

Government of Jharkhand
Urban Development & Housing Department

Notification

No.-06/TCPO(विविध)-09/2016-नवि०..... 3261(813) Ranchi, Dated. 18/05/17

In exercise of the powers conferred by sub-section (1) of section 84 of the Real Estate (Regulation and Development) Act, 2016 (Central Act 16 of 2016), the Government of Jharkhand, hereby makes the following rules, namely:-

CHAPTER - I

PRELIMINARY

1. Short title and Commencement:-

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- 1.2 These rules may be called the 'Jharkhand Real Estate (Regulation and Development) Rules, 2017 (Central act of 2016).
 - 1.3 They shall come into force on the date of their publication in the official gazette.
 - 1.4 These rules shall apply to entire state of Jharkhand.

2. Definitions:-

- 2.1 "Act" means the Real Estate (Regulation and Development) Act, 2017;
- 2.2 "Association of allottees" means a collective of the allottees of a real estate project, by whatever name called, registered under any law for the time being in force, acting as a group to serve the cause of its members, and shall include the authorized representatives of the allottees ;
- 2.3 "Authenticated copy" shall mean a self-attested copy of any document;
- 2.4 "Annexure" means an annexure appended to these rules.
- 2.5 "Carpet area" means the net usable floor area of an apartment, excluding the area covered by the external walls, areas under services shafts, exclusive balcony or verandah area and exclusive open terrace area, but includes the area covered by the internal partition walls of the apartment.

Explanation.— For the purpose of this clause, the expression "exclusive balcony or verandah area" means the area of the balcony or verandah, as the case may be, which is appurtenant to the net usable floor area of an apartment, meant for the exclusive use of the allottee; and "exclusive open terrace area" means the area of open terrace which is appurtenant to the net

usable floor area of an apartment, meant for the exclusive use of the allottee;

2.6 "Completion certificate" means the completion certificate, or such other certificate, by whatever name called, issued by the competent authority certifying that the real estate project has been developed according to the sanctioned plan, layout plan and specifications, as approved by the competent authority under the local laws;

2.7 "Common Area" mean:

2.7.1 The entire land for real estate project or where the project is developed in phases and registration under this Act is sought for a phase, the entire land for that phase;

2.7.2 The stair cases, lifts, and lift lobbies, fire escapes, and common entrances and exits of buildings;

2.7.3 The common basements, terraces, parks, play ground, open parking areas and common storage spaces;

2.7.4 The premises for the lodging of persons employed for the management of the property including accommodation for watch and ward staffs or for the lodging of community services personnel;

2.7.5 Installation of central services such as electricity, gas, water and sanitation, air-conditioning and incinerating system for water conservation and renewable energy.

2.7.6 The water tanks, sumps, motors, fans, compressors, ducts and all apparatus connected with installation for common use.

2.7.7 All community and commercial facilities as provided in the real estate project;

Explanation- community & commercial facilities shall include only those facilities which have been provided as common areas in the real estate project.

2.7.8 All other portion of the project necessary or convenient for its maintenance, safety, etc. and in common use,

2.8 "Department" means Urban Development & Housing Department, Government of Jharkhand;

2.9 "Form" means a form appended to these rules;

2.10 "Government" means the Government of Jharkhand;

2.11 "Occupancy certificate" means the occupancy certificate, or such other certificate by whatever name called, issued by the competent authority permitting occupation of any building, as provided under local laws, which has provision for civic infrastructure such as water, sanitation and electricity;

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2.12 "Section" means a section of the Act;

2.13 "Selection Committee" means the selection committee constituted under section-22 and section- 46 (3) of the Act in accordance with these rules.

2.14 "Search Committee" means the search committee constituted under these rules to assist the selection committee and

2.15 Words and expressions used but not defined in these rules, but defined in the act, shall have the meanings respectively assigned to them in the Act.

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CHAPTER - II

REAL ESTATE PROJECT

3. Information and documents to be furnished by the promoter for registration of project:-

3.1 A promoter shall furnish the following additional information and documents, along with those specified under the sections 4 of the Act, for registration of the real estate project with the regulatory authority namely :-

3.1.1 Authenticated copy of the PAN card of the promoter;

3.1.2 Audited balance sheet of the promoter for the preceding financial year and income tax returns of the promoter for three preceding financial years.

3.1.3 The number of open parking areas and the number of covered parking areas available in the real estate project;

3.1.4 Copy of the legal title deed reflecting the title of the promoter to the land on which development of project is proposed along with legally valid documents with authentication of such title; if such land is owned by another person;

3.1.5 Details of encumbrances on the land on which development is proposed including details of any rights, title, interest, dues, litigation and name of party in or over such land along with details;

3.1.6 Where the promoter is not the owner of the land on which development is proposed details of the consent of the owner of the land along with a copy of the collaboration agreement, development agreement, joint development agreement or any other agreement, as the case may be, entered into between the promoter and such owner and copies of title and other documents reflecting the title of such owner on the land proposed to be developed;

3.1.7 Name, photograph, contact details and address of the promoter if it is an individual and the name, photograph, contact details and address of the chairman, partners, directors, as the case may be, and the authorized person in case of other entities.

3.2 The application referred to in sub- section (1) of section 4 shall be made in Form 'A', in triplicate, until the application procedure is made web based as provided under sub-section (3) of section 4 of the act.

3.3 The promoter shall pay a registration fee at the time of application for registration by way of a demand draft or a bankers cheque drawn on any

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scheduled bank or through online payment mode, as the case may be, for a sum calculated at the rate of:-

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3.3.1 In case of residential project, five rupees per square meter for projects where the area of land proposed to be developed does not exceed one thousand square meters; or rupees ten per square meter for projects where the area of land proposed to be developed exceeds one thousand square meters, but shall not be more than five lakhs rupees.

3.3.2 In case of mixed development (residential and commercial) project, rupees ten per square meter for projects where the area of land proposed to be developed does not exceed one thousand square meters; or rupees fifteen for projects, where the area of land proposed to be developed exceeds one thousand square meters but shall not be more than seven lakhs rupees;

3.3.3 In case of commercial projects twenty rupees per square meter for projects where the area of land proposed to be developed does not exceed one thousand square meters; or twenty-five rupees per square meter for projects where the area of land proposed to be developed exceeds one thousand square meters, but shall not be more than ten lakhs rupees.

3.3.4 In case of plotted development project, five rupees per square meter, but shall not be more than two lakhs rupees.

3.4 The declaration to be submitted under clause (1) of sub-section (2) of section 4, shall be in Form 'B', which shall include a declaration stating that the promoter shall not discriminate against any allottee at the time of allotment of any apartment, plot or building, as the case may be.

3.5 In case the promoter applies for withdrawal of application for registration of the project before the expiry of the period of 30 days provided under sub section (1) of section 5, registration fee to extent of ten percent paid under sub-rules (3) above, or rupees fifty thousand whichever is more, shall be retained as processing fee by the regulatory authority and the remaining amount shall be refunded to the promoter within 30 days from the date of such withdrawal.

4. Disclosure by promoters of existing projects:-

4.1 Upon the notification for commencement of sub-section (1) of section 3, the promoter of an ongoing project which has not received completion certificate shall, within the time specified in the said sub-section, make an application to the Authority as provided in rule 3.



