

AGENDA OF THE MEETING
MEETING OF THE AUTHORITY: TWENTIETH MEETING
DATED: 15.04.2019

ITEM NO.	20.10
SUBJECT	Resolution regarding implementation of the order, direction or decision of the Authority or Adjudicating Officer.
DETAILS	<p>1. As per section 40 of the Real Estate (Regulation and Development) Act, 2016 provisions have been made for recovery of interest or penalty or compensation and enforcement of order, etc._ Section 40 of the Real Estate (Regulation and Development) Act, 2016 is reproduced as under :-</p> <p style="text-align: center;"><i>“recovery of interest or penalty or compensation and enforcement of order, etc”</i></p> <p>(1) <i>If a promoter or an allottee or a real estate agent, as the case may be, fails to pay any interest or penalty or compensation imposed on him, by the adjudicating officer or the Regulatory Authority of the Appellate Authority, as the case may be, under this Act or the rules and regulations made thereunder, it shall be recoverable from such promoter or allottee or real estate agent, in such manner as may be prescribed as an arrears of land revenue.</i></p> <p>(2) <i>If any adjudicating officer or the Regulatory Authority or the Appellate Tribunal, as the case may be, issues any order or directs any person to do any act, or refrain from doing any act, which it is empowered to do under this Act or the rules or regulations made thereunder, then in case of failure by any person to comply with such order or direction, the same shall be enforced, in such manner as may be prescribed. ”</i></p> <p>2. Rule 27 of the Haryana Real Estate (Regulation and Development) Rules, 2017 provides for enforcement of order, direction or decision of adjudicating officer, Authority or Appellate Tribunal read with section 40 of the Real Estate (Regulation and Development) Act, 2016 Rule 27 of the Haryana Real Estate (Regulation and Development) Rules, 2017 is reproduced as under :-</p>



"Enforcement of order, direction or decision of adjudicating officer, Authority or Appellate Tribunal read with section 40 of the Real Estate (Regulation and Development) Act, 2016"

- (1) Every order passed by the adjudicating officer or the Authority or the Appellate Tribunal, as the case may be, under the Act or rules and the regulation made thereunder, shall be enforced by an adjudicating officer of the Authority or Appellate Tribunal in the same manner as if it were a decree or a order made by a civil court in a suite pending therein; and it shall be lawful for the adjudicating officer or the Authority or the Appellate Tribunal, as the case may be, in the event of its inability to execute the order, send such order to the civil court, to execute such order.
- (2) The court may, 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	Five to ten percent of the estimated cost of the real estate project.
Punishable with imprisonment under section 64	Five to ten percent of the estimated cost of the real estate project
Punishable with imprisonment under section 66.	Five to 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	Five to ten percent of the estimated cost of the plot, apartment or building, as the case may be.

3. Accordingly, it is resolved that "the order, direction or decision of the Authority or the Adjudicating Officer shall be enforced by the Authority or the Adjudicating Officer in the same manner as if it were a decree or order made by a civil court in a suite pending therein."



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

ITEM NO.	20.10
SUBJECT	Resolution regarding implementation of the order, direction or decision of the Authority or Adjudicating Officer.
DECISION OF THE AUTHORITY	
APPROVED	

Subhash Chander Kush
Member, HARERA,
Gurugram

Samir Kumar
Member, HARERA,
Gurugram

Dr. Krishana Kumar Khandelwal
Chairman, HARERA, Gurugram

No. HARERA, GGM /Meeting/2019/Agenda 20.10/ Proceedings 15th April, 2019

Copy of the above is forwarded to the Principal Secretary, Town and Country Planning Department, Haryana