

DIRECTORATE OF TOWN AND COUNTRY PLANNING, HARYANA,
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From

Principal Secretary to Government of Haryana,
Town and Country Planning Department, Chandigarh.

To

1. Additional Chief Secretary, Revenue & Disaster Management, Haryana
2. Addl. Chief Secretary to Govt. Haryana, Cooperation Department.
3. Additional Chief Secretary to Govt. Haryana, Vigilance Department
4. Additional Chief Secretary to Govt. Haryana, Animal Husbandry and Dairying Department
5. Additional Chief Secretary to Government Haryana Fisheries Department.
6. Additional Chief Secretary to Govt. Haryana, New and Renewable Energy Department.
7. Additional Chief Secretary to Govt. Haryana, Transport Department.
8. Addl. Chief Secretary to Govt. Haryana, Power Department.
9. Additional Chief Secretary to Govt., Haryana, Health & Family Welfare Department.
10. Additional Chief Secretary to Govt. Haryana, Civil Aviation Department.
11. Additional Chief Secretary to Govt. Haryana, Environment Department and Climate Change Department
12. Additional Chief Secretary to Govt. Haryana, Administrative Reforms Department
13. Additional Chief Secretary to Government, Haryana, Industries & Commerce Department
14. Additional Chief Secretary, Administration of Justice Department
15. Additional Chief Secretary, Food & Supplies Department, Haryana
16. Additional Chief Secretary, Excise & Taxation Department
17. Additional Chief Secretary, Science & Technology Department, Haryana
18. Additional Chief Secretary, Public Works Department, Haryana
19. Additional Chief Secretary, Forests & Wild Life Department
20. Additional Chief Secretary, Public Health Engineering Department
21. Principal Secretary, Labour Department
22. Principal Secretary, Urban Local Bodies Department
23. Principal Secretary, Electronics & IT Department
24. The Chief Administrator, Haryana Shaheri Vikas Pradhikaran
25. Director, Town & Country Planning Department, Haryana
26. Managing Director, HSIIDC, Panchkula
27. Managing Director, HARTRON
28. Registrar General, Punjab & Haryana High Court, Chandigarh
29. Chief Executive Officer, Gurugram Metropolitan Development Authority
30. Chief Administrator, Haryana, Haryana State Agricultural and Marketing Board.

Memo No.7/21/2019-2TCP

Dated :19-03-2019

Subject: Clarification on change of land use and other fee/charges with regard to land development by various Departments, Authorities, Corporations of the State.

The Department of Industries, HSIIDC, HSVP, Marketing Board, Housing Board etc. are involved in land development in various Urban Areas/Controlled Areas declared by the State of Haryana. There have been many queries from various Departments on the charges/permissions etc. involved in the process as given in the subject.

2. The relevant section 7(1A) of Punjab Scheduled Road and Controlled Areas Restriction of Unregulated Development Act, 1963 (Act no. 41 of 1963) with regard to payment of charges by Government authorities is reproduced as under:-

“Local authorities, firms and undertaking of Government, colonisers and persons exempted from obtaining a licence under the Haryana Development and Regulation of Urban Areas Act, 1975, and authorities involved in land development will also be liable to pay conversion charges but they shall be exempt from making an application under section 8 of this Act.”

3. The relevant section 18 & 3-A (2) of Act no. 8 of 1975 are reproduced as under:-

18. *“Nothing in this Act shall affect the power of the Government, improvement trusts, Housing board, Haryana, or any local authority (or another authority constituted under any law for time being in force by the State Government for carrying out the development of Urban Area) to develop land or impose restrictions upon the use and development of any area under any other law for the time being in force **(but such power except the power exercisable by the Government, shall be exercised on payment of such sum as may be decided by the Government from time to time.)**”*

*“3-A (2) The Haryana Urban Development Authority local authority, firms, undertaking of Government and other **authorities involved in land development shall also be liable to deposit the infrastructure development charges and shall be deemed to be colonizers for this purpose only.** The date of first inviting applications for sale of plots in any colony by it shall be deemed to be the date of granting of license under this Act for the purpose of deposit of infrastructure development charges.*

