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THE HARYANA REAL ESTATE REGULATORY AUTHORITY, GURUGRAM

Notification

The 5th December, 2018

The Haryana Real Estate Regulatory Authority Gurugram (Copies of Records) Regulations, 2018.

No. 08/RERA GGM Regulations 2018.—In exercise of the powers conferred on it under section-85 of the Real Estate (Regulation and Development) Act, 2016 and all other powers enabling it in that behalf the Haryana Real Estate Regulatory Authority, Gurugram, hereby makes the following regulations: -

1. Short Title, Object, Commencement and Extent:

- (a) These regulations may be called the Haryana Real Estate Regulatory Authority, Gurugram (copies of records) Regulations, 2018.
- (b) The purpose of the Haryana Real Estate Regulatory Authority Gurugram (copies of records) Regulations, 2018 is to develop a regime for making available copies of orders and judgements and various other documents of the authority upon receipt of written request from the parties to the complaint or from any other person in requirement of those copies for any reason whatsoever. These regulations further prescribe the procedure by which the demand for the copy/copies shall be made to the authority, the processing of applications received and thereafter supply of copy to the requesting party on payment of prescribed fees.
- (c) These regulations will come into force from the date of their publication in the official gazette;
- (d) These regulations shall apply to all orders, judgements and other documents of the authority for which request to make available copies of such documents has been made in accordance with these regulations.

2. Definitions: - In these regulations, unless the context otherwise requires-

- (a) “copy” means a certified copy of any record prepared in accordance with these regulations;
- (b) “form” means form appended to these regulations;
- (c) “record” means and includes any portion of a record or any document or other paper attached to or forming part, of the record of any complaint inquiry, or other proceeding before the authority or any other document of the authority.
- (d) “Agency” means the copying agency under the Haryana Real Estate Regulatory Authority Gurugram authorised under the provisions of the Indian Evidence, Act, 1872.

- (e) "Examiner" means the copying supervisor who is in charge of the files in the copying branch and is responsible for overall possession of records of the authority and upon whose instructions the copyist shall prepare the copy of record for which application has been received.
- (f) "officer in charge" means the person responsible for receiving applications.
- (g) "copyist" means the person who prepares the copies of records upon the instructions to do so by the examiner and performs such other duties as may be assigned to him.
- (h) "record keeper" means the care taker and protector of the records of the authority in whose possession the records are retained.

3. Persons entitled to obtain copies: - A copy of record shall be granted in the manner prescribed by these regulations to any person who, under the law for the time being in force, or under these regulations, is entitled to get it. In particular, copies may be granted as follows: -

- (a) Any party to the complaint case is entitled at any stage of the hearing of the complaint to obtain copies of the record of the case including documents exhibited and finally accepted by the authority as evidence.
- (b) A stranger to the complaint case may, after order or decree or judgment, obtain copies of the complaint, reply, affidavits and petitions filed in the case, as also of the evidence recorded by the authority, and may, for sufficient reasons shown to the satisfaction of the authority, obtain copies of any document before the final order is passed. He may also obtain copies of any judgment, decree or order, at any time after the same has been passed or made, but he shall not be granted copies of exhibits put in as evidence except with the consent of the person by whom they were produced or under the orders of the authority.
- (c) Official letters shall be treated as privileged documents and copies thereof shall not ordinarily be granted. Should it be necessary to grant a copy of a letter, or of an extract of a letter, received by a subordinate from a superior officer reference shall, in every case, be made to the superior officer for permission to grant copy thereof.

4. Supply of copies free of cost to applicants— Copies shall be supplied free of cost in the following cases: -

- (i) Copies required for official purposes by public officers of the Central Government or of any State Government in India shall be supplied free of cost, if the application for the supply of copy is endorsed by the Head of the Department of the concerned Government.
- (ii) Copies of records required by the Supreme Court Legal Aid Committee, High Court Legal Aid Committees constituted by the State Governments/Union Territories, shall be supplied free of cost, provided the application for copy is received from the chairman of such committee or any other person so authorised by such committee.

5. Procedure for submission of an application for supply of copy: -

An application for supply of a copy of any record, including requisition for a free of cost copy may be made personally, through agent, or may be sent by post .

6. Officers authorised to receive applications: -

An application for a copy of any record of the authority shall be received by the officer in charge of the authority.

