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The Haryana Development and Regulation of Urban Areas Act, 1975
(Haryana Act No. 8 of 1975)

*Received the assent of the Governor of Haryana on the 30th January, 1975
and was published in the Haryana Gazette (Extra), Legislature Supplement,
Part I, dated January 30, 1975/ Magha 10, 1896.*

AN
ACT

¹["to regulate the use of land in order to prevent ill-planned and haphazard urbanization in or around towns and for development of infrastructure sector and infrastructure projects for the benefit of the State of Haryana and for matters connected therewith and incidental thereto".]

Be it enacted by the Legislature of State of Haryana in the Twenty-fifth year of the Republic of India as follows:-

1. Short title, extent and commencement—(1) This Act may be called the *Haryana Development and Regulation of urban Areas Act, 1975*. (2) It shall apply to all urban areas in the State of Haryana. (3) It shall be deemed to have come into force on the 16th day of November, 1971, except section 10 which shall come into force at once.

2. Definition—In this Act, unless the context otherwise requires,—

- (a) "advertisement" means any word, letter, model, sign, placard board, notice, device or representation in any manner whatsoever, wholly or in part, intended for the purpose of advertisement, announcement or direction, and includes any structure used or adapted for the display of advertisements;
- ²[(aa) "agriculture" includes horticulture, dairy farming, poultry farming and the planting and upkeep of an orchard;]
- ³[(aaa) "Board" means the Haryana Infrastructure Development Board constituted under section 3AA;]
- (b) "building" means any shop, house, hut, hut-house, shed or stable, whether used for the purpose of human habitation or otherwise and whether of masonry, bricks, wood, mud, thatch, metal or any other material whatsoever, and includes a wall;
- ⁴[(bb) "change in beneficial interest" means change in existing developer, assignment of joint development rights, marketing rights or cumulative change in shareholding pattern beyond twenty-five percent of shareholding existing at the time of grant of licence;]
- ⁵[(c) "colony" means an area of land divided or proposed to be divided into plots or flats for residential, commercial, industrial, cyber city or cyber park purposes or for construction of flats in the form of group housing or for the construction of integrated commercial complexes or for division into plots for low-density eco-friendly colony, but an area of land divided or proposed to be divided:-

¹ Substituted by Haryana Act No. 5 of 2013 vide notification No. Leg. 7/2013 dated 5-4-2013

² Inserted by Haryana Act no. 11 of 1989

³ Inserted by Haryana Act No. 5 of 2013 vide notification No. Leg. 7/2013 dated 5-4-2013

⁴ Inserted by Haryana Act No. 11 of 2017 dated 3-4-2017

⁵ Substituted by Haryana Act No. 11 of 2003 dated 3-4-2003 and further substituted by Haryana Act No. 27 of 2013 dated 15-10-2013

- (i) for the purpose of agriculture; or
 - (ii) as a result of family partition, inheritance, succession or partition of joint holding not with the motive or earning profit; or
 - (iii) in furtherance of any scheme sanctioned under any other law; or
 - (iv) by the owner of a factory for setting up a housing colony for the labourers or the employees working in the factory; provided there is no profit motive; or
 - (v) when it does not exceed one thousand square metres or such less area as may be decided from time to time in an urban area to be notified by Government for the purposes of this sub-clause, shall not be a colony;]
- (d) ⁶[“colonizer” means an individual, company or association or body of individuals, whether incorporated or not, owning ⁷[xxx] land for converting it into a colony and to whom a licence has been granted under this Act and shall include a developer];
- ⁸[(dd) “cyber city” means self contained intelligent city with high quality of infrastructure, attractive surrounding and high speed communication access to be developed for nucleating the Information Technology concept germination of medium and large software companies and Information Technology enabled services, wherein no manufacturing units shall be permitted;
- (ddd) “cyber park” means an area developed exclusively for locating software development activities and Information Technology Enabled Services, wherein no manufacturing of any kind (including assembling activities) shall be permitted;]
- ⁹[(d1) ‘developer’ means an individual, company, association, firm or a limited liability partnership, designated through a collaboration/ development agreement with the owner for making an application for grant of licence and for completion of formalities required on behalf of such owner to develop a colony;
- (d2) ‘development rights’ means the rights given for development of land within the urbanisable limit of development plan either to an owner who surrenders such land to vest with the Government without claiming any compensation for the purpose of obtaining TDR Certificate or to a colonizer whom a PDR Certificate has been issued, after fulfilling such terms and conditions and on payment of such fee, as may be prescribed;]
- (e) “development works” means internal and external development works;
- ¹⁰[(f) “Director” means the Director, Town and Country Planning, Haryana, and includes a person for the time being appointed by the Government, by notification in the Official Gazette, to exercise and perform all or any of the powers and functions of the Director under this Act and the rules made thereunder;]

⁶ Substituted by Haryana Act No. 8 of 2016 dated 20-4-2016

⁷ The words “or acquiring or agreeing to own or acquire, whether by purchase or otherwise,” omitted by
Inserted by Haryana Act No. 11 of 2003 dated 3-4-2003

