

From

Principal Secretary to Govt. Haryana,
Town and Country Planning Department
Haryana, Chandigarh.

To

1. The Chairman,
Real Estate Regulatory Authority
Gurugram
2. The Chairman,
Real Estate Regulatory Authority
Panchkula
3. The Director,
Town & Country Planning Department,
Haryana, Chandigarh

Memo No. Misc-2295/2021/1775 Dated: 25/01/2021

SUBJECT: RESOLUTION OF CONFLICTS ARISING IN THE IMPLEMENTATION OF
1. HARYANA DEVELOPMENT AND REGULATION OF URBAN AREAS ACT, 1975
2. REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016
3. HARYANA APARTMENT OWNERSHIP ACT, 1983

Whereas, several inter-se conflicts in the implementation of the statutory provisions of the Acts, as mentioned under subject above, have come to notice of the Government, and, accordingly, detailed and deliberate consultations have been held with the Chairmen, RERA Panchkula & Gurugram and the Director, T&CP Department in fulfilment of the requirements of the respective general and special statutes;

Now, in order to further streamline the processes involved and for resolution of inter-se conflicts in the implementation of the statutory provisions, and, in exercise of the powers conferred under section 83(1) read with its proviso of the Act of 2016, as well as the powers conferred under Section 9A of the Act of 1975, the Governor of Haryana is pleased to issue the following directions:

A. Procedure for addition / alteration in sanctioned plans, viz., layout plans, building plans etc: The following procedure shall be adopted for the purpose of considering objections / suggestions of the allottees, in fulfilment of the provisions of Section 14(2) of the RERA Act, 2016 as well as the requirements, if any, under the Act of 1975:

- I. The revised layout/building plan is approved in-principle with the following conditions:-
 - i. That the colonizer shall invite objections from each existing allottee regarding the said amendment in the layout/building plan through an advertisement to be issued at least in three National newspapers widely circulated in District, of which one should be in Hindi Language, within a period of 10 days from the issuance of approval.
 - ii. Each existing allottee shall also be informed about the proposed revision through registered post with a copy endorsed to the Senior Town Planner, Circle office in case of layout/building plan within two days from the advertisement as per (a) above clearly indicating the last date for submission of objection. A certified list of all existing allottees shall also be submitted to the Senior Town Planner, Circle office.

- iii. A copy of the earlier approved layout/building plan and the revised layout/building plan being approved in principle shall be hosted on your website and site office for information of all such existing allottees.
 - iv. That the colonizer shall submit certificate from the Senior Town Planner, Circle office about hosting the revised layout/building plan showing changes in the earlier approved plan on the website of the licensee.
 - v. To display the revised layout/building plan showing changes from the approved layout/building plan at your site office.
 - vi. That the allottees may be granted 30 days' time to file their objections in the office of the Senior Town Planner, Circle office. During this 30 days' period the original layout/building plan as well as the revised layout plan/building plans shall be available in the office of the colonizer as well as in the office of the Senior Town Planner, Circle office for reference of the allottees.
 - vii. The objections received, if any, shall be examined by the office of the Senior Town Planner, Circle office. The Senior Town Planner, Circle office shall give an opportunity of hearing to the colonizer and objector to explain their position regarding revised layout/building plan and shall submit the recommendation to the Competent Authority, within a period of 90 days from the issuance of the advertisement. The Competent Authority may decide to make amendments in the layout/building plan, which shall be binding upon the colonizer.
 - viii. That the colonizer shall submit a report clearly indicating the objection if any, received by him from the allottees and action taken thereof alongwith undertaking to the effect that the rights of the allottees have not been infringed, and that no objection on the changes has been received from any existing allottee.
 - ix. That you shall not give the advertisement for booking/sale of apartment till the final approval of revised layout/building plan.
- II. All such objections and suggestions shall be considered on their individual merits by the Director before taking a final decision on the approval of revised layout / building plan.
- III. In case the coloniser submits an affidavit regarding non-creation of any third party rights in the colony, the requirement of intimating each allottee through registered post and related subsequent action shall be dispensed with, however, the requirement of issuance of public notice is still followed.

B. Treatment of community and commercial facilities falling in licensed colonies: In order to resolve the situation arising out of conflicting definition of common areas in the RERA Act, 2016, vis-a-vis the Haryana Apartment Ownership Act, 1983, for all intents and purposes, the common areas shall be governed by the definition as provided under the special Act of 1983 *ibid* in force in the State since 28.09.1983 and Rules of 1987 framed thereunder. Any contradictory provision / definition as existing in the RERA Act, 2016 shall be considered to be redundant for all facts and purposes.

This is issued with the approval of the competent authority in the Government. All necessary steps be taken to ensure the implementation of the decision as above in letter and spirit.

Sd/-
(A.K. Singh, IAS)
Principal Secretary to Govt. Haryana
Town & Country Planning Department