4. In reference to the relevant provisions of Punjab Schedule Road and Controlled Areas Restriction of Unregulated Development Act, 1963 (Act no. 41 of 1963) and the Haryana Development and Regulation of Urban Areas Act, 1975 (Act No. 8 of 1975), the following clarifications, after detailed deliberations, on change of land use and fee/Development charges with regard to land development by various Departments, Authorities, Corporations of the State are issued:-

- a) Conversion charges and infrastructure development charges are leviable from all land developing authorities including therein the State Govt., Local Authorities.
- b) The date of first inviting application for sale of plot in any colony shall be deemed to be date of grant of licence for purpose of deposit of Infrastructure Development Charges.
- c) No such date is prescribed in case of conversion charges and hence the same date as in (b) above may be taken for the payment of conversion charges, as well.
- d) Scrutiny fee, licence fee and EDC are also to be levied for development of any colony as per the provisions of Act No. 8 of 1975 and Act No. 41 of 1963.
- e) Internal development charges are also applicable where internal services are provided and the land is being developed by Department of Industries, HSIIDC, HUDA, Marketing Board, Housing Board etc. As per their internal calculation and as cost of such services, the same are to be charged by the developing Agency which may be HUDA, HSIIDC, Local Authorities etc. or the colonizer.

f) Chief Administrator HUDA vide communication dated 11.09.2001 had intimated development charges apart from EDC to be levied in cases of residential area of more than 5 acres and industrial area of more than 10 acres with a clarification that EDC charges will remain the same. In such cases the internal development charges will be worked out on case to case basis as and when the services are offered by HUDA or the beneficiary intends to use the internal services and applies for water and sewerage connection etc. whichever is earlier.

g) As per policy dated 27.02.2012 for change of land use permission for residential purposes for the residual pockets falling within the licensed colonies/HUDA developed sectors, Internal Development Charges are also applicable.

5. The Check list for charges to be considered for plots in case of land development by different Agencies of the State is enclosed as Annexure-A.

6. The detail of fee and charges with specific Treasury head and corresponding provision in Act/Rule is at Annexure-B.

7. Statutory provisions be incorporated in relevant Act/Rules, wherever required, for recovering the applicable fee and charges as mentioned in para 4 above.

Therefore, all concerned Departments/Boards/Corporations/authorities engaged in land development are required to make the above payments of applicable statutory fee and charges for land development, as and when undertaken, and to send the information in attached Annexure A & B to Director, Town and Country Planning Haryana, Chandigarh.

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For: Principal Secretary to Govt. Haryana,
Town & Country Planning Department.

Endst. No.7/21/2019-2TCP

Dated : 19-03-2019

A copy is forwarded to all Deputy Commissioners of the State for information and necessary action

Superintendent
For Principal Secretary to Govt. Haryana,
Town & Country Planning Department.

CC: PS to PSTCP for kind information of W/Principal Secretary to Government of Haryana, Town & Country Planning Department.

Annexure-A

Check list for charges to be deposited in case of land development by different Agencies of the State.

Name of Govt. Department/ Semi Public Undertaking/Board etc.

1. Particulars of land – Name of Village/District
2. Total area
3. Date of acquisition of land
4. Name of controlled area and date of its declaration
5. Name of urban area
6. Status of Development Plan (Draft/Final)
7. Date of publication of Development Plan
8. Sector number/land use zone
9. Date of approval of lay out plan/scheme plan by Development Authority
10. Details of saleable area (percentage and total area)
11. Date of floatation of the scheme
12. Details of Fee and Charges

Sr. No.	Type of Charges	Area	Rate	Amount	Remarks
1	Conversion Charges				
2	Infrastructure Development Charges (IDC)				
3	Scrutiny fees				
4	Licence fees				
5	External Development Charges (EDC)				
6	Infrastructure Augmentation Charges for grant of licence under TOD policy/Additional FAR under TOD policy				
7	Infrastructure Augmentation Charges for exemption from 15% profitability clause				
8	Delay in filing of deed of declaration as Section-2 of Haryana Apartment Ownership Act, 1983				
9	Any other charges as per applicable Act and Rules/Policy				

Note:- The details of applicable charges as per potential zone and concerned land use are hosted on the official website of T&CP Department and may be referred. In case of any doubt/clarification a reference can also be sent.

