

**The Real Estate (Regulation and Development) Act
2016 Chapter X - Miscellaneous**

79. Bar of jurisdiction: No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Authority or the adjudicating officer or the Appellate Tribunal is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

80. Cognizance of offences: (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 the first class shall try any offence punishable under this Act.

81. Delegation: The Authority may, by general or special order in writing, delegate to any member, officer of the Authority or any other person subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the power to make regulations under section 85, as it may deem necessary.

82. Power of appropriate Government to supersede Authority: (1) If, at any time, the appropriate Government is of the opinion,--

(a) that, on account of circumstances beyond the control of the Authority, it is unable to discharge the functions or

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perform the duties imposed on it by or under the provisions of this Act; or

(b) that the Authority has persistently defaulted in complying with any direction given by the appropriate Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Authority or the administration of the Authority has suffered; or

(c) that circumstances exist which render it necessary in the public interest so to do,

the appropriate Government may, by notification, supersede the Authority for such period, not exceeding six months, as may be specified in the notification and appoint a person or persons as the President or the Governor, as the case may be, may direct to exercise powers and discharge functions under this Act:

Provided that before issuing any such notification, the appropriate Government shall give a reasonable opportunity to the Authority to make representations against the proposed supersession and shall consider the representations, if any, of the Authority.

(2) Upon the publication of a notification under sub-section (1) superseding the Authority,--

(a) the Chairperson and other Members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged

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by or on behalf of the Authority shall, until the Authority is reconstituted under sub-section (3), be exercised and discharged by the person or persons referred to in sub-section (1); and

(c) all properties owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section (3), vest in the appropriate Government.

(3) On or before the expiration of the period of supersession specified in the notification issued under sub-section (1), the appropriate Government shall reconstitute the Authority by a fresh appointment of its Chairperson and other members and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified for re-appointment.

(4) The appropriate Government shall cause a copy of the notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament or, as the case may be, before the State Legislature, or the Union Territory Legislature, as the case may be, where it consists of two Houses, or where such legislature consists of one House, before that House.

**83. Powers of appropriate Government to issue directions to Authority and obtain reports and returns:** (1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers and in performance of its functions under this Act, be bound by such directions on questions of policy, as the appropriate Government may give in writing to it from time to time :

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**Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.**

**(2) If any dispute arises between the appropriate Government and the Authority as to whether a question is or is not a question of policy, the decision of the appropriate Government thereon shall be final.**

**(3) The Authority shall furnish to the appropriate Government such returns or other information with respect to its activities as the appropriate Government may, from time to time, require.**

**84. Power of appropriate Government to make rules: (1) The appropriate Government shall, within a period of six months of the commencement of this Act, by notification, make rules for carrying out the provisions of this Act.**

**(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--**

**(a) the form, time and manner of making application and fees payable therewith under sub-section (1) of section 4;**

**(ab) information and documents for application to the Authority for registration under clause (m) of sub-section (2) of section 4;**

**(ac) the form of application and the fees for extension of registration under section 6;**

**(b) the form and manner of making application and fee and documents to be accompanied with such application as under sub-section (2) of section 9;**

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**(c) the period, manner and conditions under which the registration is to be granted under sub-section (3) of section 9;**

**(d) the validity of the period of registration and the manner and fee for renewal under sub-section (6) of section 9;**

**(e) the maintenance and preservation of books of account, records and documents under clause (b) of section 10;**

**(f) the discharge of other functions by the real estate agent under clause (e) of section 10;**

**(g) the rate of interest payable under section 12;**

**(h) the form and particulars of agreement for sale under sub-section (2) of section 13;**

**(i) the rate of interest payable under clause (b) of sub-section (1) of section 18;**

**(j) the rate of interest payable under sub-section (4) of section 19;**

**(k) the rate of interest payable under sub-section (7) of section 19;**

**(l) the manner of selection of Chairperson and Members of Authority under section 22;**

**(m) the salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and other Members of the Authority under sub-section (1) of section 24;**

**(n) the administrative powers of the Chairpersons under section 25;**

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**(o) the salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees of the Authority under sub-section (2) of section 28;**