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- 4.2 The promoter shall disclose all project details as required under the act and the rules and regulation made thereunder, including the status of the project and the extent of completion:-
- 4.2.1 The original sanctioned plan, layout plan and specifications and the subsequent modifications carried out, if any, including the existing sanctioned plan, layout plan and specifications;
- 4.2.2 The total amount of money collected from the allottees and the total amount of money used for development of the project including the total amount of balance money lying with the promoter;
- 4.3 The promoter shall disclose the size of the apartment based on carpet area even if earlier sold on any other basis such as super area, super built up area, built up area etc. which shall not affect the validity of the agreement entered into between the promoter and the allottee to that extent.
- 4.4 In case of plotted development, the promoter shall disclose the area of the plot being sold to the allottees.
5. **Withdrawal of sums deposited in separate account:-**
- 5.1 For the purposes of sub-clause (D) of clause (1) of sub-section (2) of section 4 of the Act, the land cost shall be the cost incurred by the promoter, whether as an outright purchase, lease charges and will include the charges incurred to obtain the approval of the competent authority.
- 5.2 For the purposes of clause (D) of clause (1) of sub-section (2) of section 4 of the Act, the construction cost shall be the cost incurred by the promoter, towards the on-site expenditure for the physical development of the project.
6. **Grant or rejection of registration of project:-**
- 6.1 Upon the registration of a project as per section 5 read with rule 3 of the Act, as the case may be, the Authority shall issue a registration certificate with a registration number in Form 'C' to the promoter.
- 6.2 In case of rejection of the application as per section 5 of the Act, the Regulatory Authority shall inform the applicant in Form 'D';
7. **Extension of registration of project:-**
- 7.1 The registration granted under the Act, may be extended by the Authority, on an application made by the promoter in Form 'E', in triplicate, until the application procedure is made web based, within three months prior to the expiry of the registration granted.
- 7.2 The application for extension of registration shall be accompanied with a demand draft or a bankers cheque drawn on any scheduled bank or through online payment mode, as the case may be, for an amount

equivalent to twice the registration fees as prescribed under sub-rule (3.3) of rule 3 along with an explanatory note setting out the reasons for delay in the completion of the project and the need for extension of registration for the project, along with documents supporting such reasons:-

Provided that where the promoter applies for extension of registration of the project due to force majeure, he shall not be liable to pay any fee.

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7.3 The extension of registration of the project shall not be beyond the period provided as per local laws for completion of the project or phase thereof, as the case may be.

7.4 In case of extension of registration, the Authority shall inform the promoter about such extension in Form 'F' and in case of rejection of the application for extension of registration the Authority shall inform the promoter about such rejection in Form 'D':-

Provided that the Authority may grant an opportunity to the promoter to rectify the defects in the application within such time period as may be specified by it.

8. Revocation of registration of the project:-

Upon the revocation of registration of a project as per section 7 of the Act, the Authority shall inform the promoter about such revocation in Form 'D'.

9. Agreement for sale:-

9.1 For the purpose of sub-section (2) of section 13 of the Act, the agreement for sale shall be in the form as Form- 'G.'

9.2 Any application letter, allotment letter or any other document signed by the allottee, in respect of the apartment, plot or building, prior to the execution and registration of the agreement for sale for such apartment, plot or building, as the case may be, shall not be construed to limit the right and interests of the allottee under the agreement for sale or under the act or the rules or the regulations made thereunder.

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CHAPTER - III
REAL ESTATE AGENT

10. Application for registration by the real estate agent:-

10.1 Every real estate agent required to register as per sub-section (2) of section 9 of the Act shall make an application in writing to the Authority in Form 'H', in triplicate, until the application procedure is made web based, along with the following documents, namely:-

10.1.1 the brief details of his enterprise including its name, registered address, type of enterprise (proprietorship, societies, partnership, company etc.);

10.1.2 the particulars of registration (whether as a proprietorship, partnership, company, society etc.) including the bye-laws, memorandum of association, articles of association etc. as the case may be;

10.1.3 name, address, contact details and photograph of the real estate agent, if it is an individual and the name, address, contact details and photograph of the partners, directors etc. in case of other entities;

10.1.4 the authenticated copy of the PAN card of the real estate agent;

10.1.5 the authenticated copy of the address proof of the place of business.

10.1.6 Income tax returns filed under the provisions of the Income Tax Act, 1961 for three financial years preceding the application or in case the applicant was exempted from filing returns under the provisions of the income tax act, 1961 for any of the three year preceding the application, a declaration to such effect.

10.2 The real estate agent shall pay a registration fee at the time of application for registration by way of a demand draft drawn on any scheduled bank or through online payment, for a sum of twenty five thousand rupees in case of the applicant being an individual or Rupees two lakh fifty thousand rupees in case of the applicant other than an individual.

11. Grant of registration to the real estate agent:-

11.1 Upon the registration of a real estate agent as per section 9 of the Act, the Regulatory Authority shall issue a registration certificate with a registration number in Form 'I' to the real estate agent.

11.2 In case of rejection of the application as per section 9 of the Act, the Authority shall inform the applicant in Form 'J'.

11.3 The registration granted under this rule shall be valid for a period of ten years.

12. Renewal of registration of real estate agent:-

12.1 The registration granted to a real estate agent under Section 9, may be renewed as per section 6 on an application made by the real estate agent in Form 'K', which shall not be less than three months prior to the expiry of the registration granted.

12.2 The application for renewal of registration shall be accompanied with a demand drafts drawn on any scheduled bank or through online payment, for a sum of five thousand rupees in case of the real estate agent being an individual or fifty thousand rupees in case of the real estate agent other

12.3 The real estate agent shall also submit all the updated documents set out in clauses 10.1.1 to 10.1.6 of sub-rule (10.1) of rule 10 at the time of application for renewal.

12.4 In case of renewal of registration, the Authority shall inform the real estate agent in Form 'L' about the same and in case of rejection of the application for renewal of registration the Authority, shall inform the real estate agent in Form 'J':

Provided that no application for renewal of registration shall be rejected, unless the applicant has been given an opportunity of being heard in the matter.

12.5 The renewal of registration of the real estate agent shall be granted provided that the real estate agent remains in compliance with the provision of the act and the rules and regulations made thereunder.

12.6 The renewal granted under this rule shall be valid for a period of five years.

13. Revocation of registration of real estate agent:-

The Authority may, due to reasons specified under sub-section (7) of section 9, revoke the registration granted to the real estate agent or renewal thereof, as the case may be, and intimate the real estate agent of such revocation in Form 'J'.

14. Maintenance of Books of accounts, records and documents:-

The real estate agent shall maintain and preserve its books of account, records and documents in accordance with the provisions of the Income Tax Act, 1961 (43 of 1961).

15. Other functions of a real estate agent:-

The real estate agent shall provide assistance to enable the allottee and promoter to exercise their respective rights and fulfil their respective obligations at the time of booking and sale of any plot, apartment or building, as the case may be.

CHAPTER – IV

**DETAILS TO BE PUBLISHED ON THE WEBSITE OF THE
AUTHORITY**

16. Details to be published on the website of the Authority:-

16.1 Details to be published on the website-

For the purpose of clause (b) of section 34, the Regulatory Authority shall ensure that the following information, as applicable, shall be made available on its website in respect of each project registered under the Act, namely:-

16.1.1 Details of the promoter including the following, namely:-

16.1.1.1 Developer or group profile:-

16.1.1.1.1 A brief detail of his enterprise including its name, registered address, type of enterprise (proprietorship, limited liability partnership, society, partnership, company, competent authority) and the particulars of registration as such enterprise and in case of a newly incorporated or registered entity, brief details of the parent entity including its name, registered address, type of enterprise (whether as proprietorship, societies, limited liability partnership, partnership, company, competent authority);

16.1.1.1.2 Background of promoter:- work experience of the promoter and in case of A newly incorporated or registered entity work experience of the parent entity;

16.1.1.2 Track record of the promoter:-

16.1.1.2.1 Number of years of experience of the promoter or parent entity, as the case may be, in real estate development in the Jharkhand.

