

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-96/2016/3491

Dated: 18.02.2016

**Subject:** POLICY FOR MIGRATION OF LICENCE INTO OTHER USE.

**Reference:** *In continuation of the policy instructions issued vide memo no. 5/29/2010-2TCP dated 20.04.2010 and 05/29/2010-2TCP dated 17.06.2010.*

In continuation of the policy instructions issued vide memo referred above, it has been decided to review the existing policies pertaining to surrender of licences and finalise a fresh policy pertain to migration of licences. For the purpose of this policy, the term "migration of licence" shall imply conversion of any licenced land partly or fully to any other category of licence under the prevailing policy provisions, but limited in scope to the existing land schedule.

Accordingly, it has been decided that in case any existing licensee desires to migrate from any existing licenced project, partly or fully, to any category/categories of licence/policy then the same shall be allowed on following conditions:-

- (a) No third party rights should have been created in the colony. However, in case the same have been created then migration to other category of licence/land use shall be allowed with the consent of the allottees of the colony, which shall be deemed as non-creation of 3<sup>rd</sup> party right to the extent of said part of the colony, as per formulation given under:-
  - (i) In case the third party rights have been created over an area less than 25% of saleable area with proportionate commensurate open space, then 75% of the licence area shall be allowed to migrate to other category/categories of licence.
  - (ii) In projects, where third party rights have been created over an area between 25-50% of saleable area with proportionate commensurate open space, then the 50% of the licence area shall be allowed to migrate to other category/categories of licence.
  - (iii) The projects where the third party rights have been created over an area between 50-75% of saleable area with proportionate commensurate open space, then the 25% of the colony area shall be allowed to migrate to other category/categories of licence.
  - (iv) In case no third party right has been created, the complete colony area shall be allowed to migrate to other category/categories of licence.

- (b) The area over which such 3<sup>rd</sup> party right stand created, should be in a compact block as defined in the Haryana Development and Regulation of Urban Areas Rules, 1976. Further, if the 3<sup>rd</sup> party right created area is scattered over the licenced area then, the colonizer has to submit consent of the individual allottees for making it in a compact block alongwith detailed scheme of the re-location within licenced area.
- (c) The licences of the project which are considered under this policy for 'migration of licence' shall require payment of outstanding renewal fee with interest upto date.
- (d) EDC (Principal Amount and Interest) paid for the area under migration shall be adjusted in the licence to which he migrates. Further, he would be absolved of the liability to deposit the unpaid interest amount on EDC & IDC of the existing project from which he wants to migrate. However, rates of EDC & IDC at the time of grant of fresh licence would be applicable.
- (e) The conversion charges, licence fee, IDC paid shall be adjusted in case the amount to be paid for migration at the current rate is more-than the earlier paid in case of existing project. Further, if there is any balance even after adjustment then the same shall stands forfeited. No interest will be given on amount paid by the colonizer.
- (f) If the colonizer decides to migrate part of his colony area to any other category of licence, the area norms of the part of colony retained under the existing licence would be deemed to be in relaxation of the applicable norms prevailing at the time of issuance of original licence. However, the applicable area norms/parameters/sector area limits, viz 20% for group housing, 3.5% for commercial etc. shall continue to be applicable on the colony part being migrated to a different category of licence. To further clarify the issue, the part of colony that is considered for migration to a different category of licence should be independently eligible for grant of licence (including additional licence) under the prevailing policy parameters for such category of licence applicable as on date.

*Sd/-*

Secretary,

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