

From

Additional Chief Secretary to Government Haryana
Town & Country Planning Department

To

1. The Principal Secretary to Govt. Haryana,
Industries Department,
Chandigarh.
2. The Director General,
Town & Country Planning Department
Haryana Chandigarh
3. The Director, Industries & Commerce Department,
Haryana, 1st Floor, 30 Bays Building, Sector-17,
Chandigarh.

Memo No. Misc.388/PA(RB)/2015/7/16/2006-2TCP Dated 01.10.2015

Subject:- Policy regarding grant of change of land use permission for industrial units in Industrial/Agriculture zone in view of Enterprises Promotion Policy-2015.

In reference to the Enterprises Promotion Policy, 2015 (hereinafter referred as EPP-2015) issued by the Industries Department, Haryana, the following new policy guidelines are issued regarding grant of change of land use for industrial units in the Controlled areas declared as per provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 and Rules thereof :-

1.1 **Competent authority for grant of CLU permission:** There will be two tier system:-

- (i) Projects with investment of more than Rs. 10 crore or involving CLU application cases of more than one acre: - The requests for grant of CLU permission in such cases will be considered and decided by the Empowered Executive Committee (EEC) notified under the EPP - 2015. After clearance by the Committee, the permission under the provisions of Rule 26-C & 26-E of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965 (hereinafter referred to as Rules, 1965) will be issued by the Director General, Town & Country Planning, Haryana, Chandigarh. The CLU permissions and grant of NOC will be decided as per time limits specified by the Town & Country Planning Department and as notified under the Haryana Right to Service Act, 2014.
- (ii) Projects with investment upto Rs. 10 crore or CLU application cases upto one acre in conforming Industrial zone: - The requests for grant of CLU permission in conforming industrial zone, will be considered and decided by the District Level Clearance Committee notified under the EPP - 2015. After approval of the Committee, the permission under the provisions of Rule 26-C & 26-E of Rules, 1965 will be issued by the Deputy Commissioner concerned.

1.1.1. **Procedure of submission of applications:**

Applications for seeking CLU permission under the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (hereinafter referred as Act of 1963) will be submitted in the office of concerned District Town Planner, Department of Town & Country Planning, Haryana. In case of projects covered under 1.1 (i) above, the comments on the said applications will be forwarded through concerned Senior Town Planners to the Directorate of Town & Country Planning Department on single file, within 10 working days and the recommendations of the Department

will be submitted before the Empowered Executive Committee for examining and taking decision on the request.

For applications falling under category 1.1 (ii), the District Town Planner concerned will submit the cases with detailed comments to the concerned circle officer i.e. Senior Town Planner, within 7 days. The Senior Town Planner will give his comments/ recommendations and send back the application within 7 working days to the concerned District Town Planner. Thereafter, the application alongwith comments/ recommendations will be placed by the District Town Planner before the District Level Clearance Committee concerned for examination and taking decision. The powers of Director General, Town & Country Planning, Haryana, Chandigarh are delegated to the Deputy Commissioner concerned, under Section 19 of Act of 1963 for performing functions under Section 8 of Act of 1963 for CLU applications mentioned in para 1.1 (ii) above.

1.1.2 Conforming Land Use zones:

- (i) All types of industrial units will be permissible in the industrial zone of the published Final Development Plans of various controlled areas in the State subject to the clearance from the Haryana State Pollution Control Board (HSPCB) from pollution angle.
- (ii) Only "Green" category Industrial Units as defined by the HSPCB from time to time shall be permissible in the agriculture zone of Low & Medium potential zones (as defined in Schedule-IV of Rules, 1965)
- (iii) As per EPP- 2015, there is no need to seek 'change of land use' permission/ 'No Objection Certificate' from the Town & Country Planning Department for setting up of industrial units in 31 Blocks as described in Annexure- 8 of the EPP- 2015, except Controlled Areas notified by the Town & Country Planning Department of Haryana.
- (iv) In the 75 Blocks listed at Annexure-9 of the EPP- 2015, there will be provision of 'Auto CLU' permission with an automatic dispensation of deemed clearance in case the competent authority does not decide on the request for grant of CLU permission within the prescribed time line stipulated by the Department and as notified under the Haryana Right to Service Act, 2014 after submission of requisite complete documents. As per EPP- 2015, the check list is to be displayed on the e-Biz Portal which will be hosted by Industries Department, Haryana.
- (v) EPP-2015 also envisages setting up of Thrust Areas/Focus Clusters/Rural Functional Clusters in agriculture zone. These areas shall be notified by the Industries Department. Industries to be located in the said Thrust Areas/Focus Clusters/Rural Functional Clusters will be permissible in agriculture zone in Medium and Low Potential Zone subject to certain conditions and guidelines, which would be separately communicated, in due course of time. The Low & Medium Potential Zone are defined in Schedule IV of Rules 1965.
- (vi) As envisaged in the EPP-2015, higher FAR of 150% for general industries wherever feasible, will be permitted on need based approach, with the approval of the Haryana Enterprises Promotion Board. The necessary amendment in the Rules, 1965 will be carried out.

