

Haryana becomes 23rd state to notify RERA as Cabinet clears rules

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Moneycontrol News

The Haryana Cabinet has approved the final Haryana (Regulation and Development) Rules 2017, making the state the 23rd state to have notified the rules.

Among the points that the Cabinet took up is the crucial one what the definition of "ongoing project" will be, differential pricing for registration of real estate projects, and penalty clause.

Some of the final rules included deletion of definition of "Carpet area" and "Flat" and amendment in the definition of term "ongoing project".

The amended definition of term “ongoing project” means a project for which a license was issued for the development under the Haryana Development and Regulation of Urban Area Act, 1975 on or before May 1 this year and where development works were yet to be completed on the said date, but does not include (i) any project for which after completion of development works, an application under Rule 16 of the Haryana Development and Regulation of Urban Area Rules, 1976 or under sub code 4.10 of the Haryana Building Code 2017, as the case may be, is made to the Competent Authority on or before publication of these rules and (ii) that part of any project for which part completion/completion, occupation certificate or part there of has been granted on or before publication of these rules, sources said.

“This means that now only projects where completion or occupancy certificate or part of it has been issued will be exempted from registration. Whereas in earlier draft if developer has applied and it is granted in three months were also exempted,” explained Sunil Tyagi of Zeus Law.

As for registration fees, the promoter shall pay a registration fee at the rate of Rs 10 per square metre of the total area of the real estate project in case of residential use in hyper/high potential zone and Rs 5 per square metre in case of low and medium zone. In case of commercial use, registration fee shall be Rs 20 per square metre.

In the case of residential/industrial plotted colony, the rate would be applicable for gross area of the colony. In the case of Group Housing, Commercial/ Cyber City/ Park/ any other, above rates are upto 175 FAR.

“This is a welcome step. I hope the industry will get organized and command professionalism and respect of the customers,” said Naveen Raheja, Chairman and Managing Director of Raheja Developers, that has registered close to 10 projects so far. “Unscrupulous elements and fly-by-night operators will now be weeded out. As far as registration fees for registering with the regulator are concerned, these have been brought at par with other states. This will ensure that exorbitant registration fees will no longer be a deterrent for builders to register with the regulator.”

So far, 25 developers have registered manually with the regulator. The total licenses issued in Haryana so far has been around 1,500.

Homebuyers, however, are not happy. “If the cabinet has actually cleared the diluted HRERA, this is extremely unfortunate and deceitful. RERA came out from the crying voices of the aggrieved existing home buyers, but the government has further increased that pain by snatching away the option of relatively quick justice and assurance of regulated environment,” said Gaurav Prakash , a homebuyer in New Gurgaon.

The Draft Haryana (Regulation and Development), Rules, 2017 were notified vide Haryana Government gazette notification dated April 28 this year for inviting suggestions/ objections from the public and others stakeholders. In all, 1874 suggestions/ objections were received in this regard from promoters and their respective associations, allottees welfare associations and individuals

The 22 states that have so far notified the rules include Uttar Pradesh; Gujarat; Odisha; Andhra Pradesh; Maharashtra; Madhya Pradesh; Bihar; Chhattisgarh; Rajasthan; Uttarakhand; Assam; Jharkhand; Punjab; Tamil Nadu; Karnataka; NCT of Delhi (by Mo/UD); Andaman & Nicobar Islands; Chandigarh; Dadra & Nagar Haveli; Daman & Diu; Lakshadweep and Puducherry