

Panaji, 26th October, 2017 (Kartika 4, 1939)

SERIES I No. 30

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

INDEX

<i>Department</i>	<i>Notification/Order/O.M.</i>	<i>Subject</i>	<i>Pages</i>
1. Education, Art & Culture Dir. & ex officio Addl. Secy.	Not.- DE/GIA-II/RILCGS 2017-18	Amendment of Revised Infrastructure Loan-cum- -Grants to Educational Institutions Scheme.	1479
2. Finance Under Secretary	O.M.- 12/3/82-Fin(R&C)/ /Vol.I	Grant of Dearness Relief to Central Government Pensioners/Family Pensioners	1480
3. Information & Publicity Director	Not.- DI/INF/PHOTO CONTEST/2014/2929	Amendment of Goa State Photo Contest and Exhibition Scheme-2014.	1481
4. Panchayati Raj & Community Development Dir. & ex officio Joint Secy.	Not.- 17/142/DP-Acct/Grant of Fin Asst. Schemes/2017-18/ /8081	List of Weaker Panchayats for the year 2017-18.	1482
5. Personnel Additional Secretary	Not.- 1/14/2005-PER	R.R.— Directorate of Fire & Emergency Services.	1484
6.a. Revenue Under Secretary	Not.- 16/29/2016-RD/2101	Draft Rules— The Goa Land Revenue (Partition of Holdings) (Amendment) Rules, 2017.	1486
b. —do—	Not.- 16/39/2017-RD/2130	The Goa Land Revenue (City Survey) (Amendment) Rules, 2017.	1486
7. Town & Country Planning Chief Town Planner and ex officio Joint Secretary	Not.- Secy/TCP/37/2017/3363	Giving effect to the Goa Town and Country Planning (Amendment) Act, 2017.	1487
8. Urban Development Dir. & ex officio Addl. Secy.	Not. 11/45/2017-DMA/2103	Goa Real Estate (Regulation and Development) (Regulatory Authority Chairperson, Members, Officers and Other Employees Appointment and Service Conditions) Rules, 2017.	1487

Department of Urban Development

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Notification

11/45/2017-DMA/2103

The Goa Real Estate (Regulation and Development) (Regulatory Authority Chairperson, Members, Officers and other Employees Appointment and Service Conditions) Rules, 2017

In exercise of the powers conferred by sub-section (1) and clause (1), (m), (n), (o) and (zf) of sub-section (2) of section 84 of the Real Estate (Regulation and Development) Act, 2016 (Central Act 16 of 2016), and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules, namely:—

CHAPTER I

Preliminary

1. *Short title and commencement.*— (1) These rules may be called the Goa Real Estate (Regulation and Development)(Regulatory Authority Chairperson, Members, Officers and other Employees Appointment and Service Conditions) Rules, 2017.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.*— (1) In these rules, unless the context otherwise requires,—

(a) “Act” means the Real Estate (Regulation and Development) Act, 2016 (Central Act 16 of 2016);

(b) “Authority” means the Goa Real Estate Regulatory Authority established under sub-section (1) of section 20 of the Act;

(c) “Form” means the Form appended to these rules;

(d) “section” means section of the Act;

(e) “Selection Committee” means the selection committee specified in section 22;

(f) “Government” means the Government of Goa.

(2) Words and expressions used and not defined in these Rules but defined in the Act, shall have the same meanings respectively assigned to them in the Act.

CHAPTER II

Selection of Chairperson and Members

3. *Selection of Chairperson and other Members of Authority.*— (1) The Government shall make a reference to the Selection Committee for appointment of the Chairperson and Members of the Authority or when any vacancy in the office of the Chairperson or Member arises or likely to arise, in the Authority.

(2) The Selection Committee may, for the purpose of selection of the Chairperson or Member of the Authority, follow such procedure as it may deem fit.

(3) The Selection Committee shall make a recommendation to the Government for consideration of a panel of not more than three persons, in the order of preference, separately, to fill the vacancy or vacancies referred to by the Government.

(4) The Selection Committee shall make its recommendations to the Government, within a period not exceeding sixty days from the date of reference made under sub-rule (1).

(5) The Selection Committee shall normally hold its meeting at Panaji or at such place in the State, as may be decided by the Chairperson.

(6) The Notice/Agenda, as the case may be, for the meeting of the Selection Committee shall be issued by the Convener after fixing the date and venue for such meeting in consultation with the Chairperson of the Selection Committee.

(7) The Secretary-in-Charge of the Urban Development Department shall be the convener of the Selection Committee.

4. *Appointment of Chairperson and Members.*— The Government shall consider the recommendations of the Selection Committee for the appointment of the Chairperson and Members in the order of preference as recommended by the Selection Committee. If the Government appoints person not according to the order of preference, the Government shall record the reasons in writing therefor.