16.1.1.2.2 Number of years of experience of the promoter or parent entity, in real estate construction in other states or Union territories;

16.1.1.2.3 Number of completed projects and area constructed till date.

16.1.1.2.4 Number of ongoing projects and proposed area to be constructed.

16.1.1.2.5 Details and profile of ongoing and completed projects for the last five years as provided under clause (b) of sub-section (2) of section 4 of the Act.

16.1.1.3 Litigations:- Details of litigation in the past five years in relation to the real estate projects.

16.1.1.4 Website:-

16.1.1.4.1 web link of the developer or parent entity, as the case may be;

16.1.1.4.2 web link of the project;

16.1.2 Details of the real estate project including the following, namely:-

16.1.2.1 Compliance and registration:-

16.1.2.1.1 authenticated copy of the approvals and commencement received from the competent authority as provided under clause (c) of sub-section (2) of section 4;

16.1.2.1.2 the sanctioned plan, layout plan and specifications of the project or the phase thereof, and the whole project as sanctioned by the competent authority as provided under clause (d) of subsection (2) of section 4;

16.1.2.1.3 details of the registration granted by the Authority under the Act.

16.1.2.2 Apartment, plot and garage related details:-

16.1.2.2.1 Details of the number, type and carpet area of apartments for sale in the project as provide under clause (h) of sub-section (2) of section-4

16.1.2.2.2 Details of the number and area of garage/covered parking for sale in the project as provided under clause (1) of sub -section (2) of section 4.

16.1.2.2.3 Details of the number of open parking areas and covered parking areas available in the real estate project;

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16.1.2.3 Registered Agents:- names and addresses of real estate agents as provided under clause (J) of sub section (2) of section 4.

16.1.2.4 Consultants:- Details, including name and addresses, of contractors, architect, structural engineers and other persons concerned with the development of the real estate project under clause (K) of sub section (2) of section 4 of the act.

- A. Name and address of the firm;
- B. Names of promoters;
- C. Year of establishment;
- D. Names and profile of key projects completed;

16.1.2.5 Location:- the details of the location of the project, with clear demarcation of land dedicated for the project along with its boundaries including the latitude and longitude of the end points of the project as provided under clause (f) of sub section (2) of section 4;

16.1.2.6 Development Plan:-

- A. The plan of development works to be executed in the proposed project and the proposed facilities to be provided thereof including fire fighting facilities, drinking water facilities, emergency evacuation services, use of renewable energy etc. as provided under clause (e) of sub - section (2) of section 4;
- B. Amenities:- a detailed note explaining the salient features of the proposed project including access to the project, design for electric supply including street lighting, water supply arrangements and site for disposal and treatment of storm and sullage water, and any other facilities and amenities or public health services proposed to be provided in the project;
- C. Gantt charts or milestone charts and project schedule:- the plan of development works to be executed in the project and the details of the proposed facilities to be provided thereof;
- D. The stage wise time schedule of completion of the project, including the provisions for civic

infrastructure like water, sanitation and electricity etc.

16.1.3 Financial details of the promoter:-

16.1.3.1 The authenticated copy of the PAN card of the promoter;

16.1.3.2 audited balance sheet of the promoter for preceding financial year and income tax returns of the promoter for three preceding financial years and in case of newly incorporated or registered entity such information shall be disclosed for the parent entity;

16.1.4 The promoter shall upload the following updates on the webpage for the project, within seven days from the expiry of each quarter, namely:-

16.1.4.1 list of number and types of apartments or plots, booked;

16.1.4.2 list of number of garages booked;

16.1.4.3 status of the project:-

16.1.4.3.1 status of construction of each building with photographs;

16.1.4.3.2 status of construction of each floor with photographs;

16.1.4.3.3 status of construction of internal infrastructure and common areas with photographs.

16.1.4.4 Status of approvals:-

16.1.4.4.1 Approvals received;

16.1.4.4.2 Approvals applied and expected date of receipt;

16.1.4.4.3 Approvals to be applied and date planned for application;

16.1.4.4.4 Modifications, amendment or revisions, if any, issued by the competent authority with regard to any sanctioned plans, layout plans, specifications, license, permit or approval for the project;

16.1.5 Downloads;

16.1.5.1 Approvals-

16.1.5.1.1 No objection Certificates-

a) Consent to Establishment and operate

b) Environment clearance

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- c) Fire NOC
 - d) Permission from water and sewerage department
 - e) Height clearance from Airport Authority of India where applicable
 - f) Other approvals as may be required and obtain for the project.
- 16.1.5.1.2 Authenticated copy of the license or land use permission, building sanction plan and the commencement certificate from the competent authority obtained in accordance with the laws applicable for the project, and where the project is proposed to be developed in phases, an authenticated copy of the license or land use permission, building sanction plan and the commencement certificate for each of such phases proposed for implementation.
- 16.1.5.1.3 Authenticated copy of the site plan or site map showing the location of the project land along with names of revenue estates, survey numbers, cadastral numbers, khasra numbers and area of each parcels of the project land, whichever is applicable;
- 16.1.5.1.4 Authenticated copy of the layout plan of the project or the phase thereof, and also the layout plan of the whole project as sanctioned by the competent authority
- 16.1.5.1.5 Floor plans for each tower and block including clubhouse, amenities and common areas;
- 16.1.5.1.6 Any other permission, approval, or license that may be required under applicable law
- 16.1.5.1.7 Authenticated copy of occupancy certificate and completion certificate including its application.

(1) Legal documents-

- a) the details including the proforma of the application form, allotment letter, agreement for sale and the conveyance deed;
- b) authenticated copy of the legal title deed reflecting the title of the promoter to the

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land on which development of project is proposed along with legally valid documents for chain of title with authentication of such title;

- c) land title search report from an advocate having experience of at least ten years in land related matter;
- d) details of encumbrances on the land on which development of project is proposed including details of any rights, title, interest, dues, litigation and name of any party in or over such land or non-encumbrance certificate through an advocate having experience of atleast ten years in land related matter;
- e) where the promoter is not the owner of the land on which development is proposed details of the consent of the owner of the land along with a copy of the collaboration agreement, development agreement, joint development agreement or any other agreement, as the case may be, entered into between the promoter and such owner and copies of title and other documents reflecting the title of such owner on the land proposed to be developed;
- f) Sanction letters
 - i. from banks for construction finance
 - ii. from banks for home loan tie ups

16.1.6 Contact details- contact address, contact numbers and email-id of the promoter, authorised person and other officials handling the project.

16.1.6.1 for the purpose of clause (c) of section 34, the Regulatory Authority shall maintain a database and ensure that the information specified therein shall be made available on its website in respect of each project revoked or penalised, as the case may be.

16.1.6.2 for the purpose of clause (d) of section 34, the Regulatory Authority shall ensure that the following information shall be made available on its website in respect of each real

estate agent registered with it or whose application for registration has been rejected or revoked, namely:-

16.1.6.2.1 For real estate agents registered with the Regulatory Authority:-

- i. registration number and the period of validity of the registration of the real estate agent with the Authority;
- ii. brief details of his enterprise including its name, registered address, type of enterprise (whether as proprietorship, societies, partnership, company etc.);
- iii. particulars of registration as proprietorship, societies, partnership, company etc. including the bye-laws, memorandum of association, articles of association etc. as the case may be;
- iv. name, address, contact details and photograph of the real estate agent, if it is an individual and the name, address, contact details and photograph of the partners, directors etc. in case of other persons;
- v. authenticated copy of the PAN card of the real estate agent;
- vi. authenticated copy of the address proof or the place of business and the contact address, contact numbers and email-id of the real estate agent and its other officials;
- vii. Income tax returns filed under the provisions of the income tax act, 1961 for three financial years preceding the application or in case the applicant was exempted from filing returns under the provisions of the income tax act, 1961 for any of the three year preceding the application, a declaration to such effect.

