



झारखण्ड गजट

असाधारण अंक

झारखण्ड सरकार द्वारा प्रकाशित

22 भाद्र, 1946 (श०)

संख्या - 583 राँची, शुक्रवार,

13 सितम्बर, 2024 (ई०)

नगर विकास एवं आवास विभाग

अधिसूचना

15 सितम्बर, 2020

संचिका सं.-06/TCPO (विविध)-09/2016-न०वि०-2256--आवास और शहरी कार्य मंत्रालय, भारत सरकार द्वारा भू-संपदा (विनियमन और विकास) अधिनियम, 2016 (केन्द्र अधिनियम, 16, 2016) में द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए झारखंड के राज्यपाल एतद् द्वारा "झारखंड भू-संपदा (विनियमन और विकास) नियमावली, 2017" में निम्नवत् संशोधन करते हैं-

1. संक्षिप्त नाम, विस्तार और प्रारम्भ- (1) यह नियमावली "झारखंड भू-संपदा (विनियमन और विकास) (संशोधन) नियमावली, 2020" कही जायेगी।

(2) इसका विस्तार सम्पूर्ण झारखंड राज्य में होगा।

(3) यह नियमावली अधिसूचना निर्गत की तिथि से प्रवृत्त होगी।

2. झारखंड भू-संपदा (विनियमन और विकास) नियमावली, 2017 की धारा-2 Definitions शीर्षक में निम्नांकित परिभाषा जोड़ी जाती है:-

2.16 "Ongoing Project" means, a Project where development is going on and for which Occupancy Certificate has not been issued but excludes such Projects for which permissions were approved prior to 05.04.2016 by the Competent

Authorities viz. Urban Local Bodies/Development Authority or any competent authority notified by the State Government.

- 2.17 "Adjudicating officer" means as in Real Estate (Regulation and Development) Act, 2016.
- 2.18 "Authority" means, Jharkhand Real Estate Regulatory Authority.
- 2.19 "Urban Local Bodies" means, as notified by the State Government under Jharkhand Municipal Act, 2011.

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा-71 के आलोक में Permanent adjudicating officer की नियुक्ति इत्यादि से संबंधित प्रावधान नयी धारा-21A के रूप में झारखंड भू-संपदा (विनियमन और विकास) नियमावली, 2017 में जोड़ा जाता है:-

21A Selection of adjudicating officer.

- 21A.1 As and when vacancy of adjudicating officer in the authority exist or arise, or likely to arise, the authority may make a reference to the Urban Development & Housing Department and the department may make a reference to the selection committee constituted for selection of Chairperson and Members of the authority with reference to section-71 of the Act.
- 21A.2 The Selection Committee may, for the purpose of selection of the adjudicating officer, devise its own procedure as deems fit including the appointment of a Search Committee and may laydown guidelines and procedure to invite application from amongst persons of having requisite qualification for the post as mentioned in the Act & Rules.
- 21A.3 The Selection Committee shall select two persons for each vacancy and recommend the same to the State Government.
- 21A.4 The Selection Committee shall make its recommendation to the appropriate Government within a period of sixty days from the date of reference made.
- 21A.5 The State Government shall within thirty days from the date of receipt of the recommendation by the Selection Committee, appoint one of the two persons recommended by the Selection Committee against the vacancy of the adjudicating officer.
- 21A.6 Adjudicating officer shall hold office for a period not exceeding 5 years from the date he takes charge of the office in that capacity, or till the age of sixty five (65) years, whichever is earlier.
- 21A.7 Adjudicating officer shall be entitled for salary, allowances and other terms and conditions of service as applicable in case of member of the authority.

21A.8 Adjudicating officer shall only be a person, who is or has been a District Judge.

4. झारखंड भू-संपदा नियामक प्राधिकार के अनुरोध के आलोक में झारखंड भू-संपदा (विनियमन और विकास) नियमावली, 2017 को निम्नरूपेण संशोधित करते हुए स्तम्भ-II के प्रावधान को स्तम्भ-III में उल्लिखित तथ्यों के द्वारा प्रतिस्थापित करते हैं:-

क्र.	नियमावली के प्रावधान		संशोधन
I		II	III
1	धारा 19.4 (Part)	"Provided further that a person who is, or has been, in the service of the State Government shall not be appointed as a Member unless such person has held the post of Secretary or Principal Secretary to the State Government or any equivalent post in the Central Government."	"Provided further that a person who is, or has been, in the service of the State Government shall not be appointed as a member unless such person has held the post of Secretary or Principal Secretary to the State Government or any equivalent post in the State Government or Central Government."
2	धारा 20.12	<u>Oath of Office and Secrecy:</u> 20.12.1 Every person appointed to be Chairperson and Member shall, before entering upon their office, make and subscribe to an Oath of Office and of Secrecy in the Forms-I and J, respectively. 20.12.2 Before appointment, the Chairperson and the Member shall have to give an undertaking that he does not and will not have any such financial or other interest as is likely to affect prejudicially his functions as such Chairperson or Member.	Rules- 20.12 is deleted.
3	धारा 24.	<u>Manner of recovery of interest, penalty and compensation:</u> Subject to the provisions of sub-section (1) of section 40, the recovery of the amounts due as arrears of land revenue shall be carried out in the manner provided in the Jharkhand Land Revenue Act, 1964 and the rules made there under.	<u>Manner of recovery of interest, penalty and compensation:</u> 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.