CHAPTER III

Salary and Allowances

5. *Salaries and allowances and other conditions of service of Chairperson and Members of Authority.*— (1) (a) The salary and allowances payable to the Chairperson and

Members of the Authority shall be as follows:—

(i) The Chairperson of the Authority shall be paid a monthly salary equivalent to that of the Chief Secretary of the Government.

(ii) The Members of the Authority shall be paid a salary equivalent to the Principal Secretary of the Government.

(iii) Dearness Allowance and City Compensatory Allowance.—

The Chairperson and the Members of the Authority shall be entitled to receive dearness allowance and city compensatory allowance at the rates, as are admissible to the Chief Secretary of the Government or Principal Secretary of the Government, respectively.

(b) *Leave.*— (i) The Chairperson and Members shall be entitled to thirty days of earned leave for every year of service. The payment of leave salary to the Chairperson and Members during the leave shall be as admissible to the Chief Secretary and Principal Secretary respectively. The Chairperson or Member shall be entitled to encashment of fifty percent of earned leave to his credit at any time.

(ii) *Leave sanctioning authority.*— Leave sanctioning authority in case of,—

(I) the Chairperson of the Authority, shall be the Minister-in-Charge of the Urban Development Department of the Government; and

(II) the Members of the Authority, shall be the Chairperson;

(c) *Travelling allowance and daily allowance.*— (i) The Chairperson and the Members while on tour (including the journey undertaken on expiry of his term to proceed to his hometown) shall be entitled to travelling allowances, daily allowance, transportation of personal effects and other similar matters at the same rate as admissible to the Chief

Secretary and Principal Secretary of the Government, respectively.

The Chairperson shall be the controlling officer in respect of bills relating to travelling allowances and daily allowances.

(d) *Domestic official tours.*— The Chairperson and Members, while on tour, shall be entitled to the facility of Government accommodation in the guest house or inspection bungalows run by the Government or to hotel accommodation in case Government accommodation is not available, as applicable to the Chief Secretary and Principal Secretary of Government of Goa, respectively.

(e) *Leave travel concession.*— The Chairperson and Members shall be entitled to Leave Travel Concession (L.T.C.) at the same rates as admissible to the Chief Secretary and Principal Secretary of the Government, respectively.

(f) *Medical facilities.*— The Chairperson and Members shall be entitled to medical treatment and hospital facilities as provided to the members of Indian Administrative Service of the corresponding grade in the Government.

(g) *Official visits abroad.*— The Chairperson and Members shall be entitled to undertake official visits abroad with the prior approval of the Minister-in-charge of the Urban Development Department and after clearance from Ministry of External Affairs on the points related to political affairs. The daily allowance and provision of accommodation during the period of tour abroad shall be regulated in accordance with the Government instructions as applicable to the Chief Secretary and Principal Secretary, respectively, of the Government.

(h) *Conveyance facility.*— The Chairperson and Members shall be entitled to conveyance facilities as admissible to the Chief Secretary and Principal Secretary of the Government, respectively.

(i) Accommodation to Chairperson and Members.—

(I) the Chairperson of the Authority shall be entitled to residential accommodation as admissible to the Chief Secretary of the Government;

(II) the Members shall be entitled to residential accommodation as admissible to the rank of the Principal Secretary to the Government drawing an equivalent pay. On demitting office, the Chairperson and Members shall be entitled to retention of residential accommodation for one month, on the same terms and conditions:

Provided that if the Chairperson or a Member of the Authority is staying in his own accommodation, he shall be paid a House Rent Allowance at the same rate as admissible to the Chief Secretary and Principal Secretary to the Government, respectively.

(j) *Telephone facilities.*— The Chairperson and Members of the Authority shall be entitled to telephone facilities as admissible to the Chief Secretary and Principal Secretary of the Government, respectively.

(k) *Other allowances.*— The Chairperson and Members of the Authority shall be entitled to such other allowances as are applicable to the Chief Secretary and Principal Secretary of the Government, respectively.

(2) If a serving officer of the State or Central Government is appointed as the Chairperson or Member of the Authority, his salary and allowances shall be as per the provisions of sub-rule (1), during the period he is holding the said post:

Provided that, such entitlement shall not be less than what he is otherwise eligible in case of serving Government servant.

6. *Term of office of Chairperson and Members.*— (1) The term of office of the Chairperson and Members shall be in accordance with the provisions of sub-section (1) of section 23.

(2) When the Chairperson is unable to discharge his functions owing to death, resignation, absence, illness or any other cause, the senior-most Member of the Authority (in the order of appointment) holding office for the time being shall discharge the functions of the Chairperson until the day on which the Chairperson resumes the charge of his functions or till the vacancy is filled.

