

From

The Financial Commissioner & Principal Secretary
to Government Haryana, Town & Country Planning,
Haryana, Chandigarh.

To

The Director General,
Town & Country Planning,
Haryana, Chandigarh.

Memo no. LC-147- 7/16/2006-2TCP
Dated Chandigarh. 8.7.2013.

Subject:- Policy for Allotment Of Plots/ Flats earmarked for Economical Weaker Section in the Licensed Colony.

While compiling the information received regarding EWS category plots/flats, to be supplied to the Hon'ble High Court in CWP No. 14028 of 2011 titled as Mukesh & another vs. State of Haryana & others, certain issues regarding conducting draw of lots/refund of earnest money cropped up. To sort out these issues and in the interest of the general public, the policies issued vide memo no. LC-147-7/16/2006-2TCP dated Chandigarh the 3rd Feb, 2010 and vide memo no. LC-147-II/2012/7/16/2006-2TCP dated 14.06.2012 have been reviewed and in supersession of these policies, the following comprehensive policy is framed:-

1. EWS PLOTS

- 1.1 Quota of EWS plots:** The licensee shall reserve 20% of the total number of residential plots in residential plotted colony for allotment to economically weaker section/lower income group category.
- 1.2 Size of EWS plots:** EWS plot size shall vary within 50 sq. mts to 125 sq. mts. or as otherwise approved specifically in the Layout plan approved by the Director.
- 1.3 Transfer of EWS plots:**
- 1.3.1 The licensee shall transfer all the EWS category plots to Housing Board Haryana at the rate fixed by the Government from time to time which presently is Rs. 600/- per Sq. Mtr., within six months after approval of zoning plan.
- 1.3.2 The licensee shall complete the development works of atleast road, water supply and electricity in the area earmarked for EWS plots within one year from approval of zoning plan/Environmental clearance whichever is later, so that Housing Board Haryana may construct units on the transferred plots and allot to the BPL families at a reasonable cost (approved by the Government) by following provisions of layout plan/zoning plan and within initial validity period of license itself.
- 1.3.3 In case of earlier granted licenses, licensee shall transfer the EWS plots to Housing Board Haryana before getting the license renewed.
- 1.3.4 HBH shall allot the EWS units to the BPL families after carrying out construction as per specifications.

- 1.3.5 Housing Board Haryana may also earmark these units for Rental Housing Scheme for BPL families.
- 1.3.6 The allottees of such plots shall not be allowed to further transfer the plots to any other person within a period of five years after getting the possession. HBH shall impose this condition in the allotment letter. The breach of this condition will attract penalty equivalent to 100% of selling price of the allotted unit to be paid by the purchaser. Execution of irrevocable power of attorney in favour of any person other than blood relation alongwith irrevocable will and for consideration passed on to the executor of irrevocable power of attorney or to any body on his behalf, shall be construed as sale of property for this purpose. This penalty is meant for misuse of such plot and allotment of plot shall also be liable for cancellation.
- 1.3.7 In cases where EWS plots have already been advertised, the licensee shall conduct draw of lots within three months from issuance of this policy.

2. EWS Flats

2.1 Quota of EWS flats: The licensee shall reserve 15% of total number of residential flats in Group Housing colony for allotment to economically weaker section/lower income group category.

2.2 Size of EWS flats: The minimum size of EWS flat shall be 200 sq. ft.

2.3 Cost/price of EWS flats: Maximum Price for allotment of EWS flats in group housing colonies shall be as fixed by the Government from time to time which presently is Rs. 1,50,000/- per flat i.e. Rs 750/- per Sq. Ft.

2.4 Procedure for floating EWS category flats:

2.4.1 Complete scheme shall be floated within four months from issuance of part occupation certificate of EWS flats.

2.4.2 Advertisement shall be given in three newspapers (one leading English National Daily and two in Hindi language having circulation of more than 10,000 copies in the State.

2.4.3 Advertisement shall highlight the number and size of flats, payment schedule and other essential requirements, terms & conditions.

2.5 Eligibility Criteria for allotment of EWS flats:

2.5.1 The applicant should have domicile of Haryana and should have completed eighteen years of age at the time of registration of application.

2.5.2 Any person registered as BPL family which includes his/her spouse or his/her dependent children who do not own any flat/plot in any HUDA Sector/licenced colony in any of the Urban Areas in the State can apply for allotment of flat. Only one application will be made by one BPL family.

2.5.3 The applicant or his/her spouse or his/her dependent children who were earlier allotted plot/house by the Housing Board Haryana, HUDA, or any colonizer are not entitled to make application, even if they have transferred the same to some other person.

