

The 12<sup>th</sup> February, 2020.

No.UAU.187/2009/443. - In exercise of the powers conferred by section 84 of the Act and in pursuance of sub-clause (i) of clause (g) of Section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016), the State Government, hereby makes the following rules namely:-

## CHAPTER I

### PRELIMINARY

1. **Short title and Commencement.**- (1) These rules may be called the Meghalaya Real Estate (Regulation and Development) (General) Rules, 2020.  
(2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions.**- (1) In these rules, unless the context otherwise requires.-
  - (a) "Act" means the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);
  - (b) "Appropriate Government" means the Government of the State of Meghalaya;
  - (c) "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 authorised representatives of the allottees;
  - (d) "Authenticated copy" shall mean a self-attested copy of any document;
  - (e) "Authority" means any authority or local body or a body corporate, so assigned by State Government for Regulation of the Real Estate;
  - (f) "Form" means a Form appended to these rules; and
  - (g) "Section" means a Section of the Act.(2) 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.

## CHAPTER II

### REAL ESTATE PROJECT

3. **Information and documents to be furnished by promoter for registration of real estate project.**- (1) A promoter shall furnish the following information and documents, along with those specified under Section 4 of the Act, for registration of the project with the Authority, namely:-
  - (a) authenticated copy of the PAN card of the promoter;
  - (b) annual report including audited profit and loss account, balance sheet, cash flow statement, directors report and the auditor's report of the promoter for the immediately preceding three financial years; and where annual report is not available, the audited profit and loss account, balance sheet, cash flow statement

and the auditor's report of the promoter for the immediately preceding three financial years;

- (c) the number of open parking areas and the number of covered parking areas available in the real estate project;
- (d) authenticated 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 for chain of title with authentication of such title;
- (e) 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 party in or over such land or non encumbrance certificate through an advocate having experience of at least ten years from the revenue authority not below the rank of **Additional Deputy Commissioner**, as the case may be;
- (f) where the promoter is not the owner of the land on which development of project 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 on which project is proposed to be developed;
- (g) 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 authorised person in case of other entities;

(2) An application to the Authority for registration of the Real Estate Project shall be made in writing in Form 'A' in triplicate, until the procedure is made web based for filing of such application.

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

- (a) in case of group housing 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;
- (b) in case of mixed development (residential and commercial) project, - *ten rupees* per square meter for projects where the area of land proposed to be developed does not exceed one thousand square meters; or *fifteen 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 *seven lakhs rupees*;

- (c) 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*;
- (d) in case of plotted development projects, - *five rupees* per square meter, but shall not be more than *two lakhs rupees*.

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

4. Additional disclosure by promoters of ongoing projects. - (1) Upon the notification for commencement of sub-section (1) of Section 3 of the Act, 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.

(2) The promoter shall in addition to disclosures provided in rule 3 disclose the following information, namely, -

- (a) 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;
- (b) 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;
- (c) status of the project (extent of development carried out till date and the extent of development pending) including the original time period disclosed to the allottees for completion of the project at the time of sale including the delay and the time period within which he undertakes to complete the pending project, which shall be commensurate with the extent of development already completed, and this information shall be certified by an Engineer, an Architect and a Chartered Accountant in practice.

(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 allottees to that extent.

(4) In case of plotted development, the promoter shall disclose the area of the plot being sold to the allottees as per the layout plan.

(5) For ongoing projects that have not received completion certificate, on the date of commencement of the Act, the promoter shall, within a period of three months of the

application for registration of the project with the Authority, deposit in the separate bank account, seventy percent of the amounts already realized from the allottees, which have not been utilized for construction of the project or the land cost for the project as required under sub-clause (d) of clause (1) of sub-section (2) of Section 4 of the Act, which shall be used for the purposes specified therein.

5. **Grant or rejection of registration of project.**— (1) Upon the registration of a project as per section 5 of the Act read with rule 3 and rule 4, as the case may be, the Authority shall issue a registration certificate with a registration number in Form 'C' to the promoter.

(2) In case of rejection of the application as per Section 5 of the Act, the Authority shall inform the applicant in Form 'D':

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

6. **Extension of registration of project.**- (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.

(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 half the registration fees as prescribed under sub-rule (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.

(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.

