

**RAJYA SABHA**  
**NOTICE OF AMENDMENTS**  
**THE REAL ESTATE (REGULATION AND DEVELOPMENT) BILL, 2013**  
**(As introduced in the Rajya Sabha)**  
**[To be moved at a sitting of the Rajya Sabha]**

**LONG TITLE**

**BY SHRI M. VENKAIAH NAIDU:**

1. That at page 1, in long title, for the words “real estate sector and establish the Appellate Tribunal to hear appeals from the decisions, directions or orders of the Authority”, the word “real estate sector and to establish an adjudicating mechanism for speedy dispute redressal and also to establish the Appellate Tribunal to hear appeals from the decisions, directions or orders of the Real Estate Regulatory Authority and the adjudicating officer” be substituted.

**ENACTING FORMULA**

**BY SHRI M. VENKAIAH NAIDU:**

2. That at page 1, line 1, for the word “Sixty-fourth”, the word “Sixty-sixth” be substituted.

**CLAUSE 1**

**BY SHRI M. VENKAIAH NAIDU:**

3. That at page 1, line 4, for the figure “2013”, the figure “2015” be substituted.

**CLAUSE 2**

**BY SHRI M. VENKAIAH NAIDU:**

4. That at page 2, after line 7, the following be inserted, namely:-  
“(ba) “agreement of sale” means an agreement entered into between the promoter and the allottee in such form as prescribed under sub-section (2) of section 13;”
5. That at page 2, for lines 11 and 12, the following be substituted, namely:-  
“said allotment through sale, transfer or otherwise;”.
6. That at page 2, for lines 13 to 20, the following be substituted, namely:-  
“(d) “apartment” whether called block, chamber, dwelling unit, flat, office, show-room, shop, godown, premises, suite, tenement, unit or by any other name, means a separate and self-contained part of any immovable property, including one or more rooms or enclosed spaces, located on one or more floors or any part thereof, in a building or on a plot of land, used or intended to be used for residence, office, shop, showroom or godown or for carrying on any business, industry, occupation, profession or trade or for any other type of

independent use ancillary to the purpose specified and includes any covered garage or room, whether or not adjacent to the building in which such apartment is located, provided by the promoter for the use of the allottee for parking any vehicle or, as the case may be, for the residence of any domestic help employed in such apartment;”.

7. That at page 2, ***for*** line 34, the following be ***substituted***, namely:-

“which is intended to be used for residential, commercial or for the purpose of any industry or business, occupation, profession or trade, or for any other type of independent use ancillary to the purpose specified or other related purposes;”.

8. That at page 2, ***after*** line 36, the following be ***inserted***, namely:-

“*Explanation.*—For the purpose of this clause, the term “net usable floor area” shall mean the “rentable area” as defined under the National Building Code, 2005 or its later versions, as applicable.”.

9. That at page 3, ***for*** line 2, the following be ***substituted***, namely:-

“or for the lodging of facilities;”.

10. That at page 3, ***for*** line 7, the following be ***substituted***, namely:-

“(vii) all community and commercial facilities as provided in the real estate project;”.

11. That at page 3, line 11, ***for*** the figure “1956”, the figure “2013” be ***substituted***.

12. That at page 3, lines 19 and 20, ***for*** the words “such other certificate, as the case may be, issued”, the words “the occupation certificate or such other certificate, by whatever name called, issued” be ***substituted***.

13. That at page 3, line 29, ***for*** the words “All India Council of Technical Education”, the words “All India Council of Technical Education or any university or any such institution” be ***substituted***.

14. That at page 3, ***for*** line 32, the following be ***substituted***, namely:-

“developing the real estate project and includes the land cost, taxes, cess, development and other charges etc.;”.

15. That at page 3, lines 35 and 36, ***for*** the words “of any other work which may have to be executed in the periphery of, or outside, a colony”, the words “or any other work which may have to be executed in the periphery of, or outside, a project” be ***substituted***.