16.1.6.2.2 In case of applicants whose application for registration as a real estate agent have been rejected or real estate agents whose registration has been revoked by the Authority-

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- i. registration number and the period of validity of the registration of the real estate agent with the Authority;
- ii. brief details of his enterprise including its name, registered address, type of enterprise (whether as proprietorship, societies, partnership, company etc.);
- iii. name, address, contact details and photograph of the real estate agent if it is an individual and the name, address, contact details and photograph of the partners, directors etc. in case of other persons;

16.1.6.2.3 such other documents or information as may be specified by the Act or the rules and regulations made there under.

16.1.6.3 The Regulatory Authority shall maintain a back-up, in digital form, of the contents of its website in terms of this rule, and ensure that such back-up is updated on the last day of each month.

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CHAPTER - V

RATE OF INTEREST PAYABLE BY PROMOTER AND ALLOTTEE AND TIMELINES FOR REFUND

17. Interest payable by promoter and allottee:-

The rate of interest payable by the promoter to the allottee or by the allottee to the promoter, as the case may be, shall be the State Bank of India highest Marginal Cost of Lending Rate plus two percent.

18. Timelines for refund:-

Any refund of amounts along with the applicable interest and compensation, if any, payable by the promoter in terms of the Act or the rules and regulations made there under, shall be payable by the promoter to the allottee within forty-five days from the date on which such refund along with applicable interest and compensation, as the case may be, becomes due.

CHAPTER - VI

REAL ESTATE REGULATORY AUTHORITY

19. Selection of Chairperson and other Members of Authority:-

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- 19.1 As and when vacancies of Chairperson or any other Member in the Authority exist or arise, or are likely to arise, the State Government may make a reference to the Selection Committee in respect of the vacancies to be filled as per provisions of section 21 of the act.
- 19.2 The State Government shall expeditiously constitute a Selection Committee, as often as may be required, to select persons for appointment as chairperson.
- 19.3 The Selection Committee shall select two persons for each vacancy and recommend the same to the State Government. The Selection Committee shall consist of the following members, namely:-
- 19.3.1 Chief Justice of High court of Jharkhand or his nominee shall be the chairman
- 19.3.2 Additional Chief Secretary or Principal Secretary or Secretary to Government, Urban Development & Housing Department shall be the member and convenor of the selection committee.
- 19.3.3 Principal Law secretary, Government of Jharkhand
- 19.4 The Selection Committee as constituted under sub rule (2) may, for the purpose of selection of the Chairperson or a Member of the Regulatory Authority, devise its own procedure as deems fit including the appointment of search committee and may lay down guidelines and procedure to invite applications from amongst persons having adequate knowledge of and professional experience of 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, technical experts from relevant fields, planning, law, commerce, accountancy, industry, management, social service, public affairs or administration:

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 Additional Chief Secretary or Chief Secretary to the State Government or any equivalent post in the Central Government :

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 or Principal Secretary to the State Government or any equivalent post in the Central Government.

- 19.5 The Selection Committee shall prepare a panel of names possessing the requisite qualification and experience and found suitable for consideration for appointment as Chairperson or Member of the Regulatory Authority.
- 19.6 The State Government shall within thirty days from the date of receipt of the recommendation by the Selection Committee, appoint one of the two persons recommended by the Selection Committee for the vacancy of the Chairperson or other Member, as the case may be.

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Salary and allowances payable and other terms and conditions of service of Chairperson and other Members of Authority –

- 20.1 The salaries and allowances payable to the Chairperson and other Members of the Authority shall be as follows-

20.1.1 The Chairperson and Member of the Authority shall be paid a consolidated monthly salary equivalent to Chief Secretary and Principal Secretary of the State Government respectively.

- 20.2 **Dearness Allowance and city compensatory Allowance-** The Chairperson or the Member of the Authority shall be entitled to receive Dearness Allowance and other allowances at the rate as are admissible to the Chief Secretary of the State Government or principal Secretary of the State Government respectively:

20.2.1 Provided that in case a person appointed as the Chairperson or a member is in receipt of any pension, the pay of such person shall be reduced by the gross amount of pension including any commuted portion thereof drawn by him;

20.2.2 Provided further that the Chairperson and other Members shall be entitled to draw admissible allowance on the original basic pay before such fixation of pay.

- 20.3 **Leave-**

20.3.1 The Chairperson or a Member shall be entitled to thirty days of earned leave for every year of service. The payment of leave salary during the leave shall be as admissible to the Chief Secretary or the Principal Secretary as the case may be. The Chairperson or Member shall be entitled to encashment of fifty percent of earned leave to his credit at any time.

- 20.3.2 **Leave Sanctioning Authority-**

Leave Sanctioning Authority in case of-

20.3.2.1 The Chairperson of the Authority, shall be the Minister-in-charge of the Urban Development & Housing Department of the State Government and

20.3.2.2 The Members of the Authority, shall be the Chairperson.

20.4 Travelling Allowance and Daily Allowance:-

20.4.1 The Chairperson and the Members while on tour (including the journey undertaken or any expiry of his term to proceed to his hometown) shall be entitled to travelling allowances, daily allowance, transportation of personal effects and other similar matters at the same rate as admissible to the Chief Secretary or the Principal Secretary of the State Government as the case may be;

20.4.2 The Chairperson and every Member shall be his own controlling officer in respect of his bills relating to travelling allowances and daily allowances; and

20.4.3 Domestic official tours: The Chairperson and a Member, while on tour, shall be entitled to the facility of government accommodation in the guest house or inspection bungalows run by the State Government or hotel accommodation in case Government accommodation is not available, as applicable to Chief Secretary or Principal Secretary of Government of Jharkhand.

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20.5 Leave Travel Concession:-

The Chairperson and Members shall be entitled to Leave Travel Concession (L.T.C.) at the same rates as admissible to the Chief secretary or the Principal Secretary to the Government as the case may be.

20.6 Medical Facilities:-

The Chairperson and a Members shall be entitled to medical treatment and hospital facilities as provided to the members of Indian Administrative Service of the corresponding grade in the State Government.

20.7 Conveyance facility:-

The Chairperson and a Member shall be entitled to conveyance facilities as admissible to the Chief Secretary or the Principal Secretary to the Government respectively.

20.8 Accommodation to Chairperson and Members:-

20.8.1 The Chairperson and Members of the Authority shall be entitled to get admissible HRA (House Rent Allowance);

20.9 Telephone facilities:-

The Chairperson or Members of the Authority shall be entitled to telephone facilities as admissible to the Chief Secretary or the Principal Secretary of the State Government respectively.

20.10 Other allowance:-

The Chairperson and Members of the Authority shall be entitled to such other allowance as are applicable to the Chief Secretary or the Principal Secretary respectively in the State Government.

Notwithstanding the provisions contained in this rule, if the Chairperson or the Member is a serving officer of the State or Central Government, his entitlement shall be higher of those admissible to him under the applicable service rule.

20.11 Tenure of office:-

20.11.1 The Chairperson and every Member shall, unless removed from office under sub-section (1) of section 26, hold office for a period not exceeding five years from the date he takes charge of the office in that capacity, or till the age of sixty five years, whichever is earlier.

20.11.2 When the Chairperson is unable to discharge his functions owing to absence, illness or any other cause, the senior-most (in order of appointment) Member of the Real Estate Regulatory Authority holding office for the time being shall discharge the functions of the Chairperson until the day, on which the Chairperson resumes the charge of his functions.

20.11.3 If a vacancy occurs in the office of the Chairperson by reason of his death or resignation, the State Government shall nominate senior most Member as per seniority of date of appointment to act as the Chairperson and the Member so nominated shall hold office of the Chairperson until the vacancy is filled by a fresh appointment under sub-section (3) of Section 24 of the Act. Till that period the senior-most (in order of appointment) Member of the Real Estate Regulatory Authority holding office for the time being shall discharge the functions of the Chairperson, until the day on which the Chairperson resumes the charge of his functions.