(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.

7. **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'.

**CHAPTER III**  
**REAL ESTATE AGENT**

8. **Application for registration by the Real Estate Agent.**- (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 'G' in triplicate, until the application procedure is made web based, along with the following documents, namely:-
- (a) the brief details of his enterprise including its name, registered address, type of enterprise (proprietorship, societies, partnership, company etc.);
  - (b) 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;
  - (c) name, address, contact details and photograph of the real estate agent, if it is an individual's name and the name, address, contact details and photograph of the Partners, Directors etc. in case of other entities;
  - (d) the authenticated copy of the PAN card of the Real Estate Agent; and
  - (e) the authenticated copy of the address proof of the place of business.
- (2) The Real Estate Agent 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 scheduled bank or through online payment, as the case may be, for a sum of **ten thousand rupees** in case of the applicant being an individual or **fifty thousand rupees** in case of the applicant other than an individual.
9. **Grant of registration to the Real Estate Agent.**- (1) On receipt of the application under rule 8, the Authority shall within a period of thirty days either grant registration to the Real Estate Agent or reject the application, as the case may be:
- Provided that the Authority may grant an opportunity to the Real Estate Agent to rectify the defects in the application within such time period as may be specified by it.
- (2) Upon the registration of a Real Estate Agent, the Authority shall issue a registration certificate with a registration number in Form 'H' to the Real Estate Agent.
  - (3) In case of rejection of the application, the Authority shall inform the applicant in Form 'I'.
  - (4) The registration granted under this rule shall be valid for a period of five years.
10. **Renewal of registration of Real Estate Agent.**- (1) The registration granted to a Real Estate Agent under the Act may be renewed, on an application made by the real estate agent in Form 'J' in triplicate, until the application procedure is made web based, which shall not be less than three months prior to the expiry of the registration granted.
- (2) The application for renewal of registration shall be accompanied with a demand draft or a bankers cheque drawn on any scheduled bank or through online payment, as the case may be, for a sum of **five thousand rupees** in case of the Real Estate Agent being an individual or **twenty five thousand rupees** in case of the Real Estate Agent other than an individual.
  - (3) The Real Estate Agent shall also submit all the updated documents set out in clauses (a) to (e) of sub-rule (1) of rule 8 at the time of application for renewal.

(4) In case of renewal of registration, the Authority shall inform the Real Estate Agent about the same in Form 'K' and in case of rejection of the application for renewal of registration the Authority, shall inform the real estate agent in Form 'I':

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:

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

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

11. **Revocation of registration of Real Estate Agent.**- The Authority may, due to reasons specified under sub- (7) of Section 9 of the Act, 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 'I'.
12. **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), as amended from time to time, and the rules made there under.
13. **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

14. **Details to be published on the website.**- (1) The 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:-
  - (a) details of the promoter including the following, namely, -
    - (i) promoter or group profile
      - (A) 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);
      - (B) background of promoter. - work experience of the promoter and in case of a newly incorporated or registered entity work experience of the chairman, directors, partners, as the case may be and that of the authorised persons of the parent entity;

- (C) name, address, contact details and photograph of the promoter in case of an individual and the name, address, contact details and photograph of the chairman, directors, partners, as the case may be and that of the authorised persons.
- (ii) track record of the promoter, -
  - (A) number of years of experience of the promoter or parent entity, as the case may be, in Real Estate Development in the Union territory;
  - (B) number of years of experience of the promoter or parent entity, as the case may be, in Real Estate Development in other States or Union territories;
  - (C) number of completed projects and area constructed till date in the past five years including the status of the projects, delay in its completion, details of type of land and payments pending;
  - (D) number of ongoing projects and proposed area to be constructed launched in the past five years including the status of the said projects, delay in its completion, details of type of land and payments pending;
  - (E) 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.
- (iii) litigation,- Details of litigation in the past five years in relation to the Real Estate Projects developed or being developed by the promoter.
- (iv) Website, -
  - (A) web link of the promoter or parent entity, as the case may be;
  - (B) web link of the project
  - (b) details of the Real Estate Project including the following, namely, -
    - (i) advertisement and prospectus issued in regard to the project;
    - (ii) compliance and registration-
      - (A) authenticated copy of the approvals and commencement certificate received from the Competent Authority as provided under clause (c) of sub-section (2) of Section 4 of the Act;
      - (B) 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 sub-section (2) of Section 4 of the Act;
    - (C) details of the registration granted by the Authority under the Act;
- (iii) apartment, plot and garage related details -
  - (A) details of the number, type and carpet area of apartments for sale in the project along with the area of the exclusive balcony or verandah areas and the exclusive open terrace areas with the apartment, if any, or details of the number, type and area of plots for sale in the project or both, as the case may be;