2.5.4 First preference will be given to the BPL families listed in the same town and followed by those listed in the District and then in the State.

2.6 Guidelines for scrutiny of applications as per eligibility criteria:

2.6.1 The licensee after scrutinizing the applications, will submit list of eligible candidates to concerned Senior Town Planners, within eight weeks from closing date of submission of applications.

2.6.2 Concerned Senior Town Planner will scrutinize applications vis-a-vis approved building plans, within maximum period of eight weeks and shall take following action as the case may be :-

- If some applications are incomplete in terms of minor deficiencies like signatures/BPL proof etc, the colonizer shall give chance to them by writing a letter and giving advertisement in same leading newspapers in special circumstances. However, these applicants may be included in the draw and if such applicants become successful in draw, 15 days time period may be granted to them to remove the said shortcomings, failing which their claim shall stand forfeited.

2.7 Guidelines for fixing Date of draw and conducting draw of lot:

2.7.1 The draw of lots shall be conducted by a committee consisting of Deputy Commissioner or his representative (at least of the cadre of Haryana Civil Services), Senior Town Planner of the Circle, concerned District Town Planner.

2.7.2 Date of draw will be fixed by concerned Senior Town Planner within four weeks after scrutiny of applications.

2.7.3 Colonizer will advertise the same in same newspapers as mentioned at para 2.4.2 above.

2.7.4 The list of successful allottees alongwith waiting list of 25% of total number of flats shall be published in newspaper as specified in para 2.4.2 above.

2.7.5 In case, the successful applicants do not remove the deficiencies in their applications within the prescribed period of 15 days as per para 2.6.2 above or do not respond to the terms and conditions of allotment, the plots can be offered to the applicants under waiting list as per the seniority in the waiting list, however, the entire process of allotment after this period of 15 days shall be completed within three months.

2.8 Procedure for refund of earnest money:

2.8.1 For unsuccessful candidates, refund of registration/earnest money (without interest/compensation) shall be made within two months from date of draw.

2.8.2 The earnest money of the applicants in the waiting list may be retained by the colonizer till the process of allotment of successful applicants is completed as mentioned in para 2.7.5 and 2.7.6. Thereafter the earnest money shall be refunded within one month period. However in case any applicant in waiting list requests for refund of earnest money even during the process of allotment, the licensee

shall refund the same within a period of one month from receipt of the request without making any deductions.

- 2.8.3 In case a candidate surrenders the flat, entire amount will be refunded without any deduction.
- 2.8.4 If Candidate fails to deposit the installments, he may be given 15 days time period from date of Show Cause Notice and further 15 days from the issuance of publication of such list in one leading Hindi newspaper, failing which allotment shall stand cancelled.
- 2.8.5 For avoiding duplicacy, the colonizer shall fix a rubber stamp of his Company on the BPL card of the allottee, till the time UID cards are not made compulsory and thereafter the entry of the number of UID card of BPL candidates will be compulsory in the application Form.
- 2.8.6 BPL verification shall be carried out in case of successful allottees only.

2.9 Procedure for refund in case of delay in conducting the draw:

- 2.9.1 Licensee shall refund the earnest money to unsuccessful candidates alongwith normal interest of saving bank account in State Bank of India as applicable from time to time. However, no interest shall be paid for a period of six months from the date of submission of application alongwith earnest money.
- 2.9.2 Licensee may adjust the interest amount for the delayed period towards amount to be paid against balance installments in case of successful allottees.

2.10 Sale/transfer of EWS flat: The allottees of such flats shall not be allowed to further transfer the flats to any other person within a period of five years after getting the possession. The breach of this condition will attract penalty equivalent to 100% of selling price of the allotted unit to be paid by the purchaser. Execution of irrevocable power of attorney in favour of any person other than blood relation alongwith irrevocable will and for consideration passed on to the executor of irrevocable power of attorney or to any body on his behalf, shall be construed as sale of property for this purpose. This penalty is meant for misuse of such plot and allotment of plot shall also be liable for cancellation.

3. The allotment of these plots/ flats can also be made with the approval of the Government to specific category of people in public interest on the recommendations of the committee headed by the Divisional Commissioner consisting of Deputy Commissioner, Administrator HUDA, STP and DTP. This category may include slum-dwellers, occupiers of precious Government land or persons who are living in constructed houses on the acquired land and are eligible for rehabilitation as per Government decision/ court orders or the persons who have to be allotted oustees quota plots but the same are not readily available with HUDA/ Government.

Sd/-

Secretary,

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