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THE HARYANA REAL ESTATE REGULATORY AUTHORITY GURUGRAM

HARYANA GOVERNMENT

Notification

The 6th December, 2018

The Haryana Real Estate Regulatory Authority, Gurugram (Processing Fee for Registration of Real Estate Projects) Regulations, 2018.

No. 13/RERA GGM Regulations 2018.— In exercise of the powers conferred on it under section 85(2)(h) read with section 34(e) of the Real Estate (Regulation and Development) Act, 2016 and all other powers enabling it in that behalf the Haryana Real Estate Regulatory Authority Gurugram, hereby makes the following regulations: -

1. Short Title, Object, Commencement and Extent:

- (a) These regulations may be called the Haryana Real Estate Regulatory Authority, Gurugram (Processing Fee for Registration of Real Estate Projects) Regulations, 2018.
- (b) The purpose of the Haryana Real Estate Regulatory Authority Gurugram (Processing Fee for Registration of Real Estate Projects) Regulations, 2018 is to establish procedure and guidelines regarding fixing of processing fee and the quantum of forfeiture of the same in case of rejection/withdrawal of application for the registration of the real estate project submitted by applicant/promoter.
- (c) These regulations will come into force from the date of their publication in the official gazette.
- (d) The Haryana Real Estate Regulatory Authority Gurugram (Processing Fee for Registration of Real Estate Projects) Regulations, 2018 shall apply to all projects falling within the jurisdiction of the Real Estate Regulatory Authority, Gurugram as notified by the Government of Haryana *vide* notification No. 1/92/2017-1TCP dated 14/12/2017, which comprises entire area of Gurugram district.

2. Definitions

Unless the context otherwise requires in these regulations: -

- (i) “Act” means the Real Estate (Regulations and Development) Act, 2016 as amended from time to time.
- (ii) “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 (Processing Fee for Registration of 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 Chairperson.

- (vi) “Promoter” shall have the same meaning as assigned to it under sub-section (zk) of section 2 of the Act.
- (vii) “Real Estate Project” shall have the same meaning as assigned to it under sub-section (zn) of section 2 of the Act.
- (viii) “Processing Fee” is the fee to be deposited by the promoter alongwith the application of registration of real estate project to be submitted as per requirement of section 4 of the Act read with rule 3 of the rules.

3. Fixing of processing fee and the quantum of forfeiture

- (a) Section 34(e) of the Act authorises authority “*to fix through regulations for each areas under its jurisdiction the standard fees to be levied on the allottees or the promoter or the real estate agent, as the case may be.*” Accordingly through these regulations processing fee is being prescribed.
- (b) Further section 85 (h) of the Act empowers the authority to make regulations regarding “*standard fees to be levied on the promoter, the allottees or the real estate agent under clause (e) of section 34.*”

By virtue of the powers conferred by the Act as quoted above under sections 34(e) and 85(h) empowering the authority to make regulations determining the standard fee to be levied on the promoter for each area under the Act. Therefore, it will also include processing fee to be paid along with the application for registration of real estate project, in addition to the prescribed project registration fee.

4. Processing fee and charges

The promoter is required to pay processing fee for scrutiny of application of registration of real estate project in addition to the prescribed project registration fee along with its application for registration of real estate project under section 4 of the Act read with rule 3 of the Rules. The processing fee will be levied @ Rs 10. per square meters on the gross area of the plotted colony and in case of group housing, commercial and IT, the processing fees will be on the proposed FAR. The processing fees is non-refundable and same is liable to be forfeited in case of rejection/withdrawal of application for the registration of the real estate project.

5. Miscellaneous

The authority reserves the right to make any amendments in the regulations as and when required.

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