses including the salaries, allowances and pension payable to the officers and other employees of the Authority; .</p> <p>(b) the other expenses of the Authority in connection with the discharge of its functions and for the purposes of this Act.</p> <p>(3) The Fund shall be administered by a committee of such Members of the Authority as may be determined by the Chairperson.</p> <p>(4) The committee appointed under sub-section (3) shall spend monies out of the Fund for carrying out the objects for which the Fund has been constituted.</p>	Constitution of Fund
59	All sums realized by way of penalties under this Act shall be credited to the Consolidated Fund of the State.	Crediting sums realized by way of penalties to Consolidated fund.
60	<p>(1) The Authority shall prepare a budget, maintain proper accounts and other relevant records and prepare an annual statement of accounts in such forms as may be prescribed by the State Government in consultation with the Comptroller and Auditor General of India.</p> <p>(2) The accounts of the Authority shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller of Auditor General of India.</p> <p>(3) The Comptroller and Auditor General and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor General generally has in connection with the audit of Government accounts and, in particular shall have the right to demand and production of books, accounts, connected vouchers and other documents and papers, and to inspect any of the offices of the Authority.</p> <p>(4) The accounts of the Authority, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the</p>	Budget, Accounts and Audit

	State Government by the Authority and the State Government shall cause the audit report to be laid, as soon as may be after it is received.	
61	<p>(1) The Authority shall prepare once in every year, in such form and at, such time as may be prescribed by the State Government,-</p> <p>(a) a description of all the activities of the Authority for the previous year;</p> <p>(b) the annual accounts for the previous year; and</p> <p>(c) the programmes of work for the coming year.</p> <p>(2) A copy of the report received under sub- section (1) shall be laid, as soon as may be after it is received, before each House of Parliament or, as the case may be, before the State Legislature or the Union Territory Legislature, where It consists of two Houses, or where such legislature consists of one House, before that House.</p>	Annual report
	<p>CHAPTER VIII</p> <p>MISCELLANEOUS</p>	
62	No civil court shall have jurisdiction in respect of any matter which the Bar of Authority or the Tribunal is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.	Bar of Jurisdiction.
63	<p>(1) No court shall take cognizance of any offence punishable under this Act or the rules or regulations made thereunder save on a complaint in writing made by the Authority or by any officer of the Authority duly authorized by it for this purpose or any officer of the State Government.</p> <p>(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of first class shall try any offence punishable under this Act.</p>	Cognizance of offences,
64	<p>(1) If, at any time, the State Government is of the opinion,-</p> <p>(a) that, on account of circumstances beyond the control of the Authority, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or</p> <p>(b) that the Authority has persistently defaulted in complying with any direction given by the State Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Authority or the administration of the Authority has suffered; or</p> <p>(c) that circumstances exist which render it necessary in the public interest so to do; the State Government may, by notification, supersede the Authority for such period, not exceeding six months, as may be specified in the notification and appoint a person or persons as the Governor of Haryana may direct to exercise powers and discharge functions under this Act:</p> <p>Provided that before issuing any such notification, the State</p>	Power of State Government to supersede Authority

	<p>Government shall give a reasonable opportunity to the Authority to make representations against the proposed supersession and shall consider the representations, if any, of the Authority.</p> <p>(2) Upon the publication of a notification under sub-section (1) superseding the Authority,-</p> <p>(a) the Chairperson and other Members shall, as from the date of suppression, vacate their offices as such;</p> <p>(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority shall, until the Authority is reconstituted under sub-section (3), be exercised and discharged by the person or persons referred to in sub-section (1); and</p> <p>(c) all properties owned or controlled by the Authority shall, until the Authority is reconstructed under sub-section (3), vest in the State Government.</p> <p>(3) On or before the expiration of the period of suppression specified in the notification issued under sub-section (1), the State Government shall reconstitute the Authority by a fresh appointment of its Chairperson and other members and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified for reappointment.</p> <p>(4) The State Government shall cause a copy of the notification Issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before the State Legislature.</p>	
65	<p>(1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers and in performance of its functions under this Act, be bound by such directions on questions of policy, as the State Government may give in writing to it from time to time:</p> <p>Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section</p> <p>(2) If any dispute arises between the State Government and the Authority as to whether a question is or is not a question of policy, the decision of the State Government thereon shall be final.</p> <p>(3) The Authority shall furnish to the State Government such returns or other information with respect to its activities as the State Government may, from time to time, require.</p>	Powers of the State Government to issue directions to Authority and obtain reports and returns.
66	<p>(1) The State Government may, by notification, make rules for carrying out the purposes of this Act.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for 'all or any of the following matters, namely:-</p> <p>(a) information and documents for application to Authority for registration under clause (j) of sub-section (2) of section 4;</p>	Powers of the State Government to make rules.