7. *Oath of office and secrecy.*— (1) Every person appointed as the Chairperson of the Authority shall, before entering his office, make and subscribe an Oath of Office and Secrecy, in Form I and Form II, respectively, appended to these Rules, before the Minister-in-Charge of the Urban Development Department of the Government.

(2) Every person appointed as a Member of the Authority shall, before entering his office, make and subscribe an Oath of Office and Secrecy, in Form I and Form II, respectively, appended to these Rules, before the Chairperson of the Authority.

8. *Declaration of financial or other Interest.*— Before appointment, the Chairperson and the Member shall give an undertaking in Form III 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.

CHAPTER IV

Procedure of Inquiry and Removal of Chairperson and Members

9. *Procedure of inquiry.*— (1) Whenever the Government is of the opinion that there are reasonable grounds for making an inquiry against the Chairperson or Members on the grounds specified in clause (d) or clause (e) of sub-section (1) of section 26, the Government may, after consulting the Chief Justice of the Bombay High Court, appoint a Judge of the High Court for the purpose of conducting such inquiry.

(2) The Government shall inform the charges against the Chairperson or such

Members, as the case may be, to the Judge so appointed.

(3) The Government shall forward to the Judge so appointed copies of,—

(a) the statement of charges against the Chairperson or Members, as the case may be;

(b) material documents and other evidences relevant to the inquiry.

10. *Manner of inquiry.*— (1) The Judge so appointed, shall deliver or cause to be delivered to the Chairperson or Member, as the case may be, a copy of the statement of charges and a list of documents, if any, and shall require him to submit within such time as may be allowed, a written reply or statement of his defence.

(2) The Judge shall be guided by the principles of natural justice and shall have power to regulate his own procedure including the fixing of places and time of the enquiry.

(3) The Judge shall have, for the purposes of discharging his functions under these rules, the same powers as vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of document;

(c) receiving evidence on affidavits; and

(d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (Act 1 of 1872), requisitioning any public record or document or copy of such record or document from any office.

(4) After the conclusion of the inquiry, the Judge shall submit his report to the Government stating therein his findings and the reasons thereof on each charges separately with such observations as he thinks fit. The report of inquiry shall be submitted to the Government along with the finding of the inquiry wherein clearly indicating the allegations are proved or otherwise.

(5) On the basis of the report of the inquiry along with the recommendations so received, the Government shall by Order decide either to remove or otherwise the Chairperson or Member, as the case may be.

CHAPTER V

Conditions of service of Officers and other employees of authority

11. *Salary and allowances of officers and employees of the Authority.*— The Government shall lay down the salary, allowances and other terms and conditions of the officers and employees of the Authority as and when they are appointed in consultation with the Authority.

FORM – I

[See rule 7]

Form of Oath of Office for the Chairperson/ /Members of the Goa Real Estate Regulatory Authority

I,, having been appointed as the Chairperson/Member (strike out whichever not applicable) solemnly affirm/ /swear in the name of God, that I will faithfully and conscientiously discharge my duties as the Chairperson/Member (strike out the portion not applicable), of the Goa Real Estate Regulatory Authority, to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will.

(Name of the Chairperson/Member)
Goa Real Estate Regulatory Authority.

Dated:

FORM – II

[See rule 7]

**Form of Oath of Secrecy for the Chairperson/
/Members of the Goa Real Estate
Regulatory Authority**

I,, having been appointed as the Chairperson/Member (strike out whichever not applicable) do solemnly affirm/swear in the name of God that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as the Chairperson/Member (strike out portion not applicable), of the Goa Real Estate Regulatory Authority except as may be required for the due discharge of my duties as the Chairperson/Member (strike out portion not applicable).

(Name of the Chairperson/Member)
Goa Real Estate Regulatory Authority.

Dated:

FORM – III

[See rule 8]

**Declaration against acquisition of any adverse
financial or other interest**

I,, having been appointed as the Chairperson/Member (strike out portion not applicable) of the Goa Real Estate Regulatory Authority, do solemnly affirm and declare that I do not have, nor shall have in future any financial or other interest which is likely to affect prejudicially my functioning as the Chairperson/Member (strike out portion not applicable), of the Goa Real Estate Regulatory Authority.

(Name of the Chairperson/Member)
Goa Real Estate Regulatory Authority.

Dated:

By order and in the name of the Governor
of Goa.

J. Ashok Kumar, IAS, Director & ex officio
Addl. Secretary (Urban Development).

Panaji, 23rd October, 2017.

www.goaprintingpress.gov.in

Printed and Published by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE – Rs. 14.00

PRINTED AT THE GOVERNMENT PRINTING PRESS, PANAJI-GOA—271/200—10/2017.