7. Form for application: -

- (1) Every application shall, as far as possible, be in the Form 'A.'
- (i) The applicant shall give full particulars of the record copy whereof is required so that the record may be easily traced, but no application shall be returned unless it fails to give the minimum information required to trace the record.
- (ii) The fee for obtaining copy of records shall be: -
 - (a) For ordinary application: Rs. 10 per page
 - (b) For urgent application: Rs. 25 per page
 - (c) Processing fee: Rs. 25 per copy

8. One application for copies of record concerning single cause or matter: -

Only one application shall be made for copies of any number of papers concerning a single cause or matter which are in the same record, e.g., if copies are required of four separate papers in one record, only one application is necessary.

9. Scrutiny of application: -

- (1) On receipt of an application, the copyist of the authority shall scrutinize it as to whether –
 - (a) the copy applied for can be supplied under these regulations;
 - (b) the application has been duly made along with the prescribed fee and necessary particulars for tracing the record.
 - (c) the fee, has been correctly assessed in accordance with the scale laid down above.
- (2) Whenever an application is made for a copy of a judgment/order for the purpose of appeal, the applicant shall be informed that a copy of the decree is also necessary and he shall be supplied with such copy, unless he declines to pay the necessary fees, in which case a certificate, under the signature of the Examiner, shall be endorsed on the copy of the judgment/order supplied to the applicant to the effect that he was duly informed that a copy of the decree was also necessary, and after being so informed, declined to pay fees for the same.

10. Rejection of application: -

If an application is rejected or is not in order, or if for any reason it is not possible to prepare the copy asked for, the application may be filed after being kept pending for fifteen days or returned by registered post to the applicant if he has paid extra fee for registered post or speed post.

11. Officer in charge of the copying agency of the authority to be consulted in case of doubt: -

If it is clear that the copy can be supplied as a matter of routine and the application is in order, the officer receiving the application shall order the copy to be prepared. If, however, is doubtful on any point he shall put up the application for the orders of the officer in charge of the copying agency of authority and in this context the decision of the Administrative Officer Petitions shall be final.

12. Duties of officer in charge receiving application: -

If a copy is ordered to be prepared, the officer receiving the application shall

- (a) endorse or cause to be endorsed thereon the date and in the case of urgent applications the time of presentation;
- (b) initial the endorsement;
- (c) issue receipt of the application in form.
- (d) cause the application to be registered and the serial number of the register given in red ink on the reverse of the application;

13. Record Keeper to make available record on the same or next working day: -

It shall be the duty of the Record Keeper to see that the records are made available to the copyist on the day he receives the application or in the morning of the next working day at the latest. The copyist shall maintain a register in Form B.

14. Instructions regarding preparation of copies: -

Every copy, made under these regulations, shall be prepared on a photocopier.

15. Headings to be prefixed to copies: -

To every copy, made under these regulations, shall be prefixed a heading containing the following particulars: -

- (a) the date of the filing of the complaint with the authority.
- (b) the name, parentage, trade or occupation, and place of residence with tehsil and district of the parties; and
- (c) the details of the complaint.

16. Certain copies to be prepared on forms prescribed for original documents:-

Copies of records which are maintained in a tabular or printed form, shall be supplied on the forms used in the authority. The following are, among others, documents, copies whereof should be given on such forms: -

- (a) Orders/Judgments
- (b) Information related to real estate projects
- (c) Information related to real estate agents
- (d) Any other information

17. Copy of a copy: -

A copy of a copy shall not be supplied unless expressly asked for as such, for instance, in order to call in question the correctness of the copy granted. The said fact shall be entered in the heading of the copy and marked as the "copy of a copy".

18. Particulars to be endorsed on copy: -

After a copy has been prepared but before it is revised and attested, the following particulars shall be endorsed thereon in the language in which the copy is prepared: -

- (a) The number of the application in register separately maintained
- (b) The date of presentation of the application for a copy.
- (c) The name of the copyist.
- (d) The date on which the copy was completed.
- (e) The date on which the copy was examined and attested by the examiner
- (f) The cause of delay if the copy has been completed after the third day from the date of the application.
- (g) The number of words or pages.
- (h) The cost of the copy as prescribed in the schedule annexed to these Regulations;
 - (i) Ordinary fee
 - (ii) Urgent fee
 - (iii) Registration and postal charges
 - (iv) Speed post charges
- (i) Date of delivery or despatch.

19. Delay in preparation of copy:

- (i) A copy shall ordinarily be ready by the third working day of the receipt of application, but an urgent copy shall be ready before the close of the same day, if possible, provided the application is presented with the urgent fee within the first two hours of the same day. If the application is presented later, the copy shall be furnished, if possible, in the forenoon of the following working day. Any case of delay shall be verified and certified by the examiner, before the copy is attested and delivered.
- (ii) Any complaint by copyist or applicant shall be made in writing to the examiner who shall take such action thereon as he may deem proper.