20.12 Oath of Office and Secrecy:-

20.12.1 Every person appointed to be Chairperson and Member shall, before entering upon their office, make and subscribe to an Oath of Office and of Secrecy in the Forms-I and J, respectively.

20.12.2 Before appointment, the Chairperson and the Member shall have to give an undertaking that he does not and will not have any such financial or other interest as is likely to affect prejudicially his functions as such Chairperson or Member.

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21. Administrative powers of the Chairperson of Authority –

21.1 The Chairperson of the Authority shall exercise the administrative powers in respect of-

- 21.1.1 Matters pertaining to staff strength, wages and salary structures, emoluments, perquisites and personnel policies with the approval of the government;
- 21.1.2 Matters pertaining to creation and abolition of posts;
- 21.1.3 Matters pertaining to appointments, promotions and confirmation for all posts;
- 21.1.4 Acceptance of resignations by any Member, officer or employee;
- 21.1.5 Officiating against sanctioned posts;
- 21.1.6 Authorization of tours to be undertaken by any Member, officer or employee within and outside India and allowance to be granted for the same;
- 21.1.7 Matters in relation to reimbursement of medical claims;
- 21.1.8 Matters in relation to grant or rejection of leaves;
- 21.1.9 Permission for hiring of vehicles for official use;
- 21.1.10 Nominations for attending seminars, conferences and training courses in India or abroad;
- 21.1.11 Permission for invitation of guests to carry out training course;
- 21.1.12 Matters pertaining to staff welfare expenses;
- 21.1.13 Sanction or scrapping or write-off of capital assets which due to normal wear and tear have become unserviceable or are considered beyond economical repairs;
- 21.1.14 Matters relating to disciplinary action against any Member, officer or employee.

21.2 The Chairman of the Authority shall also exercise such other powers that may be required for the efficient functioning of the Authority and enforcement of the provisions of the Act and the rules and regulations made there under.

CHAPTER - VII

POWERS AND FUNCTIONS OF THE AUTHORITY

22. Functioning of the Authority:-

- 22.1 The office of the regulatory authority shall be located at Ranchi or at such place as may be determined by the State Government by notification.
- 22.2 The working days and office hours of the regulatory authority shall be the same as that of the State Government.
- 22.3 The official common seal and emblem of the regulatory authority shall be such as the State Government may specify.

23. Additional powers of the Authority:-

- 23.1 In addition to the powers specified in sub-section (2) of section 35 of the act, the regulatory authority shall have the following additional powers:
- 23.1.1 Require the promoter, allottee or real estate agent to furnish in writing such information or explanation or produce such documents within such reasonable time, as it may deem necessary;
- 23.1.2 Requisitioning, subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (Central Act 1 of 1872), any public record or document or copy of such record or document from any office.
- 23.2 The Regulatory Authority may call upon such experts or consultants from the fields of economics, commerce, accountancy, real estate, competition, construction, architecture or engineering or from any other discipline as it deems necessary, to assist the regulatory authority in the conduct of any inquiry or proceedings before it.
- 23.3 On receipt of the application in prescribed form and complete in all respects under section 4 of the act read with rule 3 for registration of a project, the Authority may review the documents submitted along with the application under rule 3 and enquire, *inter-alia*, into the following matters and such other matters, as it may consider necessary, prior to grant of registration within the time specified under sub-section (1) of section 5 of the act, namely:-
- 23.3.1 the nature of rights and interest of the promoter to the land which is proposed to be developed;
- 23.3.2 extent and location of area of land proposed to be developed;
- 23.3.3 layout plan of the project;
- 23.3.4 financial, technical and managerial capacity of the promoter to develop the project;

23.3.5 plan regarding the development works to be executed in the project; and

23.3.6 Conformity of development of the project with neighboring areas.

23.4 The Authority may in the interest of the allottees, enquire into the payment of amounts imposed as penalty, interest or compensation, paid or payable by the promoter, in order to ensure that the promoter has not:

23.4.1 withdrawn the said amounts from the account maintained as provided under sub-clause (D) of clause (l) of sub-section (2) of section 4; or

23.4.2 used any amounts paid to such promoter by the allottees for the real estate project for which the penalty, interest or compensation is payable, or any other real estate project;

23.4.3 Recovered the amounts paid as penalty, fine or compensation from the allottees of the relevant real estate project or any other real estate project.

24. Manner of recovery of interest, penalty and compensation:-

Subject to the provisions of sub-section (1) of section 40, the recovery of the amounts due as arrears of land revenue shall be carried out in the manner provided in the Jharkhand Land Revenue Act, 1964 and the rules made there under.

25. Manner of implementation of order, direction or decisions of the adjudicating officer, the Authority or the Appellate Tribunal:-

For the purpose of sub-section (2) of section 40 of the act, every order passed by the adjudicating officer, regulatory authority or Appellate Tribunal, as the case may be, under the Act or the rules and regulations made thereunder, shall be enforced by the adjudicating officer, regulatory authority or the Appellate Tribunal in the same manner as if it were a decree or order made by the principal civil court in a suit pending therein and it shall be lawful for the adjudicating officer, regulatory authority or Appellate Tribunal, as the case may be, in the event of its inability to execute the order, send such order to the principal civil court, to execute such order either within the local limits of whose jurisdiction the real estate project is located or in the principal civil court within the local limits of whose jurisdiction the person against whom the order is being issued, actually and voluntarily resides, or carries on business, or personally works for gain.

CHAPTER – IX

**CONDITIONS OF SERVICE OF OFFICERS AND OTHER
EMPLOYEES OF THE AUTHORITY**

26. Categories of officers and employees of the Authority and pay scales:-

The nature and categories of officers and employees of the Authority shall be recommended by the Authority for consideration of the State Government, which shall be approved with or without modifications, as the case may be, by the State Government.

27. Conditions of service.-

27.1 The conditions of service of the officers and employees of the Authority and any other category of employees in the matter of pay, allowances, leave, joining time, joining time pay, age of superannuation and other conditions of service shall be regulated in accordance with such rules and regulations as are, from time to time, applicable to officers and employees of the State Government and drawing the corresponding scales of pay;

Provided that the provisions of the Jharkhand Civil Services shall apply to the officers and employees of the Authority subject to modification specified in the schedule to these rules.

27.2 Consultants or experts may be engaged by the Authority to facilitate its discharge of functions. The consultants or experts shall be paid a monthly honorarium as may be determined by the State Government from time to time.

27.3 The consultants or experts shall not be deemed to be regular members of the Staff borne on the establishment of the Authority. The consultants or experts may be appointed for tenure of one year, extendable on year to year basis.

27.4 The term of the appointment of consultants or experts may be terminated by the Authority by serving one months notice.

27.5 The State Government shall have powers to relax the provisions of any of these rules in respect of any class or category of officers or employees or consultants and experts as the case may be for the reasons recorded in writing.

28. Functioning of Authority--

28.1 The office of the Authority shall be located at such place as may be determined by the State Government by notification.

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- 28.2 The working days and office hours of the Authority shall be the same as that of the normal working days and office hours of the other offices of the State Government.
- 28.3 The official common seal and emblem of the Authority shall be such as the State Government may specify.
- 28.4 Every notice, order and direction of the Authority shall bear the seal of the Authority which shall be in custody with the person designated by the Chairperson.
- 28.5 The Authority shall ordinarily have sittings at its headquarters and at such other places as the Chairperson may by general or special order specify.