- (B) details of the number and area of garage for sale in the project;
- (C) details of the number of open parking areas and covered parking areas available in the real estate project;
- (iv) registered Agents,- names and addresses of Real Estate Agent for the project;
- (v) consultants,- Details, including name and addresses, of contractors, architect, structural engineers and other persons concerned with the development of the Real Estate Project such;
  - (A) name and address of the person;
  - (B) names of promoters;
  - (C) year of establishment;
  - (D) names and profile of key projects completed;
- (vi) 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;
- (vii) 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;
  - (B) 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 and the timelines to achieve the same;
  - (D) the stage wise time schedule of completion of the project, including the provisions for civic infrastructure like water, sanitation and electricity etc;
- (c) financial details of the promoter, -
  - (i) the authenticated copy of the PAN card of the promoter;
  - (ii) the annual report including audited profit and loss account, balance sheet, cash flow statement, directors report and the auditor's report of the promoter for the immediately preceding three financial years and where annual report is not available then the audited profit and loss account, balance sheet, cash flow statement and the auditor's report of the promoter for the immediately preceding three financial years and in case of newly incorporated or registered entity such information shall be disclosed for the parent entity;

- (d) the promoter shall upload the following updates on the webpage for the project, within fifteen days from the expiry of each quarter, namely, -
- (i) list of number and types of apartments or plots, booked;
  - (ii) list of number of garages booked;
  - (iii) status of the project, -
    - (A) status of construction of each building with photographs;
    - (B) status of construction of each floor with photographs;
    - (C) status of construction of internal infrastructure and common areas with photographs;
  - (iv) status of approvals, -
    - (A) approvals received;
    - (B) approvals applied and expected date of receipt;
    - (C) approvals to be applied and date planned for application;
    - (D) 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;
- (e) the details of approvals, permissions, clearances, legal documents. -
- (i) approvals, -
    - (A) 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;
    - (B) 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; and **any such other revenue details applicable in the State to be issued as per direction of the appropriate Government;**
    - (C) 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 and other specifications of the project;
    - (D) floor plans for each tower and block including clubhouse, amenities and common areas;
    - (E) any other permission, approval, or license that may be required under applicable law including fire no-objection certificate, permission from **Municipal, MUDA, PHE** department etc;

- (F) authenticated copy of occupancy certificate and completion certificate including its application;
- (ii) 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 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;
  - (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 at least ten years from the revenue authority not below the rank of **Additional Deputy Commissioner**, as the case may be;
  - (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) details of mortgage or charge, if any, created on the land and the project;
- (f) Contact details- contact address, contact numbers and email-id of the promoter, authorised person and other officials related to the project.
  - (2) The 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
  - (3) The 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:-
    - (a) For real estate agents registered with the 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;
- (b) 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-
- (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;
- (c) such other documents or information as may be specified by the Act or the rules and regulations made there under;
- (d) The 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.

**CHAPTER V**  
**INTEREST PAYABLE BY THE PROMOTER AND ALLOTTEE**  
**AND TIMELINES FOR REFUND**

15. **Interest payable by promoter and allottees.**- 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 per cent***:  
Provided that in case the State Bank of India Marginal Cost of Lending Rate is not in use it would be replaced by such benchmark lending rates which the State Bank of India may fix from time to time for lending to the general public.
16. **Timelines for refund.**- Any refund of monies along with the applicable interest and compensation, if any, payable by the promoter in terms of the Act or the rules and regulations made thereunder, shall be payable by the promoter to the allottee within 45 (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**