13. Details of deposit of charges mentioned above in Govt Treasury in concerned Account Head of T&CP Department (Account Head No are attached in tabulated form).

Signatures

Signatures

Authorised Representative of
Developing Authority

CAO/AO of T&CP Department

Annexure-B

Sub: Details of Fees/Charges with specific Treasury head and corresponding provision in Act/Rule have been tabulated as under:-

Sr. No.	Type of charge/fee	Corresponding provision in Act/Rule	Treasury Head
1	Scrutiny Fee	Rule 8 of Haryana Development and Regulation of Urban Areas Rules, 1976 in case of licences.	0217 Urban Development
		Rule 26 A of Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965 in case of Change of Land Use cases	0217 Urban Development
2	Licence Fee	Section 3 of Haryana Development and Regulation of Urban Areas Act, 1975 and Rule 3 of Haryana Development and Regulation of Urban Areas Rule, 1976	0217 Urban Development
3	Conversion Charges	Section 3 of Haryana Development and Regulation of Urban Areas Act, 1975	0217 Urban Development
		Section 7 of Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 in case of Change of Land Use cases	0217 Urban Development
4	Additional Conversion Charges for extension of CLU permission	Rule 26 F of Rules 1965	0217 Urban Development
5	External Development Charges	Section 3 (3) (ii) of Act of 1975 and Rule 11 (c) of the Rules 1976	0217 Urban Development
		Rule 26-D(b) of Rules 1965	0217 Urban Development
6	Infrastructure Development Charges	Section 3-A of Act of 1975 and Rule 11(1)(g) of Rules 1976	IDC Account no. (HDFC): 50100185213911
7	Infrastructure Augmentation Charges for grant of licence under TOD policy/Additional FAR under TOD policy	Schedule-B appended to Rules, 1976 and policy dated 09.02.2016	IAC Account no. (HDFC): 50100185214051
8	Infrastructure Augmentation Charges for exemption from 15% profitability clause	Rule 16 of the Rules 1976 as per Scheduled B	IDC Account no. (HDFC): 50100185213911
9	Internal Development Charges	As per circular dated 11.09.2001 issued by Chief Administrator, HUDA.	To be deposited with the developing agency of the area

* The head of account of Treasury/Bank Account may kindly be re-verified at the time of payment please.

Further, the following charges are also levied by the Department as tabulated below:-

Sr. No.	Type of charge/fee	Corresponding provision in Act/Rule	Treasury Head
10	Scrutiny fee in case of Building plans	Code 4.1 of Haryana building Code-2017	0217-Urban Development
11	Revalidation of Building Plans	Code 4.3 of Haryana building Code-2017	0217-Urban Development
12	Labour Cess	Section 2 (d) of Building and Other Construction Workers Act 1996	Labour Cess 1% (PNB): 3249000103037251 99% (Labour Welfare Department- IDBI): 003104000203616
13	Composition fee to be charged before grant of Occupation certificate for deviation from approved building plans/violations	Section 14 of Act of 1963	0217-Urban Development
14	Fee against professional consultancy services	Code 6.3 (3) (IV) of Haryana Building Code-2017	0217 Urban Development
15	Change in developer as per policy dated 18.02.2015	Section 9A of Act of 1975	IDC Account no. (HDFC): 50100185213911
16	Transfer of licence	Rule 17 of Rules 1976	0217 Urban Development
17	Composition fee for violation of Section 7 (i) of Act, 1975	Rule 13 of Rules 1976	0217-Urban Development
18	Delay in filing of deed of declaration as section-2 of Haryana Apartment Ownership Act, 1983.	Section 24A of Haryana Apartment Ownership Act, 1983.	0217-Urban Development
19	Composition of unauthorized construction before grant of CLU permission	Section 14 of Act of 1963	0217 Urban Development
20	Composition for de-sealing of unauthorized use of building	Section 14 of Act of 1963	0217 Urban Development
21	Recovery of expenses on demolition of unauthorized construction	Section 12(3) of Act of 1963.	0217 Urban Development

* The head of account in the Treasury may kindly be re-verified at the time of payment please.