

OFFICE ORDER

While examining the issues in CWP no. 2147 of 2012-Ambience Lagoon Apartments Residents Welfare Association vs. State of Haryana, the Department felt that necessary/relevant instructions are required to be issued for bringing in more transparency while granting part occupation certificate/occupation certificate and part completion certificate/ completion certificate so that the Deed of Declaration filed under the provisions of Haryana Apartment Ownership Act, 1983, by the developer/licencee after grant of such part occupation certificate/occupation certificate may also be co-related. Accordingly, henceforth, following instructions be complied with strictly while examining the case of occupation certificate/completion certificate in the licensed colonies:-

- 1 (a) The applicant while applying for part occupation certificate/occupation certificate and part completion certificate/completion certificate shall also submit a site plan showing towers for which occupation certificate stands issued and for which DOD is already filed. The corresponding area already taken as part of DOD shall be specifically highlighted and thereafter no revision/amendment shall be allowed in terms of LOP/site plan/building plans in the area for which DOD is already filed.
- (b) The applicant shall highlight the proposed additional area of DOD for which part occupation certificate is being sought and even applicant shall submit an affidavit that no change is made in already filed DOD area after issuance of these instructions.
- (c) The following must be specifically highlighted while granting occupation certificate: -
 - Total area of the Colony
 - Area of the licence and the integrated colony of which the said building is part alongwith licence No.
 - Part Occupation certificate is granted for following towers as per following details:-

Tower/Block No.	Number of units	Height/G+....	FAR sanctioned		FAR achieved	
			%	Area in Sq. mtr.	%	Area in Sq. mtr.

The said information may also be highlighted as such while DOD is filed.

- (d) The Hon'ble Apex Court in Civil Appeal no. 1093 of 2013 DLF Ltd. vs. Manmohan Lowe & others has held that *"All the same, the right to enjoy those facilities referred to in Section 3(3)(a) (iv) of the Development Act, whether shown in the declaration or not, under the Apartment Act, cannot be restricted or curtailed and the apartment owners have no other right, except the right of "user".* It has also been held that only that community buildings and commercial facilities can be part of the common areas and facilities as have been provided under section 3(f)(vii) of the Haryana Apartment Ownership Act, 1983 while filing Deed of Declaration under section - 3(i) of the Act of 1983.

Therefore, the colonizers may specify if any community facility is part of DOD. Further, while giving details of earlier filed DOD's as per sr. no. (b) above, licensee shall also give details of community facilities which are part of the respective DOD's.

2. The concerned officer dealing with the Haryana Apartment Ownership Act, 1983 at Head Quarter is directed to submit the proposal to amend the aforesaid Act separately to make enabling provisions mentioned above.

Sd/-
Anurag Rastogi, IAS
Director General,

Dated:

Town & Country Planning, Haryana

Endst No. CC-1025/2014/3326-31

Dated: 11.02.2014

A copy is forwarded to the following for information and compliance:-

1. All Senior Town Planners in the State.
2. All District Town Planners
3. All Assistant Town Planners (HQ)
4. All Dealing Assistants (HQ),
5. PS/Director General, Town & Country planning, Haryana, Chandigarh
6. PA/Chief Town Planner

Sd/-
Sanjay Kumar
District Town Planner
For Director, Town and Country Planning,
Haryana, Chandigarh

Endst No. CC-1025/2014/3332-3333

Dated: 11.02.2014

A copy is forwarded to the following for information and compliance:-

1. STP, Monitoring/ DTP (HQ) SKS for compliance of directions mentioned at Sr. No. 2 above.
2. DTP (HQ) PPS with a request to get the above orders hosted on the website of the Department.

Sd/-
Sanjay Kumar
District Town Planner
For Director, Town and Country Planning,
Haryana, Chandigarh