17. **Selection of Chairperson and other Members of Authority.**- (1) As and when vacancies of Chairperson or any other Member in the Authority exist or arise, or are likely to arise, the appropriate Government may make a reference to the Selection Committee in respect of the vacancies to be filled.
- (2) The Selection Committee may, for the purpose of selection of the Chairperson or Member of the Authority, follow such procedure as deemed fit **will cause to call for application** for appointment as Chairperson or Member of the Authority.
- (3) The Selection Committee shall select **not less than three persons to suggest a panel of names** for each vacancy and recommend the same to the appropriate Government.
- (4) 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).
- (5) The appropriate government shall within thirty days from the date of receipt of the recommendation by the Selection Committee, appoint one of the persons recommended by the Selection Committee for the vacancy of the Chairperson or other Members, as the case may be. **However the appropriate Government may send back the recommendation to the Selection Committee for re-consideration with reasons for such reference in case of Chairperson or Member which shall not be more than two occasion, in respect of each position.**

18. Salary and allowances payable and other terms and conditions of service of Chairperson and other Members of Authority.- (1) The salaries and allowances payable to the Chairperson and other Members of the Authority shall be as follows, -
- (a) the Chairperson shall be paid a consolidated monthly salary of two lakh fifty thousand rupees and shall not be entitled to any allowance relating to house and vehicle; or alternatively appropriate Government may decide a consolidated monthly salary minus pension along with other perks and facilities as entitled to the last post held by the person;
  - (b) the Member shall be paid a consolidated monthly salary of two lakh rupees minus pension and equivalent to his last position in the State Government.
2. The Chairperson and other Member shall be entitled to leave as admissible to State Government servants.
  3. The other allowances and conditions of service of the Chairperson and the Members shall be such as may be determined by the appropriate Government from time to time.
19. Administrative powers of the Chairperson of Authority.- (1) The Chairperson of the Authority shall exercise the administrative powers in respect of, -
- (a) matters pertaining to staff strength, wages and salary structures, emoluments, perquisites and personnel policies;
  - (b) matters pertaining to creation and abolition of posts;
  - (c) matters pertaining to appointments, promotions and confirmation for all posts;
  - (d) acceptance of resignations by any Member, officer or employee of the Authority;
  - (e) officiating against sanctioned posts;
  - (f) authorisation of tours to be undertaken by any Member, officer or employee of the Authority within *and outside India*;
  - (g) matters in relation to reimbursement of medical claims;
  - (h) matters in relation to grant or rejection of leaves;
  - (i) permission for hiring of vehicles for official use;
  - (j) nominations for attending seminars, conferences and training courses in India or abroad
  - (k) permission for invitation of guests to carry out training course;
  - (l) matters pertaining to staff welfare expenses;
  - (m) 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;
  - (n) matters relating to disciplinary action against any Member, officer or employee of the Authority;
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.
20. Salary and allowances payable to and the other terms and conditions of service of the officers and of the employees of Authority.- (1) The conditions of service of the officers and employees of the Authority 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 appropriate Government and drawing the corresponding scales of pay.

(2) The appropriate Government shall have the power to relax the provisions of any of these rules in respect of any class or category of officers or employees.

**21. Functioning of Authority.-**

(1) The office of the Authority shall be located at such place as may be determined by the appropriate Government by notification.

(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 appropriate Government.

(3) The official common seal and emblem of the Authority shall be such as the appropriate Government may specify.

(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.

(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.

**22. Additional powers of Authority.-**

(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:-

(a) require the promoter, allottees 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;

(b) 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.

(2) The Authority 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 Authority in the conduct of any inquiry or proceedings before it.

(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,-

(a) withdrawn the said amounts from the account maintained under sub-clause (D) of clause(1) of sub-section(2) of Section 4 of the Act; or

(b) 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

(c) recovered the amounts paid as penalty, fine or compensation from the allottees of the relevant real estate project or any other real estate project.

23. Recovery of interest, penalty and compensation.- 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 applicable local laws.

## CHAPTER VII

### REAL ESTATE APPELLATE TRIBUNAL

24. Establishment of Appellate Tribunal.-

- (1) The appropriate Government on consultation with the neighbouring state may notify an Appellate Tribunal of that particular state to function as the Real Estate Appellate Tribunal of the State. Rules will be applicable as notified by the concerned state.
- (2) Provided that, until the establishment of an Appellate Tribunal, the appropriate Government shall designate, by order, any Appellate Tribunal Functioning under any law for the time being in force, to be the Appellate Tribunal to hear appeals under the Act.
- (3) Provide further that after the Appellate Tribunal under rule 1 is established, all matters pending with the Appellate Tribunal designated to hear appeals, shall stand transferred to the Appellate Tribunal so established and shall be heard from the stage such appeal is transferred.

