

From Additional Chief Secretary to Govt. Haryana,
Town and Country Planning Department
Chandigarh

To Director General
Town and Country Planning Haryana
Haryana, Chandigarh

Memo No. PF-95/ 2823

Dated: 09/02/2016

Subject: New Integrated Licencing Policy-2016 for Residential and Commercial Uses in the Haryana State

In accordance with the powers conferred under section 9-A of the Haryana Development and Regulation of Urban Areas, 1975, the Governor of Haryana pleased to amend by superseding the New Integrated Licencing Policy-2015 for Residential and Commercial Uses in Hyper/High Potential Zones dated 26.10.2015 to extend the benefits of this policy to the Medium and Low Potential Zones of the State of Haryana as indicated under the subject above.

1.0 **Introduction:-** Presently, minimum area of 100/50/25 acres is required for grant of licence for residential plotted colony in a Hyper and High/Medium/Low potential zones. However additional area can be added to the colony through further licences. The Rules 1976 framed under the Haryana Development and Regulation of Urban Area Act, 1975(Act of 1975) requires minimum 45% area of the colony to be used for roads, community infrastructure etc. and remaining 55% area of the colony is saleable area (51% under residential plots and 4% for commercial). The community facilities are planned on the basis of population norms arrived on account of designated density in the development plan. The colonizer can also obtain group housing in plotted colony to the extent of 5% of colony area. Further, the department also allows 20% of the net planned area (NPA) of a residential sector towards group housing component with minimum 10/5 acres area norms in Hyper and high potential zone/medium and low potential zone. The density for group housing varies from 250 PPA to 400 PPA. Apart from above, 3.5% NPA of the residential sector is also available for independent commercial licence.

2.0 **Need for revision in the policy:-**

2.1 Initially the broad parameters of the licencing policy were fixed in a meeting held on 07.08.1991 under the Chairmanship of the then C.M. Haryana. Even in the said policy, it was recognized that group housing development should be encouraged without having any limitation on the area. The department however, finalized the policy to allow limited group housing to the extent of 20% of the NPA of residential sectors in the year 1996.

2.2 The limited availability of group housing component in a sector has created a situation of intense competition leading to adverse orders by the Hon'ble High Court in CWP No. 21942 of 2013 Pawan Bhatia Vs. State of Haryana on the practice of 'First -cum - First Served' for consideration of such applications.

- 2.3 It has been observed that the land prices have increased tremendously over the years in towns like Gurgaon, Faridabad and Sohna etc. Therefore, aggregation of 100 acres of land required for development of a plotted colony is difficult. Consequently, there are very few applications for grant of licence for the residential plotted colonies even in sectors where the group housing component has exhausted. Similarly, in the Medium and Low Potential Towns, the aggregation of 50/25 acres land for development of residential plotted colony is also found to be very difficult. Therefore, the need was felt by the Government to extend the benefit of NILP-2015 to these towns.
- 2.4 This has created an anomalous situation and is hampering the development of residential sectors leading to lack of connectivity through 24 meters wide net work approved in the sectoral plans.
- 2.5 Further, the parameters of 55% saleable area for the residential plotted development are leading to under utilization of very high priced land. Therefore, there is need to shift to a simplified system to regulate the development of colonies through parameters of density and FAR and their rationalization.
- 2.6 The Government has already constituted a Cabinet Sub-Committee to revise the norms/parameters for development of colonies in medium/low potential zones. The Cabinet Sub Committee has further recommended the extension of NILP 2015 to the Medium and Low Potential Towns of the State. Therefore, similar revision in high/hyper/medium /Low potential zones are also necessary.
- 2.7 Therefore, the revised policy needs to be flexible, provide alternatives to the developers/development agencies to enable development of different components like group housing, row housing, plots etc. in a residential sector/colony. Further the governing parameters of a sector/colony also needs to be simplified by taking into account designated density in the development plan and extent of construction to be allowed on the basis of FAR.
- 2.8 As on date the biggest challenge in implementing projects for affordable housing by the Government is availability of land for such purpose.
- 2.9 Acquisition of area falling under sector roads and the sites designated for external development works (EDW) is challenge. Alternate approach is accordingly required.
- 3.0 **Need for development of commercial belts/sectors**
- 3.1 Keeping in view the recent judicial pronouncements pertaining to 50% reservation of area for development by public agencies in commercial belts and increasing issues with land acquisition for development by HUDA; it is imperative to remove the existing road blocks in the development of commercial belts/sectors.
- 4.0 **Objectives:-**
- 4.1 The policy aims to achieve the basic objective of optimum utilization of scarce and high priced land resource by rationalizing the existing parameters
- 4.2 Integrated development of residential sectors.
- 4.3 Dedicated land for EWS, LIG and middle income groups (affordable housing).
- 4.4 Dedicated land for community facilities.
- 4.5 Rationalization of fee and charges to generate additional revenue for the state exchequer.