20. Applicant to be informed by post/through E-mail if copy is not expected to be ready on appointed day: -

The applicant shall be entitled to have her copy furnished as far as possible, on the day appointed for delivery of the copy. If, for any reasons it is not possible to prepare the copy asked for by the appointed day, the examiner shall send an intimation by post/through E-mail to the applicant fixing another day for its delivery so that he does not unnecessarily visit the authority.

21. Revision and attestation of copies: -

Every copy shall be revised and attested by the examiner in the stamp as appended to these regulations.

22. Examination, certification and stamping etc. of attested copies: -

In the case of applications for attested copies, no copy shall be delivered to any person until it has been examined, certified, stamped and paged. The examiner shall see that the provisions of these regulations have been complied with in all respects.

23. Duties of Examiner: -

The examiner, before he attests any copy in accordance with the manner prescribed by these regulations, shall-

- (a) personally, compare such copy with the original record from which it has been made, with the help of the copyist who prepared it, who shall read out the original;
- (b) attest every alteration made in such copy by initialling the same
- (c) examine and initial the endorsement made upon the copy in accordance with these regulations;
- (d) examine the headings and form of the copy, and see that they are in accordance with the law, regulations and directions applicable to such copy;
- (e) make an entry in register separately maintained as to the out-turn of the copyist as required under these regulations.

24. Endorsement on copies by Examiner:

- (1) When the examiner is satisfied that copy is correct in all respects and ready for delivery to the applicant, he shall make the following endorsement: -

“Certified to be a true Copy”;

and shall sign and date the endorsement, and also subscribe his official designation below which he shall make the following further endorsement: -

“Authorised by section 76 of Indian Evidence Act, 1872”

He shall then cause the proper seal to be affixed to the copy.

25. Cancellation of defective copies: -

In the event of any copy being not found to be fit for issue by reason, that it –

- (a) has not been legibly and neatly written;
- (b) is not in the prescribed form or on paper of the prescribed quality;
- (c) is so incorrect that revision has rendered it unfit for issue;
- (d) does not conform to these regulations; or
- (e) is defective or otherwise open to objection,

The examiner shall forthwith write the word “cancelled” across the copy; and a fresh copy shall be made without further charge. At the same time, he shall submit a separate report against the copyist for his carelessness.

26. Examiner’s signature to denote that he has satisfied himself about accuracy copy: -

- (i) The affixing of stamp by the examiner, on a copy shall be certificate that official has personally satisfied himself of its accuracy, and that the copy has been personally compared by him and is suitable for delivery.
- (ii) After complying with all the formalities laid down in these regulations the copying supervisor shall hand over the application to the copying agent by obtaining his receipt in the register separately maintained.

27. Register, search fee, duties of copyists, etc:

- (a) Copyists shall in no circumstances be allowed access to the record branch and the records shall be made available to the copyist by the record keeper keeping the records of the complaint case, whether the case is pending or a decided one, the receipts taken shall be in the register maintained in Form
- (b) The record keeper shall recommend on the application itself that a search fee of Rs. ten should be imposed in every case in which an unreasonable amount of trouble has been caused in finding the original record by the failure of the applicant to give correct particulars, and this fee shall be recovered as part of the copying fee.
- (c) If it is not possible or desirable to send the file to the copying agency, the file-fetcher shall, if possible, be given the particular record only from the file, by obtaining receipt from him.
- (d) The copyist shall be responsible: -
- (i) that no file is taken out of the copying branch by any one;
 - (ii) that all files are locked up in an almirah with the key in his possession before leaving office;
 - (iii) for the proper and equal distribution of work among the copyists;
 - (iv) for the proper maintenance of accounts, and preparation of returns; and
 - (v) for the regular and proper delivery of copies.

28. Despatch or delivery of copies-

Copies when prepared shall be delivered or despatched by the copyist.

29. Recovery of fee by copyist:

- (i) The copyist, before delivering a copy, shall make sure that all fees chargeable according to these regulations have been duly recovered.
- (ii) In cases of refusal to pay the copying fee wholly or partly, either personally or when sent by speed post, the copyist shall arrange to recover the same.

30. Procedure when applicant fails to receive copies on appointed day: -

If the applicant is not present when first called to receive the copy, his copy shall be kept pending delivery for ten days. After ten days the copy with the application shall be filed and the copy shall not be given to him unless a fresh application is made.

31. Constitution of copying agency:

The authority shall constitute a copying agency within the authority with the following officers/officials.

Sr. No.	Designation under copying agency	Officer/official
1.	Officer in charge	Assistant Registrar (AR)
2.	Examiner (copying supervisor)	Legal Officer
3.	Copyist	Clerk
4.	Record keeper	Record keeper

32. Inspection by the Hon'ble Chairperson of the Authority: -

A surprise inspection may be taken up by the Hon'ble Chairperson.