29. Additional powers of Authority :-

- 29.1 In addition to the powers specified in clause (iv) of sub-section (2) of section 35 of the act, the Authority shall exercise the following additional powers,-
- 29.1.1 Require the promoter, allottee or real estate agent to furnish in writing such information or explanation or produce such documents within such reasonable time, as it may deem necessary;
- 29.1.2 Requisitioning, subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), any public record or document or copy of such record or document from any office.
- 29.2 The Regulatory Authority may call upon such experts or consultants from the fields of economics, commerce, accountancy, real estate, competition, construction, town planning/urban planning, architecture, law or engineering or from any other disciplines it deems necessary, to assist the Authority in the conduct of any inquiry or proceedings before it.
- 29.3 The Authority may in the interest of the allottees, inquire into the payment of amounts imposed as penalty, interest or compensation, paid or payable by the promoter, in order to ensure that the promoter has not:-
- 29.3.1 Withdrawn the said amounts from the account maintained under sub-clause (D) of clause (I) of sub-section(2) of section 4; or
- 29.3.2 Used any amounts paid to such promoter by the allottees for that real estate project for which the penalty, interest or compensation is payable, or any other real estate project; or
- 29.3.3 Recovered the amounts paid as penalty, fine or compensation from the allottees of the relevant real estate project or any other real estate project.

30. **Recovery of interest, penalty and compensation:-**

Subject to the provisions of sub-section (1) of the section 40, the recovery of the amounts due such as interest, penalty or compensation shall be recovered as arrears of land revenue in the manner provided under local laws.

31. **Manner of implementation of order, direction or decisions of the adjudicating officer the regulatory authority or the appellate tribunal:-**

For the purpose of sub-section (2) of section 40 of the act, every order passed by the adjudicating officer, Regulatory Authority or Appellate Tribunal, as the case may be, under the act or the rules and regulations made thereunder, shall be enforced by the Adjudicating officer, Regulatory Authority or Appellate Tribunal in the same manner as if it were a decree or order made by the principal civil court in a suit pending therein and it shall be lawful for the adjudicating officer, Regulatory Authority or appellate tribunal as the case may be, in the event of its inability to execute such order either within the local limits of whose jurisdiction the person, against whom the order is being issued, actually and voluntarily resides, or carries on business, or personality works for gain.

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CHAPTER - X

**CONDITIONS OF SERVICE OF OFFICERS AND OTHER
EMPLOYEES OF THE AUTHORITY**

32. Categories of Officers and employees of the Authority and pay scales:-

The nature and categories of officers and employees of the Authority shall be recommended by the Authority for consideration of the State Government, which shall be approved with or without modifications, as the case may be, by the State Government.

33. Conditions of service:-

33.1 The conditions of service of the officers and employees of the Authority and any other category of employees in the matter of pay, allowances, leave, joining time, joining time pay, age of superannuation and other conditions of service shall be regulated in accordance with such rules and regulations as are, from time to time, applicable to officers and employees of the State Government and drawing the corresponding scales of pay;

Provided that, the provisions of the Jharkhand Civil Services Rules shall apply to the officers and employees of the Authority subject to modification specified in the schedule to these rules.

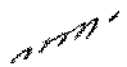
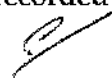
33.2 Consultants or experts may be engaged by the Authority to facilitate its discharge of functions. The consultants or experts shall be paid a monthly honorarium as determined by the State Government from time to time.

33.3 The consultants or experts shall not be deemed to be regular members of the Staff borne on the establishment of the Authority. The consultants or experts may be appointed for tenure of one year, extendable on year to year basis.

33.4 The term of the appointment of consultants or experts may be terminated by the Authority by serving one months notice.

33.5 The State Government shall have powers to relax the provisions of any of these rules in respect of any class or category of officers or employees or consultants and experts as the case may be for the reasons recorded in writing.

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CHAPTER – XI

REAL ESTATE APPELLATE TRIBUNAL

34. Appeal and the fees payable:-

34.1 Every appeal filed under sub-section (1) of section 44 shall be accompanied by a fees of five thousand rupees in the form of a demand draft drawn on a scheduled bank in favour of the Appellate Tribunal and payable at the branch of that Bank at the station where the seat of the said Appellate Tribunal is situated or through online payment, as the case may be.

34.2 Every appeal shall be filed in Form 'M', alongwith the following documents, namely:-

34.2.1 An attested true copy of the order against which the appeal is filed;

34.2.2 An attested Copies of the documents relied upon by the appellant and referred to in the appeal; and

34.2.3 An index of the documents.

34.3 Procedure for filling the appeal shall be as decided by the Appellate Tribunal.

35. Selection of Members of Appellate Tribunal :-

35.1 The Chairperson of the Appellate Tribunal shall be appointed by the State Government in consultation with the Chief Justice of High Court of Jharkhand under provisions of sub section (2) of section 46 of the Act.

35.2 As and when vacancies of a Member in the Appellate Tribunal exist or arise, or are likely to arise, the State Government may make a reference to the Selection Committee in respect of the vacancies to be filled in consonance with provisions of section 46 of the Act.

35.3 The Selection Committee may, for the purpose of selection of the Member of the Appellate Tribunal, follow such procedure as deemed fit including the appointment of a Search Committee consisting of such persons as the Selection Committee considers appropriate to suggest a panel of names for appointment as Member of the Appellate Tribunal.

35.4 The Selection Committee shall select two persons for each vacancy and recommend the same to the state Government.

35.5 The Selection Committee shall make its recommendation to the appropriate Government within a period of sixty days from the date of reference made under sub-rule (1).

35.6 The State Government shall within thirty days from the date of the receipt of the recommendation by the Selection Committee, appoint one of the two

persons recommended by the Selection Committee for the vacancy of the Member.

36. Salary and allowances payable and other terms and conditions of service of Chairperson and Members of Appellate Tribunal:-

36.1 The salaries and allowances payable to the Chairperson and Members of the Appellate Tribunal shall be as follows,-

36.1.1 The salary, allowances, facilities and pension payable to and condition of service of the Chairperson shall those of a Judge of a High Court of Jharkhand;

36.1.2 The full time member shall be paid a monthly salary equivalent to the last drawn salary at the post held by such person, prior to his appointment as a member of the Appellate Tribunal.

Provided that, if the Chairperson or a Member, before the date of assuming office as chairperson or a member, as the case may be, was in receipt of or being eligible so to receive the pension (other than disability pension) in respect of any previous service under the Central or State Government, his salary in respect of service as a Chairperson or as a Member, as the case may be, shall be reduced by the amount of that pension and dearness relief thereon, including any portion of the pension, which may have been commuted.

36.2 The Chairperson and every other Member shall be entitled to thirty days of earned leave for every completed year of service.

36.3 The other allowances and conditions of service of the Chairperson and the other Member shall be such as determined by the State Government from time to time.

37. Inquiry of the charges against Chairperson or Member of Authority or Appellate Tribunal:-

37.1 The State Government shall on the occurrence of any of the circumstances specified in clause (d) or clause (e) of sub-section (1) of section 26 in case of a Chairperson or Member of the Authority or as specified under subsection(1) of section 49 in case of a Chairperson or Member of the Appellate Tribunal, either by receipt of a complaint in this regard or suo motu, as the case may be, make a preliminary scrutiny with respect to such charges against the Chairperson or any Member of the Authority or Appellate Tribunal, as the case may be.

37.2 If, on preliminary scrutiny, the State Government considers it necessary to investigate into the allegation, it shall place the complaint, if any, together with supporting material as may be available, before Chief Justice of the High Court to appoint a sitting or retired Judge of the High Court.