16. That at page 3, line 46, ***for*** the word “silage” the word “sullage” be ***substituted***.

17. That at page 4, lines 1 and 2, ***for*** the words “colony necessary for its proper development” the words “project for its benefit, as may be specified under the rules or bye-laws of the competent authority;” be ***substituted***.

18. That at page 4, for line 15, the following be substituted, namely:-

“(iv) a firm under applicable laws such as the Indian Partnership Act, 1932 or the Limited Liability Partnership Act, 2008, as the case may be;”.

9 of 1932.  
6 of 2009.

19. That at page 4, after line 36, the following be inserted, namely:-

“*Explanation.*—For the purpose of the this clause, the expression “a buyer who purchase in bulk for resale” shall mean a person, who holds in his name, more than two apartments or plots, as the case may be, in the same project, for the purposes of reselling any of the said apartments or plots, as the case may be.”.

20. That at page 4, for lines 37 and 38, the following be substituted, namely:-

“(ii) a person who develops land into a project, whether or not he also constructs structures on any of the plots, for the purpose of selling to other persons all or some of the plots in the said project, whether with or without structures thereon; or”.

21. That at page 5, line 7, for the word “colony”, the word “plot” be substituted.

22. That at page 5, line 11, for the word “colony”, the word “plot” be substituted.

23. That at page 5, for lines 28 to 30, the following be substituted, namely:-

“apartments or the developments of a land or the development of land into plots or apartments, as the case may be, for the purpose of selling all or some of the said apartments or plots or buildings, as the case may be, and includes the common areas, the development works, all improvements and structures thereon, and all easement, rights and appurtenances belonging thereto;”.

24. That at page 5, after line 31, the following be inserted, namely:-

“(zk) words and expressions used but not defined in this Act and defined in the National Building Code, 2005 or the Municipal Laws or such other relevant laws of the appropriate Government shall have the same meanings respectively assigned to them in those Acts.”.

### CLAUSE 3

**BY SHRI M. VENKAIAH NAIDU:**

25. That at page 5, line 34, for the figure “3”, the figures and bracket “3(1)” be substituted.

26. That at page 5, for line 38, the following be substituted, namely:-

“Provided that, projects that are ongoing on the date of commencement of this Act and for which completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the said project within three months of the commencement of the Act.

(2) Notwithstanding anything contained in sub-section (1), no registration of the real estate project shall be required,-;”

27. That at page 5, for lines 45 to 49, the following be substituted, namely:-

“(b) where the promoter has received completion certificate for a real estate project prior to the commencement of this Act;

(c) for the purpose of renovation or repair or re-development which does not involve marketing, advertising, selling and new allotment of any apartment, plot or building, as the case may be, under the real estate project.”.

#### CLAUSE 4

**BY SHRI M. VENKAIAH NAIDU:**

28. That at page 6, for lines 8 and 9, the following be substituted, namely:-

“(2) The promoter shall enclose the following documents, certifying its authenticity by an architect and a chartered accountant in practice, along with the application referred to in sub-section (1), namely:- ”.

29. That at page 6, line 16, for the words “copy of the approval and sanction”, the words “copy of the approval and commencement certificate” be substituted.

30. That at page 6, after line 21, the following be inserted, namely:-

“(da) location details of the project including the latitude and longitude of the end points of the project;”.

31. That at page 6, line 22, for the word “agreements” the words “agreement of sale” be substituted.

32. That at page 6, for line 23, the following be substituted, namely:-

“(f) the number, type and the carpet area of apartments for sale in the project along with number of covered parking’s, if any;”.

33. That at page 6, line 31, for the words “valid authentication”, the words “valid documents with authentication” be substituted.

34. That at page 6, line 36, for the words “the likely period of time” the words “the time period” be substituted.

35. That at page 6, line 38, for the words “seventy per cent.”, the words “fifty per cent.” be substituted.

36. That at page 6, after line 48, the following be inserted, namely:-

“(3) The Authority shall operationalise a web based online system for submitting applications for registration of projects within one year of its establishment.”.