- (a) to see that copies are supplied within the time prescribed unless for some special reasons extra time was allotted in any particular case;
- (b) to see that fee is correctly affixed/paid to the copies; and
to take necessary measures to enforce compliance of these regulations.

33. Supervision: -

The examiner shall be overall in-charge and shall be responsible for discipline and control of the copyists and other staff. He shall maintain records of all received Indian Postal Orders and drafts or other payment mode. He shall hold a permanent advance of such amount may be considered sufficient by the authority.

34. Accounts in income register: -

- (1) A separate income account shall be maintained by the copyist in a separately maintained register in which each day's income shall be recorded by the copyist and totalled monthly which will be maintained/supervised by the Executive Accounts.

Explanation-The daily income means all payments received daily, whether copies for such payments have been made or not.


- (2) After the close of each month the copyist shall prepare a statement showing the cases in which the fee or any portion thereof remains to be realised.
- (3) The copyist shall keep a duplicate copy of the statement with him and shall be responsible for reminding the executive accounts at regular intervals.


35. Drawing of establishment charges: -


The establishment charges shall be drawn on the usual establishment bill forms.

36. The examiner shall attest the correctness of the copy in the usual way, but such copies shall be distinctly noted in the heading to be copies of a translation.


37. The following shall be the Performa of stamp that shall be applied on copies and after the application of such stamp only the copy shall be provided to the applicant.

 HARERA GURUGRAM	SR. NO.	
	DATE OF APPLICATION	
	DATE OF PREPARATION	
	NO. OF PAGES	
	COPYING FEE	
	DATE OF DELIVERY	
	FEE PAID	
NAME AND SIGNATURE OF COPYIST		

 HARERA GURUGRAM	ATTESTED
	EXAMINER COPYING AGENCY HARYANA REAL ESTATE REGULATORY AUTHORITY, GURUGRAM

 HARERA GURUGRAM CERTIFIED TO BE TRUE COPY EXAMINER HARYANA REAL ESTATE REGULATORY AUTHORITY, GURUGRAM (AUTHORISED UNDER SECTION – 76 OF THE INDIAN EVIDENCE, ACT-1979)
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38. The following shall be the Performa of the receipt in which the application fee shall be accepted

 <small>सत्यमेव जयते</small>	HARERA GURUGRAM	HARYANA REAL ESTATE REGULATORY AUTHORITY GURUGRAM हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
RECEIPT		
Received a sum of Rs. _____ /- (in words _____) towards supply of certified copy of decision/order in complaint No. _____ decided by Haryana Real Estate Regulatory Authority, Gurugram on _____ in case titled as _____ V/s _____. Number of pages: _____.		
		Executive (Accounts) HARERA, Gurugram

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

Schedule

Note. This schedule of fees shall be displayed on notice board of the authority

Nature of document	Rate
1. Copies of judgements and orders and all other papers connected thereto in complaint cases.	1. For ordinary application: Rs. 10 per page
2. Copies of original documents filed in the case and marked as exhibits.	2. For urgent application: Rs. 25 per page
3. Copies of entries in register.	3. Processing fee: Rs. 25 per copy
4. Copies of documents of which only certified copies are placed on the record.	

Notes.—

1. The above rates for attested and unattested copies shall also apply to copies supplied in departmental enquiries.
2. For additional charges for copies required by post or and speed post and for search fees shall be normal ordinary fees plus postal charges.
3. The urgent fee is Rs. 10 extra for each copy. Urgent fee shall be charged only when an urgent application has been made and priority is consequently given to it over other applications and not when a copy is prepared and delivered on the same day in the ordinary course.

**BEFORE HARYANA REAL ESTATE REGULATORY AUTHORITY,
GURUGRAM FOR CERTIFIED COPY**

..... **Complaint(s)**

VERSUS

..... **Respondent(s)**

CR No.

APPLICATION FOR GRANT OF CERTIFIED COPIES

1. Name and Address of the Applicant:
2. Whether the Applicant is a party to the case:
(if not, purpose for which the copy is required)
3. Whether the matter is pending or disposed:
4. Description with date of the documents of
which copy is applied for:
5. No. of copies required and nature of application:
(Whether urgent or ordinary)
6. Details of the charges remitted for certified copies:

Dated this the _____ **date of** _____ **20** _____

Signature of the Applicant/Complainant/Respondent

Legal practitioner for the complainant/respondent

For Office Use

Granted/Rejected

Additional copying charges payable/paid and details thereof.

[initials of the Officer-in-charge]