



Haryana Government Gazette

EXTRAORDINARY

Published by Authority

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No. 202-2018/Ext.] CHANDIGARH, WEDNESDAY, DECEMBER 5, 2018 (AGRAHAYANA 14, 1940 SAKA)

THE HARYANA REAL ESTATE REGULATORY AUTHORITY, GURUGRAM

Notification

The 5th December, 2018

The Haryana Real Estate Regulatory Authority Gurugram (Change of name and incorporation of other amended details of already registered real estate agents) Regulations, 2018

No. 07/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 (Change of name and incorporation of other amended details of already registered real estate agents) 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 establish standards for appropriate guidelines in the event of change in any aspect of the real estate agent company which is already registered with the authority and the agent desires to lodge such change with the authority for incorporation in the form REA II as prescribed in rule 10(2) of the Haryana (Regulation and Development) Rules, 2017.
- (d) The agent shall make an application to the authority for making the requisite amendment in form REA II provided that such change has already been statutorily approved by the Registrar of Companies and thereafter the authority shall register the change only after proper scrutiny of documents submitted by the agent and upon satisfaction regarding completion of all the obligatory formalities the authority shall accordingly make necessary amendments in Form REA II.
- (e) The Haryana Real Estate Regulatory Authority, Gurugram, (Change of name and incorporation of other amended details of already registered real estate agents), Regulations, 2018 shall be applicable to real estate agents registered with the Haryana Real Estate Regulatory Authority, Gurugram.

2. Definitions

(a) 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) "Rules" means the Haryana Real Estate Regulatory Authority (Regulation and Development) Rules, 2017 as amended from time to time;
- (iii) "Regulations" means the Haryana Real Estate Regulatory Authority, Gurugram (Late Fees for Registration of On-going Real Estate Projects) Regulations, 2018 as amended from time to time;
- (iv) "Authority" means the Haryana Real Estate Regulatory Authority, Gurugram;
- (v) "Authority members" means the members of the Authority including the Hon'ble Chairman;
- (vi) "real estate agent" means any person, who negotiates or acts on behalf of one person in a transaction of transfer of his plot, apartment or building, as the case may be, in a real estate project, by way of sale, with another person or transfer of plot, apartment or building, as the case may be, of any other person to him and receives remuneration or fees or any other charges for his services whether as commission or otherwise and includes a person who introduces, through any medium, prospective buyers and sellers to each other for negotiation for sale or purchase of plot, apartment or building, as the case may be, and including property dealers, brokers, middlemen by whatever name called;
- (vii) "Form REA II" means registration certificate of real estate agent as prescribed in rule 10 (2) of the Haryana Real Estate (Regulation and Development) Rules, 2017;
- (viii) "real estate agent registration wing" means the department/wing/cell/section whatever the name called of the authority responsible for registration and other aspects of real estate agents as provided in section 9 of the Real Estate (Regulation and Development) Act, 2016.
- (ix) "Company" means a company incorporated under Companies Act 2013 or under any previous company law;
- (x) "Registrar of Companies" means a registrar, an additional registrar, a joint registrar, a deputy registrar or an assistant registrar, having the duty of registering companies and discharging various functions under the Companies Act, 2013;
- (xi) The words or expressions occurring in these regulations and not defined herein but defined in the Act or the rules shall bear the same meanings as assigned to them in the Act and the rules.

3. Purpose

- (a) The purpose of the Haryana Real Estate Regulatory Authority, Gurugram (Change of name and incorporation of other amended details of already registered real estate agents) Regulations, 2018 is to streamline the process of incorporating changes in the registration certificate REA II issued by the authority for taking in its record the amended details of the real estate agent company.
- (b) The Haryana Real Estate Regulatory Authority, Gurugram (Change of name and incorporation of other amended details of already registered real estate agents) Regulations, 2018 aim to prescribe the fee that the authority shall be entitled to obtain from the real estate agent for making the amendments in the Form REA II.
- (c) These changes include change in name, change in the registered office of the company, change in directors, change in objects, alteration of memorandum of association and articles of association of company and any other matter in respect of which the consent of the Registrar of Companies has already been obtained.

4. Fee:

Any real estate agent who applies to the authority for recording change in any aspect of the company as provided in these regulations provided that such change has been statutorily approved by the Registrar of Companies shall, if the application is approved by the Authority after the scrutiny of documents, pay a fee of Rs. 2500/-.

5. Procedure:

Upon the receipt of application along with the fee as prescribed under these regulations i.e. ₹ 2500/- from the real estate agent company who desires to lodge a change in any aspect of the company as provided in these regulations, the officials of the real estate agent registration wing shall make proper scrutiny of the documents and upon satisfaction of all formalities as prescribed, the applied change shall be made accordingly in the registration certificate Form REA II.

6. Miscellaneous

The authority may adopt any procedure as it deems fit in such cases that come up before the authority and the decision shall be taken on the basis of the facts of the case.

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