#### CLAUSE 5

**BY SHRI M. VENKAIAH NAIDU:**

37. That at page 7, for lines 2 to 17, the following be substituted, namely:-

“shall within a period of fifteen days grant registration subject to the provisions of this Act and the rules and regulations made thereunder, and provide a registration number, including a Login Id and password to the

applicant for accessing the website of the Authority and to create his web page and to fill therein the details of the proposed project:

Provided that the Authority may carry out post registration verification of the application and pass such orders within three months, as deemed necessary in case of incomplete or defective applications, including revocation of registration under section 7:

Provided further that no order shall be passed without offering an opportunity to the promoter of being heard in the matter.

(2) If the Authority fails to grant the registration as provided under subsection (1), the project shall be deemed to have been registered.”.

#### CLAUSE 6

**BY SHRI M. VENKAIAH NAIDU:**

38. That at page 7, for lines 22 to 25, the following be substituted, namely:-

“application made by the promoter due to *force majeure* or under such conditions as may be prescribed which may include issue of completion certificate, approvals etc. without default on the part of the promoter, and in such form and on payment of such fee as may be specified by the regulations made by the Authority:

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

*Explanation.*—For the purpose of this section, the expression “*force majeure*” shall mean a case of war, flood, drought, fire, cyclone, earthquake or any other calamity caused by nature affecting the regular development of any real estate project.”.

#### CLAUSE 7

**BY SHRI M. VENKAIAH NAIDU:**

39. That at page 7, after line 33, the following be inserted, namely:-

“(d) the promoter indulges in any fraudulent practices.”.

#### CLAUSE 9

**BY SHRI M. VENKAIAH NAIDU:**

40. That at page 8, for line 38, the following be substituted, namely:-

“(a) grant a single registration to the real estate agent for the entire State or Union territory as the case may be;”.

## CLAUSE 10

**BY SHRI M. VENKAIAH NAIDU:**

41. That at page 9, for lines 22 and 23, the following be substituted, namely:-  
“(B) represents that the promoter or himself has approval or affiliation which such promoter or himself does not have;
42. That at page 9, line 28, for the words “all documents”, the words “all the information and documents” be substituted.”

## CLAUSE 11

**BY SHRI M. VENKAIAH NAIDU:**

43. That at page 9, lines 39 and 40, be deleted.
44. That at page 10, for line 9, the following be substituted, namely:-  
“provisions for civic infrastructure like water, sanitation and electricity, etc.”.
45. That at page 10, for lines 15 and 16, the following be substituted, namely:-  
“(b) be responsible for providing and maintaining the essential services, on reasonable charges, till the taking over”.
46. That at page 10, after line 20, the following be inserted, namely:-  
“(d) take steps for the registration of conveyance deed of the apartment, plot or building, as the case may be, to the allottee after handing over physical possession and the common areas to the association of allottees or competent authority, as the case may be, as provided under section 15 of this Act.”.

## CLAUSE 12

**BY SHRI M. VENKAIAH NAIDU:**

47. That at page 10, line 28, for the words “contained in the advertisement”, the words “contained in the notice, advertisement” be substituted.
48. That at page 10, line 33, for the word “prescribed”, the words “prescribed and the compensation in the manner as provided under the Act.”. be substituted.

## CLAUSE 13

**BY SHRI M. VENKAIAH NAIDU:**

49. That at page 10, for line 36, the following be substituted, namely:-  
“fee, from a person without first entering into a written agreement of sale with such person and register the said agreement of sale, under any law for the time being in force.”.

50. That at page 10, for lines 37 and 38, the following be substituted, namely:-

“(2) The agreement of sale referred to in sub-section (1) shall be in such form as may be prescribed and shall specify the particulars of development of the project including the construction”.