- 4.6 The policy further aims to accelerate the development of housing alongwith necessary social and physical infrastructure.
- 4.7 To effectively check the lopsided provision of social infrastructure on account of proposed reduction in minimum area norms for grant of licence.
- 4.8 Availability of land/faster construction of 24 meters wide sectoral road network, hence, availability of services and connectivity.
- 4.9 Consolidation of land received free of cost on account of grant of licences for transferable development rights (TDR), Economical Weaker sections (EWS)/No-Profit-No-Loss (NPNL) category and community infrastructure to ensure its optimum and objective utilization.
- 4.10 In the long run, the policy will minimize litigation on account of issues relating to seniority and will ensure uniform parameters for development of residential sectors.

5.0 Transferable development rights (TDR):-

- 5.1 The policy intends to facilitate individual land owners whose land is located either within a residential sector or within the alignment of a sector road or sites/ areas designated for external development works within the development plan/ sectoral plan, for obtaining TDR certificates. These certificates will contain the entitlement of FAR which the individual land owner will be able to transfer to a developer/ colonizer subsequently. The parameters regarding entitlement of such TDR certificates and the fee and charges payable have been outlined in succeeding paras. The validity of TDR certificate will be two years.
- 5.2 The TDR can be utilized in any residential sector in a planning unit to be decided on the similar principle as available under the existing policy Dated 21.08.2015 for 24/18 metre wide roads.
- 5.3 On grant of licence for obtaining TDR, the owner shall transfer the land free of cost to the Govt. within 60 days of grant of licence or before transfer of such TDR to an existing colony whichever is earlier.

6.0 Residential Sector Licences:-

- 6.1 This policy will be applicable in for the area available beyond 20% allowed for group housing in a residential sector as per existing policy. The licence for an integrated residential colony will be considered for minimum 25/15/10 acres of land in Hyper and High/Medium/Low Potential Zones respectively. The development controls in terms of density and FAR will be 250 and 1.0 respectively. To incentivise the development of larger colonies, the density and FAR will be permitted 250 and 1.25 respectively in case the colonizer is able to aggregate more than 50 acres of land in the Hyper and High Potential Towns. Further, FAR of 1.0 shall be permissible upto 15 acres for medium potential towns and 10 acres for the low potential towns while 1.25 FAR shall be permissible for an area measuring 30 acres and above for medium potential towns and 20 acres and above for low potential towns. Some pockets will still be available for grant of licence but may not fulfill the minimum area norm of 25/15/10 acres. The land owners/farmers owning less than 25/15/10 acres of land will be granted transferable development rights (TDR) equivalent to 1.0 FAR.
- 6.2 The minimum area for considering application for grant of licence for obtaining TDR will be one acre.

- 6.3 The colonizer will have the liberty of allocating the residential component for uses like group housing, plots, row housing etc within the parameters of FAR and density as prescribed above.
- 6.4 4% area of the colony will be available for commercial development with 1.75 FAR and ground coverage of 50%. Out of this, minimum 2% will be utilized for provision of retail shopping for local needs. The retail shopping for local needs can be provided in the residential blocks also but may not exceed the two floors above ground. The fee and charges will be as prescribed for the commercial use.
- 6.5 The colonizer will submit a layout plan indicating the utilization of the area for different components and will assign FAR /density to each component, within parameters prescribed above.
- 6.6 Director reserves the right to refuse the permission to grant licence for availing TDR if it is felt that the size, shape and location of the land do not justify its proper utilization.
- 7.0 **Land for EWS/affordable housing:-**
- 7.1 As on date the biggest challenge in implementing housing projects for affordable housing by the Government is availability of land for such purpose. To overcome the difficulties in allotment of EWS plots to intended beneficiaries, the EWS policy has been amended recently which requires that all EWS plots provided in the licenced colonies should be handed over to the Housing Board, Haryana, at a highly subsidized rate. Also, there is challenge in implementation of allotment of NPPL plots in plotted colonies on account of lack of clear procedure in fixing the rates and absence of transparency in allotment. Accordingly, the Govt. has decided in principle to amend the NPPL policy by giving an options of obtaining land to the extent of 12% of the area of the colony for utilization for EWS/affordable housing.
- 7.1.1 The colonizer shall provide 12% area of the colony free of cost to the Govt. for EWS & NPPL housing.
- 7.1.2 No single pocket proposed to be transferred under this category will be less than 2.5 acres.
- 7.1.3 The location of this area will be decided by the Director in consultation with the colonizer at the time of grant of licence.
- 7.1.4 No benefit of FAR, ground coverage etc. will be eligible for this 12% area.
- 7.1.5 The Govt. will be at liberty to utilize this area through any public/private agency as it may deem fit.
- 7.1.6 This area will have independent access of minimum 18 metres further linkable to a 24 metres wide road.
- 7.1.7 The colonizer will provide single point connection for linkage of water supply, sewerage, drainage and electrical infrastructure.
- 7.1.8 The transfer of the area to the Govt. in revenue records will be effected within 60 days of grant of licence and before approval of zoning plan. Consequently, the colonizer will be free from obligation of providing EWS and NPPL plots.
- 8.0 **Community facilities:-**
- 8.1 It has been observed that the community facilities like crèche, high school, dispensary, community centre, sub post office, religious building etc. have a higher population thresh-hold on the basis of population norm of 10000-15000 persons for each such