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- 37.3 The State Government shall forward to the Judge appointed under sub-rule (2), copies of:-
- 37.3.1 The statement of charges against the Chairperson or Member of the Authority or Appellate Tribunal, as the case may be; and
- 37.3.2 Material documents relevant to the inquiry.
- 37.4 The Chairperson or Member of the Authority or Appellate Tribunal, as the case may be, shall be given a reasonable opportunity of being heard with respect to the charges within the time period as may be specified in this behalf by the Judge conducting the inquiry in the matter.
- 37.5 Where it is alleged that the Chairperson or Member of an Appellate Tribunal is unable to discharge the duties of his office efficiently due to any physical or mental incapacity and the allegation is denied, the Judge may arrange for the medical examination of the Chairperson or Member of the Appellate Tribunal.
- 37.6 After the conclusion of the investigation, the Judge shall submit his report to the State Government stating therein his findings and the reasons thereof on each of the articles of charges separately with such observations on the whole case as he thinks fit.
- 37.7 After receipt of the report under sub-rule (6), the State Government shall in consultation with the Chief Justice of the High Court decide to either remove or not to remove the Chairperson or Member of the Authority or Appellate Tribunal, as the case may be.
38. **Salary and allowances payable and other terms and conditions of service of officers and other employees of Appellate Tribunal:-**
- 38.1 The conditions of service of the officers and employees of the Appellate Tribunal and any other category of employees in the matter of pay, allowances, leave, joining time, joining time pay, age of superannuation and other conditions of service, shall be regulated in accordance with such rules and regulations as are, from time to time, as applicable to officers and employees of the appropriate Government and drawing the corresponding scales of pay.
- 38.2 The appropriate Government shall have power to relax the provisions of any of these rules in respect of any class or category of officers or employees, as the case may be.
39. **Additional powers of Appellate Tribunal:-**
- 39.1 In addition to the powers specified in clause (g) of sub-section(4) of section 53, the Appellate Tribunal shall exercise the following additional powers:-

39.1.1 Require the promoter, allottee or real estate agent to furnish in writing such information or explanation or produce such documents within such reasonable time, as it may deem necessary;

39.1.2 Requisitioning, subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), any public record or document or copy of such record or document from any office.

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39.2 The Appellate Tribunal may call upon such experts or consultants from the fields of economics, commerce, accountancy, real estate, competition, construction, architecture, law or engineering or from any other discipline as it deems necessary, to assist the Appellate Tribunal in the conduct of any inquiry or proceedings before it.

40. Administrative powers of Chairperson of Appellate Tribunal:-

40.1 The Chairperson of the Appellate Tribunal shall exercise the administrative powers in respect of:-

40.1.1 Matters pertaining to staff strength, wages and salary structures, emoluments, perquisites and personnel policies;

40.1.2 Matters pertaining to creation and abolition of posts;

40.1.3 Matters pertaining to appointments, promotions and confirmation for all posts;

40.1.4 Acceptance of resignations by any Member, officer or employee;

40.1.5 Officiating against sanctioned posts;

40.1.6 Authorization of tours to be undertaken by any Member, officer or employee: within and outside India;

40.1.7 Matters in relation to reimbursement of medical claims;

40.1.8 Matters in relation to grant or rejection of leaves;

40.1.9 Permission for hiring of vehicles for official use;

40.1.10 Nominations for attending seminars, conferences and training courses in India or abroad;

40.1.11 Permission for invitation of guests to carry out training course;

40.1.12 Matters pertaining to staff welfare expenses;

40.1.13 Sanction or scrapping or write-off of capital assets which due to normal wear and tear have become unserviceable or are considered beyond economical repairs;

40.1.14 All matters relating to disciplinary action against any Member, officer or employee.

40.2 The Chairperson of the Appellate Tribunal shall also exercise such other powers that may be required for the efficient functioning of the Appellate Tribunal and enforcement of the provisions of the Act and the rules and regulations made thereunder.

41. Functioning of Appellate Tribunal:-

41.1 The office of the Appellate Tribunal shall be located at such place as may be determined by the appropriate Government by notification.

41.2 The working days and office hours of the Appellate Tribunal shall be the same as that of the normal working days and office hours of the other offices of the appropriate Government.

41.3 The official common seal and emblem of the Appellate Tribunal shall be such as the appropriate Government may specify.

41.4 Every notice, order and judgment of the Appellate Tribunal shall bear the seal of the Appellate Tribunal which shall be in custody with the person designated by the Chairperson.

41.5 The Appellate Tribunal shall ordinarily have sittings at its headquarters and at such places as the Chairperson may by general or special order specify.

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CHAPTER - XII

OFFENCES AND PENALTIES

42. Terms and conditions and the fine payable for compounding of offence—

42.1 The court shall, for the purposes of compounding any offence punishable with imprisonment under the Act, accept an amount as specified in the Table below:-

Offence	Amount to be paid for compounding the offence
Punishable with imprisonment under sub section(2) of section 59.	Ten percent of the estimated cost of the real estate project.
Punishable with imprisonment under section 64.	Ten percent of the estimated cost of the real estate project.
Punishable with imprisonment under section 66.	Ten percent of the estimated cost of the plot, apartment or building, as the case may be, of the real estate project, for which the sale or purchase has been facilitated.
Punishable with imprisonment under section 68.	Ten percent of the estimated cost of the plot, apartment or building, as the case may be.

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42.2 The promoter, allottee or real estate agent, as the case may be, shall comply with the orders of the Authority or the Appellate Tribunal, within the period specified by the court, which shall not be more than thirty days from the date of compounding of the offence.

42.3 On payment of the sum of money in accordance with sub-rule (1) and subsequent to compliance of the orders of the Authority or the Appellate Tribunal as provided in sub-rule (2), any person in custody in connection with that offence shall be set at liberty and no proceedings shall be instituted or continued against such person in any court for that offence.

42.4 The acceptance of the sum of money for compounding an offence under sub-rule (1), by the Court shall be deemed to be an acquittal within the meaning of section 300 of the Code of Criminal Procedure, 1973 (2 of 1974).

CHAPTER XIII

**FILING OF COMPLAINT WITH THE AUTHORITY AND
THE ADJUDICATING OFFICER**

43. Filing of complaint with the Authority and inquiry by Authority –

43.1 Any aggrieved person may file a complaint with the Authority for any violation under the Act or the rules and regulations made thereunder, save as those provided to be adjudicated by the adjudicating officer, in Form 'N', in triplicate, until the application procedure is made web based, which shall be accompanied by a fees of one thousand rupees in the form of a demand draft or a bankers cheque drawn on a scheduled bank in favour of Authority and payable at the branch of that bank at the station where the seat of the said Authority is situated or through online payment, as the case maybe.

43.2 The Authority shall for the purposes of deciding any complaint as specified under sub-rule (1), follow summary procedure for inquiry in the following manner, namely:-

43.2.1 Upon receipt of the complaint, the Authority shall issue a notice along with particulars of the alleged contravention and the relevant documents to the respondent;

43.2.2 The respondent against whom such notice is issued under clause (a) of sub-rule (2), may file his reply in respect of the complaint within the period as specified in the notice;

43.2.3 The notice may specify a date and time for further hearing and the date and time for the hearing shall also be communicated to the complainant;

43.2.4 On the date so fixed, the Authority shall explain to the respondent about the contravention alleged to have been committed in relation to any of the provisions of the Act or the rules and regulations made thereunder and if the respondent,-

43.2.4.1 Pleads guilty, the Authority shall record the plea, and pass such orders including imposition of penalty as it thinks fit in accordance with the provisions of the Act or the rules and regulations, made thereunder;

43.2.4.2 Does not plead guilty and contests the complaint, the Authority shall demand an explanation from the respondent;