1.1.3 Area Norms:

- A. Industrial Zone:
No area limits for setting up of an industrial unit in designated Industrial zones of published Development Plans are prescribed.
- B. Agriculture Zone (only in Medium & Low Potential Zones as defined in Schedule IV of Rules 1965):

- (i) Maximum area of 2 acres would be permissible for small scale Industrial units to be set up in Medium Potential Zones subject to submission of a utilization plan. However, no area limits are prescribed for units to be located in Low Potential Zones.
- (ii) No area limits are prescribed for non-polluting (green category) medium and large scale agro based industries.
- (iii) In case any relaxation is required for setting up of any Industry, the same shall be considered in accordance with the provisions of zoning regulations of the respective published Development Plan.

1.1.4 Approach norm:

A. Industrial Zone:

The site should be having approach from an existing minimum 33 feet wide revenue rasta/ public road/ self made Panchayati Rasta and should also be approachable from any proposed 18/24 mtrs. wide internal circulation road or 12 mtrs wide service road along the Sector road. The applicant is to widen the said approach in front of his site to the indicated road width in the sectoral plan, wherever applicable and the requisite land shall be donated to the Gram Panchayat/Local Municipal Authority/ Public authority by the way of a hibbanama. This condition is also applicable in those cases where there is no possibility of widening this road due to already existing CLU granted units.

B. Agriculture Zone (only in Medium & Low Potential Zones as defined in Schedule IV of Rules 1965): As per provisions of zoning regulations of respective Development Plan.

1.1.5 Fee & charges:

- (i) Complete application must be submitted in accordance with the provisions of the Act of 1963 for seeking CLU permission, accompanied with the requisite scrutiny fee @ Rs. 10/- per sq m in favour of the Director General, Town & Country Planning, Haryana, Chandigarh in the form of a demand draft payable at Chandigarh.
- (ii) After approval of the proposal from the competent authority, the applicant has to pay conversion charges on the area to be considered for grant of CLU permission in favour of the Director General, Town & Country Planning, Haryana, Chandigarh as per Schedule IV notified under Rule 26-D(g) of Rules, 1965. As far as Micro, Small & Medium Enterprises (duly defined in the EPP-2015) are concerned, only 50% conversion charges will be levied in 'B', 'C' & 'D' category Blocks as notified by the Industries Department, for which suitable amendment of Rules, 1965 are being separately carried out.
- (iii) For sites falling within urbanizable zone, External Development Charges (EDC) are required to be paid at the rates fixed by the Haryana Urban Development Authority (HUDA) and instructions issued in this regard from time to time. The said charges shall be paid in favour of the Chief Administrator, HUDA, Panchkula or any other executing agency as may be directed by the Government, from time to time. Further, EDC for Mega projects, Large units, Micro, Small & Medium Enterprises, Textile Sector, Agro Industries & Food Processing Sector, Footwear Sector located in 'B' (intermediate), 'C' (backward) & 'D' (most backward) category blocks as notified by the Industries Department, for Industrial use will be charged at the rate of 50% of rates prescribed by HUDA for industrial use from time to time. The list of these blocks will be finalized by the Industries Department. It is clarified that concession of 50% in EDC will be granted at the time of grant of Change of

Landuse permission in new cases only and cases where CLU permission stands granted will not be re-opened.

- (iv) The request for composition of unauthorized constructions raised at site shall be considered strictly in accordance with the provisions of Act 41 of 1963 and Rules framed thereunder. The composition fee will be charged at the prescribed rates by the Director General, Town & Country Planning, Haryana, Chandigarh and the fee shall be paid in favour of the Director General, Town & Country Planning, Haryana, Chandigarh.
- (v) In case the site is located in a developed sector where infrastructural services are readily available, then Internal Development Charges, as decided by HUDA from time to time, are required to be paid in favour of the concerned executing agency.

1.1.6 If any entrepreneur wants to apply for CLU permission for Industrial as per existing procedure of the Department, without following the method prescribed under this policy, he would free to do so and the same would be decided as per existing levels of competency of the Department.

Sd/-

Secretary,

For: Additional Chief Secretary to Government Haryana,
Town and Country Planning Department

Endst No. Misc.388/PA(RB)/2015/7/16/2006-2TCP Dated 01.10.2015

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

- i) Director, Urban Local Bodies, Haryana, Bays 11-14, Sector-4, Panchkula.
ii) Chief Administrator, HUDA (Finance Wing), HUDA complex, Sector-6, Panchkula.

Sd/-

Secretary,

For: Additional Chief Secretary to Government Haryana,
Town and Country Planning Department