facility. The facilities like police post, health centre and electric sub-station are proposed for minimum of 30000 population. On account of reduced minimum area norms of 25/15/10 acres for an integrated colony, it may not be possible to ensure adequate social infrastructure. However, it is important that the population in a sector is served through proper social infrastructure.

8.1.1 The colonizer will transfer 10% area of the licenced colony free of cost to the Govt. for provision of community facilities. This will give flexibility to Director to workout the requirement of community infrastructure at sector level and accordingly make provisions. Since, the area will be received in a compact block, it will help in optimal utilization of the area.

8.1.2 The location of the area for community facility will be at the discretion of Director to enable feasibility of its integration with the similar area reserved for community facilities in an adjoining colony.

8.1.3 FAR as permitted in the licensed colony will be given to the coloniser for the area to be transferred in this regard for its utilization within the licensed colony area as per existing practice being followed in group housing colonies.

8.1.4 The land will be transferred within 60 days of grant of licence but before approval of building plans.

9.0 **Grant of licence for additional area:-**

9.1 The department can consider grant of licence for an additional area subsequent to grant of first licence on following terms:-

9.1.1 The following FAR and Density shall be permissible subject to the conditions mentioned at para 9.1.2 and 9.1.3

	Hyper and High Potential Zones		Medium Potential Zone		Low Potential Zone	
Area	25-50 acres	Above 50 acres	15 acres	Above 30 acres	10 acres	Above 20 acres
FAR	1.0	1.25	1.0	1.25	1.0	1.25

9.1.2 Where the area of already granted licence is between 25 acres to 50 acres, no change in the density and FAR will be allowed even if the area of the colony comes into higher category of 50 acres and above after grant of additional licence except in cases where the building plan for the existing licence granted under this policy has not been approved and no third party rights have been created in Hyper and High Potential Zones.

9.1.3. In the eventuality of grant of higher density, FAR, the payment of applicable fee and charges of higher category for the entire area of the licenced colony will be payable.

9.2 The Director, may decide to enter into exchange of land with a colonizer at the time of grant of licence for the lands which are already available with the Director on account of grant of licences for TDR, land received in lieu of community facilities and EWS/NPNL housing if these are not independently utilizable. This exchange of land will help in optimum utilization and better planning of EWS/affordable housing, community infrastructure, etc.

10.0 External Development Works-

- 10.1 The sector roads, trunk water supply, sewerage and drainage net work and town level facilities like colleges, hospitals, fire station, police station, grid sub-station etc. are part of external development works (EDW) defined under section 2 (g) of the Haryana Development and Regulation of Urban Areas Act 1975. Green belts and open space zones which form parts of EDC calculations will also be treated EDW for this purpose. After publication of the development plan, the sectoral plans are prepared on the revenue plans showing the location of sector roads and the town level facilities required to be provided under EDW. There is a policy to consider grant of licences for the land falling within the alignment of a sector road when applied alongwith adjoining area in a sector. Presently, benefit to the extent of 50% of the land falling under sector road/green belt towards saleable area in a plotted colony, FAR to the extent of 50% in a group housing colony and 10% in commercial colony is granted. Such land is transferred free of cost to the Govt. It is observed that very small area becomes available for construction of sector roads on account of above. Acquisition of remaining area is always a challenge. This delay in acquisition of land under sector roads results in non execution of EDW and the department has to face number of litigations on this account. The department has already approved a policy dated 21.08.2015 to facilitate construction of 18/24 metre wide internal sectoral roads for grant of licences for the lands falling under 18/24 metre wide roads and the consequent FAR adjustable in existing commercial/group housing licences. To enable availability of land for sector roads and external development works, it is proposed to:-
- 10.2 Licences will be granted for the lands falling under the alignment of sector roads designated in the development plans i.e. 30 metre, 45 metre, 60 metre, 75 metre, 90 metre and of any other width designated in development plans and for sites designated for external development works (EDW) identified in development plans/sectoral plans.
- 10.3 Such licensee will be eligible for FAR equivalent to 1.0.
- 10.4 The TDR can be utilized in any residential sector in a planning unit to be decided on the similar principle as available under the existing policy Dated 21.08.2015 for 24/18 metre wide roads.
- 10.5 On grant of licence for obtaining TDR, the owner shall transfer the land free of cost to the Govt. within 60 days of grant of licence or before transfer of such TDR to an existing colony whichever is earlier.
- 10.6 The lands which shall become available for construction of sector roads on account of grant of licences to obtain TDR will be factored in to grant benefit on land cost while calculating the EDC.
- ## 11.0 Fee and Charges:-
- 11.1 The licence fee, conversion charges, infrastructure development charges and EDC shall be levied 1.5 times prescribed for a plotted residential colony in case of 1.0 FAR and 2.0 times in case of 1.25 FAR.
- 11.2 The prescribed scrutiny fee will be applicable on per square metre basis for the permissible covered area.