#### CLAUSE 14

**BY SHRI M. VENKAIAH NAIDU:**

51. That at page 10, for line 47, the following be substituted, namely:-

“(2) Notwithstanding anything contained in any law, contract or agreement, after the plans, structural designs and specifications and the nature of the fixtures, fittings, amenities and common areas, of the apartment, plot or building, as the case may be, as approved by the competent authority as aforesaid, are disclosed or furnished to the person who agree to take one or more of the said apartments, plot or building, as the case may be, the promoter shall not make –

(i) any additions and alterations in the plans, structural designs and specifications and the nature of fixtures, fittings and amenities described therein in respect of the apartment, plot or building, as the case may be, which are agreed to be taken, without the previous consent of that person:

Provided the promoter may make such minor additions or alterations as may be required by the allottee, or such minor changes or alterations as may be necessary due to architectural and structural reasons duly recommended and verified by an authorized Architect or Engineer after proper declaration and intimation to the allottee;

(ii) any other alterations or additions in the plans, structural designs and specifications of the buildings or the common areas within the project without the previous written consent of at-least two-thirds of the allottees, other than the promoter, who have agreed to take apartments in such building.

(3) In case any structural defect or any other defect in workmanship, quality or provision of services or any other obligations of the promoter as per the agreement of sale in such development is brought to the notice of the”.

#### CLAUSE 15

**BY SHRI M. VENKAIAH NAIDU:**

52. That at page 11, for line 8, the following be substituted, namely:-

“case may be, in a real estate project, and the other title documents pertaining thereto within specified period as provided under local laws:

Provided that, in the absence of any local law, conveyance deed in favour of the allottee under this section shall be carried out by the promoter within three months from date of handing over of physical possession.”.

**CLAUSE 16**

**BY SHRI M. VENKAIAH NAIDU:**

53. That at page 11, line 15, for the word “agreement”, the words “agreement of sale” be substituted.

**CLAUSE 17**

**BY SHRI M. VENKAIAH NAIDU:**

54. That at page 11, for lines 31 to 39, the following be substituted, namely:-  
“the agreement of sale signed with the promoter.

(2) The allottee shall be entitled to know stage-wise time schedule of completion of the project, including the provisions for water, sanitation, electricity and other amenities and services as agreed to between the promoter and the allottee as per agreement of sale.

(3) The allottee shall be entitled to claim the possession of apartment, plot or building, as the case may be, and the association of allottees the possession of the common areas, as per the declaration given by the promoter under sub-clause (C) of clause (i) of sub-section (2) of section 4.

(4) The allottee shall be entitled to claim the refund of amount paid along with interest at such rate as may be prescribed and compensation in the manner provided under the Act, from the promoter, if the promoter fails to comply or is unable to give possession of the apartment, plot or building, as the case may be, in accordance with the terms of agreement of sale or due to”.

55. That at page 11, line 47, for the word “agreement”, the words “agreement of sale” be substituted.

56. That at page 12, line 2, for the word “agreement”, the words “agreement of sale” be substituted.

57. That at page 12, after line 10, the following be inserted, namely:-

“(10) Every allottee after taking possession of the apartment, plot or building, as the case may be, shall participate towards registration of the conveyance deed of the said apartment, plot or building, as provided under sub-section (1) of section 15 of the Act.”.



## CLAUSE 18

**BY SHRI M. VENKAIAH NAIDU:**

58. That at page 12, after line 20, the following be inserted, namely:-

“Provided also that, until the establishment of a Regulatory Authority under this section, the appropriate Government shall designate any Regulatory Authority or any officer preferably the Secretary of the department handling housing, as the Regulatory Authority for the purposes under this Act:

Provided also that after the establishment of the Regulatory Authority under this section, all application, complaints or cases pending with the Regulatory Authority designated as such under the third proviso of this section, shall stand transferred to the Regulatory Authority so established and shall be heard from the stage so transferred.”.

## CLAUSE 20

**BY SHRI M. VENKAIAH NAIDU:**

59. That at page 12, line 29, for the words “such persons and”, the words “the Chief Justice of the High Court or his nominee, the Secretary of the Department handling housing and the Law Secretary,” be substituted.

## CLAUSE 21

**BY SHRI M. VENKAIAH NAIDU:**

60. That at page 12, for lines 41 to 43, the following be substituted, namely:-

“21.(1) The Chairperson and Members shall hold office for a term not exceeding three years from the date on which they enter upon their office, or until they attain the age of sixty five years, whichever is earlier and shall be eligible for re-appointment.”.