## CHAPTER VIII

### OFFENCE AND PENALTY

25. Terms and conditions and the fine payable for compounding of offence.- (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 of the Act.	<i>ten per cent.</i> of the estimated cost of the real estate project.
Punishable with imprisonment under section 64 of the Act.	<i>ten per cent.</i> of the estimated cost of the real estate project.
Punishable with imprisonment under section 66 of the Act.	<i>ten per cent.</i> 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 of the Act.	<i>ten per cent.</i> of the estimated cost of the plot, apartment or building, as the case may be.

- (2) The promoter, allottees 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.
- (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.
- (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 IX

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

26. ***Filing of complaint with the Authority and inquiry by Authority.***- (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 'L', in triplicate, until the application procedure is made web based, which shall be accompanied by a fee 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 may be.
- (2) The Authority shall for the purpose of deciding any complaint as specified under sub-rule (1), follow summary procedure for inquiry in the following manner, namely, -
- (a) 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;
  - (b) 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;
  - (c) 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;
  - (d) 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;
    - (i) 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;
    - (ii) does not plead guilty and contests the complaint, the Authority shall demand an explanation from the respondent;

- (e) 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;
- (f) 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 the Authority;
- (g) the Authority shall have the power to carry out an inquiry into the complaint on the basis of documents and submissions;
- (h) 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);
- (i) on the date so fixed, the Authority upon consideration of the evidence produced before it and other records and submissions is satisfied that:-
  - i). 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;
  - ii). 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
- (j) 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;

(3) The procedure for day to day functioning of the Authority, which have not been provided the Act or the rules made thereunder, shall be as specified by regulations made by the Authority.

(4) Where a party to the complaint is represented by an authorised person, as provided under section 56 of the Act, 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.

27. **Filing of complaint with the adjudicating officer and inquiry by adjudicating officer.**- (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 of the Act in Form 'M' 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.

- (2) The adjudicating officer shall for the purposes of adjudging interest and compensation follow summary procedure for inquiry in the following manner, namely:-
- (a) 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;
  - (b) 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;
  - (c) 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;
  - (d) 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,-
    - (i) 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;
    - (ii) does not plead guilty and contests the complaint, the adjudicating officer shall demand an explanation from the respondent;
  - (e) 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;
  - (f) in case the adjudicating officer 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 him;
  - (g) the adjudicating officer shall have the power to carry out an inquiry into the complaint on the basis of documents and submissions;
  - (h) 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);
  - (i) 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,-
    - (i) liable to pay interest and compensation, as the case may be, he 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
    - (ii) not liable to any interest and compensation, as the case may be, he may, by order in writing, dismiss the complaint, with reasons to be recorded in writing;

- (j) 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.
- (3) The procedure for day to day functioning of the adjudicating officer, which have not been provided by the Act or the rules made thereunder, shall be as specified by regulations made by the Authority.
- (4) Where a party to the complaint is represented by an authorised person, as provided under Section 56 of the Act, 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.

## CHAPTER XI

### BUDGET AND REPORT

#### 28. Budget, accounts and audit.-

- (1) At the end of each financial year the Authority shall prepare a budget, maintain proper accounts and other relevant records and prepare an annual statement of accounts in Form 'N'.
- (2) The Authority shall preserve the accounts and other relevant records prepared under sub-rule (1) for a minimum period of five years.
- (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.
- (4) The accounts of the Authority and the audit report shall, as soon as possible, be submitted to the appropriate Government.

#### 29. Annual Report. -

- (1) The Authority shall prepare its annual report in Form 'O'.
- (2) The Authority may also include in the Annual Report such other matters as deemed fit by the Authority for reporting to the appropriate Government.
- (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 thereof, be submitted to the appropriate Government within a period of one hundred and eighty days immediately following the close of the year for which it has been prepared.

By order etc.,

Under Secretary to the Govt. of Meghalaya,  
Urban Affairs Department.