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- 43.2.5 In case the Authority is satisfied on the basis of the submissions made that the complaint does not require any further inquiry it may dismiss the complaint;
- 43.2.6 In case the Authority is satisfied on the basis of the submissions made that there is need for further hearing into the complaint it may order production of documents or other evidence on a date and time fixed by it;
- 43.2.7 The Authority shall have the power to carry out an inquiry into the complaint on the basis of documents and submissions;
- 43.2.8 The Authority shall have the power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any documents which in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry, and in taking such evidence, the Authority shall not be bound to observe the provisions of the Indian Evidence Act, 1872 (11 of 1872);
- 43.2.9 On the date so fixed, the Authority upon consideration of the evidence produced before it and other records and submissions is satisfied that,-
- 43.2.9.1 The respondent is in contravention of the provisions of the Act or the rules and regulations made thereunder, it shall pass such orders including imposition of penalty as it thinks fit in accordance with the provisions of the Act or the rules and regulations made thereunder;
- 43.2.9.2 The respondent is not in contravention of the provisions of the Act or the rules and regulations made thereunder, the Authority may, by order in writing, dismiss the complaint, with reasons to be recorded in writing;
- 43.2.10 If any person fails, neglects or refuses to appear, or present himself as required before the Authority, the Authority shall have the power to proceed with the inquiry in the absence of such person or persons after recording the reasons for doing so.
- 43.3 The procedure for day to day functioning of the Authority, which have not been provided by the Act or the rules made thereunder, shall be as specified by regulations made by the Authority.
- 43.4 Where a party to the complaint is represented by an authorised person, as provided under section 56, a copy of the authorisation to act as such and the written consent thereto by such authorised person, both in original, shall be appended to the complaint or the reply to the notice of the complaint, as the case may be.

44. Filing of complaint with the adjudicating officer and inquiry by adjudicating officer –

44.1 Any aggrieved person may file a complaint with the adjudicating officer for interest and compensation as provided under section 12, 14, 18 and 19 in Form 'O', in triplicate, until the application procedure is made web based, which shall be accompanied by a fees of one thousand rupees in the form of a demand draft or a bankers cheque drawn on a scheduled bank in favour of the Authority and payable at the branch of that bank at the station where the seat of the said Authority is situated or through online payment, as the case may be.

44.2 The adjudicating officer shall for the purposes of adjudging interest and compensation follow summary procedure for inquiry in the following manner, namely:-

44.2.1 Upon receipt of the complaint, the adjudicating officer shall issue a notice along with particulars of the alleged contravention and the relevant documents to the respondent;

44.2.2 The respondent against whom such notice is issued under clause (a) of sub-rule (2) may file his reply in respect of the complaint within the period as specified in the notice;

44.2.3 The notice may specify a date and time for further hearing and the date and time for the hearing shall also be communicated to the complainant;

44.2.4 On the date so fixed, the adjudicating officer shall explain to the respondent about the contravention alleged to have been committed in relation to any of the provisions of the Act or the rules and regulations made thereunder and if the respondent:-

44.2.4.1 Pleads guilty, the adjudicating officer shall record the plea, and by order in writing, order payment of interest as specified in rule 15 and such compensation as he thinks fit, as the case may be, in accordance with the provisions of the Act or the rules and regulations, made thereunder;

44.2.4.2 Does not plead guilty and contests the complaint, the adjudicating officer shall demand and explanation from the respondent;

44.2.5 In case the adjudicating officer is satisfied on the basis of the submissions made that the complaint does not require any further inquiry it may dismiss the complaint;

44.2.6 In case the adjudicating officer is satisfied on the basis of the submissions made that there is need for further hearing into the

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complaint it may order production of documents or other evidence on a date and time fixed by him;

44.2.7 The adjudicating officer shall have the power to carry out an inquiry into the complaint on the basis of documents and submissions;

44.2.8 The adjudicating officer shall have the power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any documents which in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry, and in taking such evidence, the adjudicating officer shall not be bound to observe the provisions of the Indian Evidence Act, 1872 (11 of 1872);

44.2.9 On the date so fixed, the adjudicating officer upon consideration of the evidence produced before him and other records and submissions is satisfied that the respondent is,-

44.2.9.1 Liable to pay interest and compensation, as the case may be, the adjudicating officer may, by order in writing, order payment of interest as specified in rule 15 and such compensation as he thinks fit, as the case may be, in accordance with the provisions of the Act or the rules and regulations, made thereunder; or

44.2.9.2 Not liable to any interest and compensation, as the case may be, the adjudicating officer may, by order in writing, dismiss the complaint, with reasons to be recorded in writing;

44.2.9.3 If any person fails, neglects or refuses to appear, or present himself as required before the adjudicating officer, the adjudicating officer shall have the power to proceed with the inquiry in the absence of such person or persons after recording the reasons for doing so.

44.3 The procedure for day to day functioning of the adjudicating officer, which have not been provided by the Actor the rules made thereunder, shall be as specified by regulations made by the Authority.

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CHAPTER - XIV
MISCELLANEOUS

45. Interpretation:-

If any question arises relating to the interpretation of these rules or when express provision has not been made in these rules about a particular matter, the same shall be referred to the Department for its decision. Such decision shall be issued by the Department after obtaining approval from the Chief Secretary, which shall be binding.

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46. Residuary provision:-

Matters relating to the terms and conditions of service of the Chairperson or a Member with respect to which no express provision has been made in these rules, shall be referred by the Authority to the State Government for its decision, and the decision of the State Government thereon shall be applicable to the Chairperson or Member, as the case may be.

47. Power to relax:-

The State Government shall have power to relax any provision of these rules in respect of Chairperson or any other Member for reasons to be recorded in writing.

CHAPTER - XV

BUDGET AND REPORT

48. **Budget, Accounts and Audit:-**

- 48.1 At the end of the financial year of every year, the Authority shall prepare a budget, maintain proper accounts and other relevant records and prepare an annual statement of accounts in section 77 as per Form 'P'.
- 48.2 The Authority shall preserve the accounts and other relevant records prepared under sub-rule (1) for a minimum period of five years.
- 48.3 The accounts and other relevant records under sub-rule (1) shall be signed by the Chairperson, Members, Secretary and the officer in-charge of Finance and Accounts.
- 48.4 The accounts of the Authority and the audit report shall, as soon as possible, be submitted to the State Government for laying before the Parliament.

49. **Annual Report:-**

- 49.1 The Authority shall prepare its annual report as provided in section 78 in Form 'Q'.
- 49.2 The Authority may also include in the Annual Report such other matters as deemed fit by the Authority for reporting to the State Government.
- 49.3 The annual report shall, after adoption at a meeting of the Authority and signed by the Chairperson and Members and authenticated by affixing the common seal of the Authority, with requisite number of copies there of, be submitted to the State Government within a period of one hundred and eighty days immediately following the close of the year for which it has been prepared.

By the order of Governor of Jharkhand


(Rajesh Kumar Sharma)
Secretary to Government

Memo No.- 06 / TCPO(विविध)-09 / 2016-नवि०..... 3261(230) Ranchi, Dated... 18/05/17

Copy to: Superintendent, Govt. Press, Hinoo, Ranchi for publication in extraordinary gazette of Jharkhand/Nodal Officer, e-gazette, Urban Development and Housing Department, Govt. of Jharkhand for information and necessary action.

18/05/17

Memo No.- 06 / TCPO(विविध)-09 / 2016-नवि०..... 3261(230) Secretary to Government Ranchi, Dated... 18/05/17

Copy to: PS to Hon'ble Chief Minister, Jharkhand/PS to Hon'ble Departmental Minister/Chief Secretary, Jharkhand/Additional Chief Secretary, Principal Secretary/Secretary, All Departments/Director, SUDA/Director, DMA/Divisional Commissioner, All Divisions/All Deputy Commissioner, Jharkhand/All Urban Local Bodies/VC, RRDA/MD, MADA/Town Planner/All Officers of Urban Development and Housing Department, Govt. of Jharkhand for information and necessary action.

18/05/17

Secretary to Government

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