## CLAUSE 22

**BY SHRI M. VENKAIAH NAIDU:**

61. That at page 13, line 11, for the words “six months”, the words “three months” be substituted.

## CLAUSE 24

**BY SHRI M. VENKAIAH NAIDU:**

62. That at page 13, line 16, for the words “may, by order”, the words “may, in accordance with the procedure notified” be substituted.

63. That at page 13, for lines 25 to 27, the following be substituted, namely:-

“(2) The Chairperson or Member shall not be removed from his office on the ground specified under clause (d) or clause (e) of that sub-section except by an order made by the appropriate Government after an inquiry made by the Judge of the High Court in which such Chairperson or Member has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.”.

**CLAUSE 25**

**BY SHRI M. VENKAIAH NAIDU:**

64. That at page 13, for line 28, the following be substituted, namely:-

“25.(1) The Chairperson or a Member, ceasing to hold office as such, shall not for a period of two years from the date on which they cease to hold office-”.

65. That at page 13, line 35, for the words and figures “as defined in section 617 of the Companies Act, 1956”, the words, bracket and figures “as defined under clause (45) of section 2 of the Companies Act, 2013” be substituted.

18 of 2013.

**CLAUSE 27**

**BY SHRI M. VENKAIAH NAIDU:**

66. That at page 14, after line 17, the following be inserted, namely:-

“(4) The questions which come up before the Authority shall be dealt with as expeditiously as possible and the Authority shall dispose of the same within a period of sixty days from the date of receipt of the application:

Provided that where any such application could not be disposed of within the said period of sixty days, the Authority shall record its reasons in writing for not disposing of the application within that period.”.

**CLAUSE 29**

**BY SHRI M. VENKAIAH NAIDU:**

67. That at page 14, after line 35, the following be inserted, namely:-

“(da) to render advice to the appropriate Government in matters relating to the development of real estate sector;”.

**CLAUSE 30**

**BY SHRI M. VENKAIAH NAIDU:**

68. That at page 14, for lines, 39 and 40, the following be substituted, namely:-

“(a) to register and regulate real estate projects and real estate agents registered under the Act;”.

## NEW CLAUSE 31A

**BY SHRI M. VENKAIAH NAIDU:**

69. That at page 15, after line 29, the following be inserted, namely:-

Insertion of  
new clause  
31A.

“31A. Where during an inquiry, the Authority is satisfied that an act in contravention of the Act, or the rules and regulations made thereunder, has been committed and continues to be committed or that such act is about to be committed, the Authority may, by order, temporarily restrain any promoter, allottee or real estate agent from carrying on such act until the conclusion of such inquiry or until further orders, without giving notice to such party, where it deems it necessary.”.

Power to  
issue interim  
orders.

## CLAUSE 32

**BY SHRI M. VENKAIAH NAIDU:**

70. That at page 15, line 32, for the words “the promoters and allottees” the words “the promoters or allottees” be substituted.

## NEW CLAUSE 33A

**BY SHRI M. VENKAIAH NAIDU:**

71. That at page 15, after line 47, the following be inserted, namely:-

Insertion of  
new clause  
33A.

“33A. The Authority may, at any time within two years from the date of the order, with a view to rectifying any mistake apparent from the record, amend any order passed by it, and shall make such amendment, if the mistake is brought to its notice by the parties:

Rectification  
of orders.

Provided that no such amendment shall be made in respect of any order against which an appeal has been preferred under this Act.

*Explanation.*— For the removal of doubts, it is hereby declared that the Authority shall not, while rectifying any mistake apparent from record, amend substantive part of its order passed under the provisions of this Act.”.

## CLAUSE 34

**BY SHRI M. VENKAIAH NAIDU:**

72. That at page 16, for lines 1 to 3, the following be substituted, namely:-

Substitution  
of new clause  
for clause 34.

