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THE HARYANA REAL ESTATE REGULATORY AUTHORITY, GURUGRAM

Notification

The 7th August, 2018

The Haryana Real Estate Regulatory Authority, Gurugram (Appointment of Adjudicating Officer(s)) Regulations, 2018

No. 05/RERA GGM Regulations 2018.—In exercise of the powers conferred under Section 85 (1) read with Sub-section (1) of Section 71 of the Real Estate (Regulations 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, (Appointment of Adjudicating Officer) Regulations, 2018;
- (b) These regulations will come into force from the date of their publication in the Official Gazette;
- (c) These Regulations are meant to prescribe procedure for appointment of Adjudicating Officer(s), salary and allowance payable to them, mode of recruitment etc. and other terms and conditions of their engagement.

2. Definitions

Unless the context otherwise requires in these regulations: -

- (i) "Act" means the Real Estate (Regulations and Development) Act, 2016 as amended from time to time;
- (ii) "Adjudicating Officer" means the adjudicating officer appointed under Sub-section (1) of Section 71;
- (iii) "Authority" means the Haryana Real Estate Regulatory Authority, Gurugram;
- (iv) "Regulations" means the Haryana Real Estate Regulatory Authority, Gurugram (Appointment of Adjudication Officer(s));
- (v) "Rules" means the Haryana Real Estate (Regulation and Development) Rules, 2017 as amended from time to time;
- (vi) Words and expressions used and not defined in these Regulations but defined in the RERA Act, 2016 or in the Haryana Real Estate (Regulation and Development) Rules, 2017 shall have the meanings respectively assigned to them in the Act or the Rules as the case may be.

3. Appointment of Adjudicating officer

The authority shall appoint in consultation with State Government One or more Judicial Officer(s) as deemed necessary, who is or has been a District Judge to be an Adjudicating Officer for holding an inquiry in the prescribed manner for the purpose of adjudging compensation under Sections 12, 14, 18 and Section 19.

4. Mode of Appointment

- (i) By transfer or deputation of a District Judge/Additional District Judge already in the service. The Authority shall request the Punjab and Haryana High Court or concerned High Court for a panel of minimum three officers who are District Judge/Additional District Judge. The panel will be sent to State Government with suitable recommendations by the Authority.
- (ii) (a) By engaging a retired District Judge/Additional District Judge. The Authority may forward a panel of minimum three officers who have retired as District Judge/Additional District Judge along with its recommendations to the State Government.
(b) The Authority may also issue advertisement for seeking applications from the retired officers who have been District Judge/Additional District Judge and after considering the applications, the Authority may send a panel for appointment of one or more Judicial Officer as Adjudicating Officer deemed necessary to the State Government.
- (iii) The Authority as a stop-gap arrangement/adhoc arrangement may make a panel of retired District Judges/Additional District Judges for engagement of one or more judicial officers for discharging functions of the Adjudicating Officer till regular arrangement is made by the Authority in consultation with the State Government.

5. Tenure of Adjudicating Officer

- (i) In case of officer appointed by transfer or deputation of a District Judge/Additional District Judge already in service for a period of three years.
- (ii) In case of retired District Judge/Additional District Judge, the appointment will initially be for a period of one year which may be extended on year to year basis till the age of 65 years. In case of non-availability of suitable judicial officer to be appointed as Adjudicating Officer or otherwise in public interest, it may be extended upto 68 years.

6. Salary and Allowances

Adjudicating Officer will receive salary and allowances as under:-

- (i) In case of transfer or deputation of a District Judge/Additional District Judge already in service appointed as Adjudication Officer shall be paid salary and allowances as per Government rules.
- (ii) In case of retired District Judge/Additional District Judge appointed as Adjudicating Officer shall be paid contract fee on the basis of last pay drawn minus uncommuted pension.
- (iii) In case of retired District Judge/Additional District Judge appointed as Adjudicating Officer on nomination basis as a stop-gap arrangement/adhoc arrangement may be paid remuneration on per case basis or on the basis of last pay drawn minus uncommuted pension.

7. Removal of Adjudicating Officer

- (i) In case services of Adjudicating Officer appointed by transfer or deputation are no longer needed/required or non-satisfactory performance of an Adjudicating Officer, he shall be repatriated back to his parent cadre.
- (ii) In case of an Adjudicating Officer appointed on contract basis who has retired from State Government, his contract may be terminated by serving a notice of one month if his services are no longer needed/required or work and conduct is not found satisfactory.

8. Miscellaneous

- (a) The Chairman may appoint a suitable Selection Committee comprised of Members and/or officers of the Authority for making recommendations for appointment to the post of Adjudicating Officer.
- (b) The selection criteria for appointment may be decided by the Authority from time to time subject to the condition that such criteria shall be fair and transparent.

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