<p>(b) conditions under which registration of a promoter may <i>be</i> renewed under section 6;</p> <p>(c) <i>the</i> form and manner of making application and fee and documents to be accompanied with such application a under sub-section (2) of section 9;</p> <p>(d) the period, manner and conditions under which the registration is to be granted under sub-section (3) of section 9;</p> <p>(e) the validity of the period of registration and the manner and fee for renewal under sub-section (7) of section 9;</p> <p>(f) the rate of interest payable under section 11;</p> <p>(g) the form and particulars of agreement under sub-section (2) of section 12;</p> <p>(h) the rate of interest payable under clause (b) of section 15 and sub-section (2) of section 16;</p> <p>(i) constitution of a Selection Committee for the appointment of Chairperson and members of Authority, and the manner of selection under section 19;</p> <p>(j) the salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and other members of the Authority under sub-section (1) of section 21;</p> <p>(k) the administrative powers of the Chairperson under section 22;</p> <p>(l) the salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees of the Authority under sub-section(2) of section 25;</p> <p>(m) details to be published on the website as under clause (b) and under clause (d) of section 29;</p> <p>(n) any other matter under clause (g) of sub-section (2) of section 33;</p> <p>(o) the manner of recovery of interest and penalty by the Authority under section 34;</p> <p>(p) the form and manner and fee for filling of appeal under sub-section (2) of section 36,</p> <p>(q) constitution of a Selection Committee for the appointment of Members of the Tribunal and the manner of selection under sub-section(3) of section 38;</p> <p>(r) the salaries and allowances payable to, and the other terms and conditions of service of, the chairperson and other members of the Appellate Tribunal under sub-section (1) of section 40;</p> <p>(s) the salaries and allowances payable to, and the other terms and conditions of service of, the officers and employees of the Appellate Tribunal under sub-section(3) of section 42;</p> <p>(t) any other powers of the Tribunal under clause (h) of sub-section (4) of section 44;</p>	
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	<p>(u) the powers of the Chairperson of the Appellate Tribunal under section 45;</p> <p>(v) recommendations received from the Central Advisory Council under sub-section (2) of section 49;</p> <p>(w) the form to be specified in which the Authority shall prepare a budget, maintain proper accounts and Other relevant records and prepare an annual statement of accounts under sub-section (1) of section 64.</p> <p>(x) the form in which and time at which the Authority shall prepare an annual report under sub-section (1) of section 65;</p> <p>(y) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.</p>	
67	<p>(1) The Authority may, by notification, make regulations, after it is approved by the State Government, consistent with this Act and the rules made there-under to carry out the purposes of this Act.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-</p> <p>(a) the form and manner of making application and fee payable herewith under sub-section (1) of section 4;</p> <p>(b) the fee for extension of registration under section 6;</p> <p>(c) such other information and documents required under clause (d) of sub-section (1) of section 10;</p> <p>(d) display of site and layout plans along-with specifications, approved by the local authority, for display under clause (a) of sub-section (3) of section 10;</p> <p>(e) preparation and maintenance of other details under sub-section (6) under section 10;</p> <p>(f) time, places and the procedure in regard to transaction of business at the meetings of the Authority under sub-section (1) of section 26;</p> <p>(g) standard fees to be levied by the promoter on the allottees or the association of allottees under clause (e) of section 29;</p> <p>(h) power to set up dispute resolutions mechanism and to appoint officers under sub-section (3) of section 30;</p> <p>(i) any other matter which is required to be, or may be, specified by regulation or in respect of which provision is to be made by regulations.</p>	Power to make regulations
68	The Chairperson, Members and other officers and employees of the Authority and the Appellate Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.	Members, etc, to be public servants.

69	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 72) as it may deem necessary.	Delegation
70	The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.	Application of other laws not barred.
71	The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.	Act to have overriding effect
72	No suit, prosecution or other legal proceedings shall lie against the State Government or the Authority or any officer of the State Government or any member, officer or other employees of the Authority for anything which is in good faith done or intended to be done under this Act or the rules or regulations made there under.	Protection of action taken in good faith
73	(1) Every rule made by a State Government under this Act shall be laid as soon as may be, after it is made, before the State Legislature.	Laying of rules
74	(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty: (2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature. Provided that no order shall be made under this section after the expiry of three years from the date of the commencement of this Act.	Power to remove difficulties.