“34. (1) 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 or the Appellate Tribunal, 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.

Recovery of  
interest or  
penalty or  
compensation  
and  
enforcement  
of order, etc.

(2) 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 to cease and desist from doing any act, which it is empowered under the Act or the rules or regulations made thereunder, to order or direct, then in case of failure by any person to comply with such order, direction or decision, the same shall be enforced, in such manner as may be prescribed.”.

## CLAUSE 37

**BY SHRI M. VENKAIAH NAIDU:**

73. That at page 16, after line 37, the following be inserted, namely:-

“Provided further that, until the establishment of an Appellate Tribunal under this section, the appropriate Government shall designate any Appellate Tribunal functioning under any law for the time being in force, to be the Appellate Tribunal to hear appeals under this Act:

Provided also that after the Appellate Tribunal under this section is established, all matters pending with the Appellate Tribunal designated to hear appeals under the second proviso of this section, shall stand transferred to the Appellate Tribunal so established and shall be heard from the stage so transferred.”.

### CLAUSE 38

**BY SHRI M. VENKAIAH NAIDU:**

74. That at page 17, for line 1, the following be substituted, namely:-

“Authority or the adjudicating officer is received by the appropriate Government or the competent authority or the”.

75. That at page 17, line 12, for the words “ninety days”, the words “sixty days” be substituted.

76. That at page 17, line 14, for the words “ninety days”, the words “sixty days” be substituted.

### CLAUSE 40

**BY SHRI M. VENKAIAH NAIDU:**

77. That at page 17, line 32, for the words “seven years”, the words “fifteen years” be substituted.

78. That at page 17, line 33, for the words “the post in Grade I of that service”, the words “the post of Additional Secretary” be substituted.

79. That at page 17, line 40, for the words “fifteen years”, the words “twenty years” be substituted.

80. That at page 17, line 41, for the words “the post of Joint Secretary”, the words “the post of Additional Secretary” be substituted.

81. That at page 17, for line 48, the following be substituted, namely:-

“Selection Committee consisting of the Chief Justice of the High Court or his nominee, the Secretary of the Department handling housing and the Law Secretary in such manner as may be prescribed.”.

### CLAUSE 42

**BY SHRI M. VENKAIAH NAIDU:**

82. That at page 18, line 21, for the words “six months”, the words “three months” be substituted.

### CLAUSE 43

**BY SHRI M. VENKAIAH NAIDU:**

83. That at page 18, line 24, for the words “Judicial Member”, the words “Judicial Member or Technical or Administrative Member” be substituted.

84. That at page 18, line 34, for the words “Judicial Member”, the words “Judicial Member or Technical or Administrative Member” be substituted.

85. That at page 18, line 36, for the words “Judicial Member”, the words “Judicial Member or Technical or Administrative Member” be substituted.
86. That at page 18, line 39, for the words “Judicial Member”, the words “Judicial Member or Technical or Administrative Member” be substituted.
87. That at page 18, lines 45 to 47 be deleted.
88. That at page 19, lines 1 and 2 be deleted.

**NEW CLAUSE 43A**

**BY SHRI M. VENKAIAH NAIDU:**

89. That at page 19, after line 2, the following be inserted, namely:-

Insertion of new clause 43A.

“43A. (1) The Chairperson or Judicial Member or Technical or Administrative Member, ceasing to hold office as such, shall not for a period of two years from the date on which they cease to hold office—

Restrictions on Chairperson or Judicial Member or Technical or Administrative Member on employment after cessation of office.

(a) accept any employment in, or connected with, the management or administration of, any person or organisation which has been associated with any work under the Act, from the date on which he ceases to hold office:

Provided that nothing contained in this clause shall apply to any employment under the appropriate Government or a local authority or in any statutory authority or any corporation established by or under any Central, State or provincial Act or a Government Company, as defined under the Companies Act, 2013 or a Government company defined under sub-section (45) of section 2 of the Companies Act, 2013;

18 of 2013.