- 11.3 For the cases where license is being sought for obtaining TDR, only scrutiny fee as prescribed and licence fee at the rate of 1.5 times prescribed for the plotted colony will be payable at the time of application. The conversion charges, infrastructure development charges and external development charges, as indicated in para 9.1 above, will be, however, payable at the time of permission for transfer of such TDR.

12.0 Licencing in Commercial Belts/Sectors.

- The zoning regulations provide for grant of licences to the extent of 50% in GMUC, 30% in Sohna and Faridabad Ballabgarh Complex and 10% in rest of the State for the commercial belts/sectors designated in the development plans. In case of GMUC, the 50% of such limit in commercial belts has already exhausted or applications are pending in majority of the sectors. The Hon'ble High Court in CWP No. 12786 of 2011- Conscient Infrastructure Pvt. Ltd. Vs. State of Haryana has held that the 50% limit is not applicable with respect to commercial belts. The above order has not been challenged nor has been modified. Accordingly, It would be difficult, in future, to refuse the grant of licence for commercial area in these belts. Further, the commercial belts and commercial sectors designated in the development plan can be utilized for revenue generation for the State Government and for HUDA for up gradation of services.
- 12.1 Following parameters would be applicable for considering the licence applications beyond the limit of NPA prescribed for grant of licence in commercial belts/sectors of various development plans.
- i) Minimum area for grant of licence :
 - a. Hyper & High Potential Towns: 2.0 acres
 - b. Medium Potential Towns: 1.0 acre
 - c. Low Potential Towns: 0.5 acre
 - ii) Maximum FAR (all towns): 3.0
 - iii) Maximum Ground Coverage (all towns): 50%
- 12.2 The colonizer is allowed to retain 60% area of the colony and remaining 40% area in a compact block, will be transferred, free of cost, to the Govt.
- 12.3 FAR referred above will be available for 60% area to be retained by the colonizer. However, fee and charges as prescribed for commercial licences with 1.75 FAR of the entire applied area including the area to be transferred to the Government free of cost will be payable.
- 12.4 Government may utilize the transferred land by itself or transfer it to HUDA as per policy or dispose it off through auction and 25% proceeds of the auction amount will go to HUDA for augmentation of infrastructure.
- 13.0 **Miscellaneous:-**
- 13.1 The colonizer is required to provide organized green space to the extent of 15% of the area of the colony. To ensure water recharging and to enable plantation of larger trees with thick foliage, the colonizer will provide basement free areas for this purpose which are to be decided at the time of approval of zoning plan.
- 13.2 The FAR which has become available: i) on account of grant of licences for area less than 25/15/10 acres for obtaining the TDR or, ii) for grant of licences for 18 metre and

- 24 metre wide roads or iii) for sector roads and EDC works, shall be adjustable maximum to the extent of 0.25 in a colony.
- 13.3 The project shall be completed within a period of 7 years (5 years initial validity of licence + 2 years first renewal of licence). The first renewal of licence will be at the prevalent rates. In case the project is not completed within the stipulated time, the colonizer will be required to pay 100% licence fee for renewal subject to satisfaction of the Director.
- 13.4 Only such applications shall be considered for either grant of licence or for issuance of TDR which fulfill all statutory requirements, prescribed polices and parameters, as issued from time to time.
- 13.5 This policy will come into force with prospective effect.

In order to enable implementation of the policy as above, necessary action pertaining to amendment in Act/ Rules, development plans be undertaken immediately.

Sd/-

(Arun Kumar Gupta)

Secretary

For: Additional Chief Secretary to Govt. Haryana
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