**(oa) the form, manner and fees for filing of a complaint under sub-section (2) of section 31;**

**(p) the details to be published on the website as under clause (b) and under clause (d) of section 34;**

**(q) the additional functions which may be performed by the Authority under clause (iv) of sub-section (2) of section 35;**

**(r) the manner of recovery of interest, penalty and compensation under sub-section (1) of section 40;**

**(s) the manner of implementation of the order, direction or decisions of the adjudicating officer, the Authority or the Appellate Tribunal under sub-section (2) of section 40;**

**(t) recommendations received from the Central Advisory Council under sub-section (2) of section 42;**

**(u) the form and manner and fee for filling of appeal under sub-section (2) of section 44;**

**(v) the manner of selection of Members of the Tribunal under sub-section (3) of section 46;**

**(w) the salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and other Members of the Appellate Tribunal under sub-section (1) of section 48;**

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(x) the procedure for inquiry of the charges against the Chairperson or Judicial Member of the Tribunal under sub-section (4) of section 49;

(y) the salaries and allowances payable to, and the other terms and conditions of service of, the officers and employees of the Appellate Tribunal under sub-section (3) of section 51;

(z) any other powers of the Tribunal under clause (g) of sub-section (4) of section 53;

(za) the powers of the Chairperson of the Appellate Tribunal under section 54;

(zb) the terms and conditions and the payment of such sum for compounding of the offences under section 70;

(zc) the manner of inquiry under sub-section (1) of section 71;

(zd) the form to be specified in which the Authority shall prepare a budget, maintain proper accounts and other relevant records and prepare an annual statement of accounts under sub-section (1) of section 77;

(ze) the form in which and time at which the Authority shall prepare an annual report under sub-section (1) of section 78;

(zf) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

**85. Power to make regulations:** (1) The Authority shall, within a period of three months of its establishment, by notification, make regulations, consistent with this Act and the rules made thereunder to carry out the purposes of this Act.

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**(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:--**

**(c) such other information and documents required under clause (f) of sub-section (1) of section 11;**

**(d) display of sanctioned plans, layout plans along with specifications, approved by the competent authority, for display under clause (a) of sub-section (3) of section 11;**

**(e) preparation and maintenance of other details under sub-section (6) of section 11;**

**(f) time, places and the procedure in regard to transaction of business at the meetings of the Authority under sub-section (1) of section 29;**

**(h) standard fees to be levied on the promoter, the allottees or the real estate agent under clause (e) of section 34;**

**(i) any other matter which is required to be, or may be, specified by regulation or in respect of which provision is to be made by regulations.**

**86. Laying of rules:** (1) Every rule made by the Central Government, every regulation made by the Authority under the Union territory of Delhi and the Union territories without Legislature and every notification issued by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both

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Houses agree in making any modification in the rule or regulation or in the notification, as the case may be, or both Houses agree that the rule or regulation or the notification should not be made, the rule or regulation or notification, as the case may be, shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation or notification, as the case may be.

(2) Every rule made by a State Government or the Union territory Government, as the case may be, every regulation made by the Authority under the State Government or the Union territory Government of Puducherry, as the case may be, and every notification issued by the State Government or the Union territory Government of Puducherry, as the case may be, under this Act, shall be laid as soon as may be, after it is made, before the State Legislature, or the Union territory Legislature, as the case may be, where it consists of two Houses, or where such legislature consists of one House, before that House.

**87. Members, etc., to be public servants:** The Chairperson, Members and other officers and employees of the Authority, and the Appellate Tribunal and the adjudicating officer shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

**88. Application of other laws not barred:** The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

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**89. Act to have overriding effect:** The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

**90. Protection of action taken in good faith:** No suit, prosecution or other legal proceedings shall lie against the appropriate Government or the Authority or any officer of the appropriate Government or any member, officer or other employees of the Authority for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

**91. Power to remove difficulties:** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

**92. Repeal:** The Maharashtra Housing (Regulation and Development) Act, 2012 (Maharashtra Act No. II of 2014) is hereby repealed.

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