(b) act, for or on behalf of any person or organization in connection with any specific proceeding or transaction or negotiation or a case to which the Authority is a party and with respect to which the Chairperson or Judicial Member or Technical or Administrative Member had, before cessation of office, acted for or provided advice to, the Authority;

(c) give advice to any person using information which was obtained in his capacity as the Chairperson or Judicial Member or Technical or Administrative Member and being unavailable to or not being able to be made available to the public;

(d) enter into a contract of service with, or accept an appointment to a board of directors of, or accept an offer of employment with, an entity with which he had direct and significant official dealings during his term of office as such.

(2) The Chairperson or Judicial Member or Technical or Administrative Member shall not communicate or reveal to any person any matter which has been brought under his consideration or known to him while acting as such.”.

**NEW CLAUSE 47A**

**BY SHRI M. VENKAIAH NAIDU:**

90. That at page 19, after line 39, the following be inserted, namely:-

Insertion of  
new clause  
47A.

“47A. No act or proceeding of the Appellate Tribunal shall be invalid merely by reason of—

Vacancies,  
etc. not to  
invalidate  
proceedings  
of Appellate  
Tribunal.

(a) any vacancy in, or any defect in the constitution of, the Appellate Tribunal; or

(b) any defect in the appointment of a person acting as a Member of the Appellate Tribunal; or

(c) any irregularity in the procedure of the Appellate Tribunal not affecting the merits of the case.”

**CLAUSE 48**

**BY SHRI M. VENKAIAH NAIDU:**

91. That at page 19, line 42, after the words “Appellate Tribunal”, the words “or the Regulatory Authority or the adjudicating officer, as the case may be” be inserted.

92. That at page 19, line 45, after the words “the Chartered Accountants Act, 1949”, the words “or any other law for the time being in force” be inserted.

38 of 1949.

93. That at page 20, line 2, after the words “the Company Secretaries Act, 1980”, the words “or any other law for the time being in force” be inserted.

56 of 1980.

94. That at page 20, line 5, after the words “the Cost and Works Accountants Act, 1959”, the words “or any other law for the time being in force” be inserted.

23 of 1959.

**CLAUSE 50**

**BY SHRI M. VENKAIAH NAIDU:**

95. That at page 20, line 16, for the words “ninety days”, the words “sixty days” be substituted.
96. That at page 20, line 20, for the words “ninety days”, the words “sixty days” be substituted.

**NEW CLAUSES 56A and 56B**

**BY SHRI M. VENKAIAH NAIDU:**

97. That at page 21, after line 8, the following be inserted, namely:-

Insertion of  
new clauses  
56A and  
56B.

“56A. If any real estate agent, who wilfully fails to comply with, or contravenes any of the orders or directions of the Authority, he shall be liable to a penalty for every day during which such default continues, which may cumulatively extend upto five per cent., of the estimated cost of plot, apartment or building, as the case may be, of the real estate project, for which the sale or purchase has been facilitated and as determined by the Authority.

Penalty for  
wilful failure  
to comply  
with orders  
of Authority  
by real estate  
agent.

56B. If any real estate agent, who wilfully fails to comply with, or contravenes any of the orders, decisions or directions of the Appellate Tribunal, he shall be liable to a penalty for every day during which such default continues, which may cumulatively extend up to ten per cent. of the estimated cost of plot, apartment or building, as the case may be, of the real estate project, for which the sale or purchase has been facilitated and as determined by the Appellate Tribunal.”.

Penalty for  
wilful failure  
to comply  
with orders  
of Appellate  
Tribunal by  
real estate  
agent.

**CLAUSE 60**

**BY SHRI M. VENKAIAH NAIDU:**

98. That at page 21, for lines 37 and 38, the following be substituted, namely:-

“60. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, if any promoter is punished with imprisonment under section 51 of this Act, the punishment may, either before or after the institution of”.

2 of 1974.



**CLAUSE 61**

**BY SHRI M. VENKAIAH NAIDU:**

99. That at page 21, for lines 43 to 45, the following be substituted, namely:-

“61. (1) For the purpose of adjudging under sections 12, 14, 16 and section 17, the Authority shall appoint, in consultation with the appropriate Government, one or more judicial officer as deemed necessary, who is or has been a District Judge to be an adjudicating officer for holding an inquiry in the prescribed”.