झारखंड राज्यपाल के आदेश से,

विनय कुमार चौबे,
सरकार के सचिव ।

URBAN DEVELOPMENT & HOUSING DEPARTMENT

NOTIFICATION**15th September, 2020**

File no.-06/TCPO(Vivid)/09/2016-Navi.-2256-- Exercising powers conferred under Real Estate (Regulation and Development) Act, 2016 (Central Act, 16, 2016), the Governor of Jharkhand makes following amendments in Jharkhand Real Estate (Regulation and Development) Rules, 2017:-

1. Short title, extent and commencement:-
 - (1) These rules shall be called the Jharkhand Real Estate (Regulation and Development) (Amendment) Rules, 2020
 - (2) These rules shall apply to the entire state of Jharkhand.
 - (3) These rules shall come into force from the date of notification.
2. In section-2 under the head-Definitions, following definitions are added in Jharkhand Real Estate (Regulation and Development) Rules, 2017:-
 - 2.16 "Ongoing Project" means, a Project where development is going on and for which Occupancy Certificate has not been issued but excludes such Projects for which permissions were approved prior to 05.04.2016 by the Competent Authorities viz. Urban Local Bodies/ Development Authority or any competent authority notified by the State Government.
 - 2.17 "Adjudicating officer" means as in Real Estate (Regulation and Development) Act, 2016.
 - 2.18 "Authority" means, Jharkhand Real Estate Regulatory Authority.
 - 2.19 "Urban Local Bodies" means, as notified by the State Government under Jharkhand Municipal Act, 2011.
3. Under section-71 of Real Estate (Regulation and Development) Act, 2016 regarding appointment of Permanent adjudicating officer and related provisions, a new section-21A is added in Jharkhand Real Estate (Regulation and Development) Rules, 2017 :-
 - 21A Selection of adjudicating officer.
 - 21A.1 As and when vacancy of adjudicating officer in the authority exist or arise, or likely to arise, the authority may make a reference to the Urban Development & Housing Department and the department may make a reference to the selection committee constituted for selection of Chairperson and Members of the authority with reference to section-71 of the Act.

- 21A.2 The Selection Committee may, for the purpose of selection of the adjudicating officer, devise its own procedure as deems fit including the appointment of a Search Committee and may laydown guidelines and procedure to invite application from amongst persons of having requisite qualification for the post as mentioned in the Act & Rules.
- 21A.3 The Selection Committee shall select two persons for each vacancy and recommend the same to the State Government.
- 21A.4 The Selection Committee shall make its recommendation to the appropriate Government within a period of sixty days from the date of reference made.
- 21A.5 The State Government shall within thirty days from the date of receipt of the recommendation by the Selection Committee, appoint one of the two persons recommended by the Selection Committee against the vacancy of the adjudicating officer.
- 21A.6 Adjudicating officer shall hold office for a period not exceeding 5 years from the date he takes charge of the office in that capacity, or till the age of sixty five (65) years, whichever is earlier.
- 21A.7 Adjudicating officer shall be entitled for salary, allowances and other terms and conditions of service as applicable in case of member of the authority.
- 21A.8 Adjudicating officer shall only be a person, who is or has been a District Judge.

4. On request of Jharkhand Real Estate Regulatory Authority, provision of Jharkhand Real Estate (Regulation and Development) Rules, 2017 (column-II) are amended by provision in column-III :-

Sl.	Provision of Rules		Amendment
I		II	III
1	<u>Section</u> 19.4 (Part)	"Provided further that a person who is, or has been, in the service of the State Government shall not be appointed as a Member unless such person has held the post of Secretary or Principal Secretary to the State Government or any equivalent post in the Central Government."	"Provided further that a person who is, or has been, in the service of the State Government shall not be appointed as a member unless such person has held the post of Secretary or Principal Secretary to the State Government or any equivalent post in the State Government or Central Government."
2	<u>Section</u> 20.12	<u>Oath of Office and Secrecy:</u> 20.12.1 Every person appointed to be Chairperson and Member shall, before entering upon their office, make and subscribe to an Oath of Office and of Secrecy in the Forms-I and J, respectively. 20.12.2 Before appointment, the Chairperson and the Member shall have to give an undertaking that he does not and will not have any such financial or other interest as is likely to affect prejudicially his functions as such Chairperson or Member.	Rules- 20.12 is deleted.

3	<u>Section</u> 24.	Manner of recovery of interest, penalty and compensation: Subject to the provisions of sub-section (1) of section 40, the recovery of the amounts due as arrears of land revenue shall be carried out in the manner provided in the Jharkhand Land Revenue Act, 1964 and the rules made there under.	Manner of 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.
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By the order of Governor of Jharkhand,

Vinay Kumar Choubey,

Secretary to Government.