100. That at page 22, line 2, for the figures and words “14 and section 16”, the figures and words “14, 16 and section 17” be substituted.

101. That at page 22, line 10, for the words “ninety days”, the words “sixty days” be substituted.

102. That at page 22, line 12, for the words “ninety days”, the words “sixty days” be substituted.

**CLAUSE 62**

**BY SHRI M. VENKAIAH NAIDU:**

103. That at page 22, after line 27, the following be inserted, namely:-

“(d) such other factors which the adjudicating officer thinks is necessary to the case in furtherance of justice.”.

**NEW CLAUSE 69A**

**BY SHRI M. VENKAIAH NAIDU:**

104. That at page 23, after line 45, the following be inserted, namely:-

“69A. (1) No court shall take cognizance of any offence punishable under this Act or the rules or regulations made thereunder save on a complaint in writing made by the Authority or by any officer of the Authority duly authorised by it for this purpose.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of first class shall try any offence punishable under this Act.”.

Insertion of  
new clause  
69A.

Cognizance  
of offences.

### CLAUSE 73

**BY SHRI M. VENKAIAH NAIDU:**

105. That at page 25, for line 7, the following be substituted, namely:-  
“73. (1) The appropriate Government shall, within one year of the commencement of the Act, by notification, make rules for carrying out”.
106. That at page 25, line 26, for the words “agreement”, the words “agreement of sale” be substituted.
107. That at page 25, after line 27, the following be inserted, namely:-  
“(ja) the rate of interest payable under sub-section (4) of section 17.”.
108. That at page 25, for lines 29 and 30, the following be substituted, namely:-  
“(l) the manner of selection of Chairperson and Members of Authority under section 20;”.
109. That at page 25, for line 43, the following be substituted, namely:-  
“sub-section (1) of section 34;”.
110. That at page 25, after line 43, the following be inserted, namely:-  
“(ra) the manner of implementation of the order, direction or decision of the adjudicating officer, the Authority or the Appellate Tribunal under sub-section (2) of section 34”.
111. That at page 26, for lines 3 and 4, the following be substituted, namely:-  
“(u) manner of selection of Members of the Tribunal under sub-section (3) of section 40”.

### CLAUSE 74

**BY SHRI M. VENKAIAH NAIDU:**

112. That at page 26, for line 26, the following be substituted, namely:-  
“74.(1) The Authority shall, within six months of its establishment, by notification, make regulations, after it is approved by”.

### CLAUSE 75

**BY SHRI M. VENKAIAH NAIDU:**

113. That at page 27, line 2, for the words “issued under this Act”, the words “issued by the Central Government under this Act” be substituted.

114. That at page 27, for line 14, the following be substituted, namely:-

“case may be, every regulation made by the Authority under the State Government or the Union territory Government, as the case may be, and every notification issued by the State Government or the Union territory Government, as the case may be, under this Act shall be laid as soon as may be, after it is made, before the State”.

**CLAUSE 76**

**BY SHRI M. VENKAIAH NAIDU:**

115. That at page 27, lines 17 and 18, for the words “Authority and the Appellate Tribunal”, the words “Authority, the Appellate Tribunal and the adjudicating officer” be substituted.

**CLAUSE 78**

**BY SHRI M. VENKAIAH NAIDU:**

116. That at page 27, lines 24 to 26 be deleted.

**NEW CLAUSE 80A**

**BY SHRI M. VENKAIAH NAIDU:**

117. That at page 27, after line 38, the following be inserted, namely:-

Insertion of  
new clause  
80A.

“80A. The Maharashtra Housing (Regulation and Development) Act, 2012 is hereby repealed.”.

Repeal.

Maharashtra  
Act No. 11 of  
2014.

New Delhi;  
April 22, 2015.

**Shumsher K. Sheriff**  
**Secretary-General**