⁸ Inserted by Haryana Act No. 11 of 2003 dated 3-4-2003

⁹ Inserted by Haryana Act No. 8 of 2016 dated 20-4-2016

¹⁰ Substituted by Haryana Act No. 5 of 2004 dated 8-3-2004

- ¹¹[(g) “external development works” shall include any or all infrastructure development works like water supply, sewerage, drains, provisions of treatment and disposal of sewage, sullage and storm water, roads, electrical works, solid waste management and disposal, slaughter houses, colleges, hospitals, stadium/sports complex, fire stations, grid sub-stations etc. and/or any other work which the Director may specify to be executed in the periphery of or outside colony/area for the benefit of the colony/area;]
- (gg) “flat” means a part of any property, intended to be used for residential purposes, including one or more rooms with enclosed spaces located on one or more floors, with direct exit to a public street or road or to a common area leading to such streets or roads and includes any garage or room whether or not adjacent to the building in which such flat is located provided by the colonizer/owner of such property for use by the owner of such flat for parking any vehicle or for residence of any person employed in such flat, as the case may be;]
- (h) “Government” means the government of the State of Haryana;
- ¹²[(hh) “group housing” means a building designed and developed in the form of flats for residential purpose or any ancillary or appurtenant building including community facilities, public amenities and public utility as may be prescribed;
- ¹³{(hha) “infrastructure development charges” include the cost of development of major infrastructure projects;}
- ¹⁴{(hhb) “infrastructure augmentation charges” includes the cost of the augmentation of major infrastructure projects;}
- (hhh) “integrated commercial complex” means building containing apartments sharing common services and facilities and having their undivided share in the land and meant to be used for office or for practicing of any profession or for carrying on any occupation, trade, business or such other type of independent use as may be prescribed;]
- (i) “internal development works” means-
- (i) metalling of roads and paving of footpaths;
 - (ii) turfing and plantation with trees of open spaces;
 - (iii) street lighting;
 - (iv) adequate and wholesome water supply;
 - (v) sewers and drains both for storm and sullage water and necessary provision for their treatment and disposal; and
 - (vi) any other work that the Director may think necessary in the interest of proper development of a colony;
- ¹⁵[(j) “local authority” means a Municipal Committee or Municipal Council or municipal Corporation;]
- ¹⁶[(ja) “low-density eco-friendly colony” means a colony that fulfils such norms and guidelines for achieving ecological sensitivity, minimum environmental impact, sustainability and self-sufficiency in terms of natural resources,

¹¹ Substituted by Haryana Act No. 26 of 2016 dated 20-9-2016

¹² Inserted by Haryana Act No. 11 of 2003 dated 3-4-2003

¹³ Inserted by Haryana Act No. 5 of 2007 dated 3-4-2007

¹⁴ Inserted by Haryana Act No. 16 of 2010 dated 30-9-2010

¹⁵ Substituted by Haryana Act No. 17 of 1996 dated 13-12-1996

¹⁶ Inserted by Haryana Act No. 27 of 2013 dated 15-10-2013

- energy resources and also conforms to such residential density norms, as may be prescribed;]
- ¹⁷[(jaa) “location premium” means an amount over and above the prescribed fee and charges that an applicant is willing to pay to the Government to obtain the licence against applications received under sub-section (1A) of section 3, as determined through bidding/auction process in pursuance of the policy issued by the Government in this regard, from time to time;]
- ¹⁸[(jj) “major infrastructure projects” include national/state highways, transport, Major water supply scheme and power facilities etc.;
- ¹⁹[(jjj) ‘notional land’ means the theoretical land of which TDR Certificate has been issued;”]
- ²⁰[(jjjj) “migration of licence” means conversion of a licence, partly or wholly to any other category of licence under the provisions of prevailing policy but limited in scope to the existing land schedule:
Provided that the consent of the plot/flat holder shall be mandatory in case of migration of that part of licence, where third party rights have been created:]
- (k) “owner” includes a person in whose favour a lease of land in a urban area for a period of not less than ninety-nine years, has been granted;
- (l) “person” includes an association or body; of individuals whether incorporated or not;
- ²¹[(m) “plot/flat holder” means a person in whose favour of plot/flat in a colony has been transferred or agreed to be transferred by the colonizer;]
- (n) “prescribed” means prescribed by rules made under this Act; [xxx]²²
- ²³[(nn) “property dealer” means any person/agent who runs the business of purchase or sale of plots, flats or apartments in integrated commercial complex or issues advertisement for sale thereof on behalf of owners; and]
- ²⁴[(n1) ‘Purchasable Development Rights Certificate (PDR Certificate)’ means the certificate of development rights given to a colonizer in a specified colony which shall not be resalable or transferable;
- (n2) ‘Transferable Development Rights Certificate (TDR Certificate)’ means the certificate of development rights given to an owner who surrenders such land to vest with the Government without claiming any compensation and such certificate may be sold within urbanisable limit of a development plan by the owner.]
- (o) “urban area” means any area of land within the limits of a municipal area or notified area or the Faridabad Complex or situate within five kilometres of the limits thereof, or any other area where, in the opinion of the Government, there is a potential for building activities and the Government by means of notification declares.

¹⁷ Inserted by Haryana Act No. 14 of 2018 dated 19-4-2018

¹⁸ Inserted by Haryana Act No. 5 of 2007 dated 3-4-2007

¹⁹ Inserted by Haryana Act No. 8 of 2016 dated 20-4-2016

²⁰ Inserted by Haryana Act No. 26 of 2016 dated 20-9-2016

²¹ Substituted by Haryana Act No. 11 of 2003 dated 3-4-2003

²² The word “and” omitted by Haryana Act No. 11 of 2003 dated 3-4-2003

²³ Inserted by Haryana Act No. 11 of 2003 dated 3-4-2003

²⁴ Inserted by Haryana Act No. 8 of 2016 dated 20-4-2016

3. Application for licence—²⁵[(1) Any owner desiring to convert his land into a colony shall, unless exempted under section 9, make an application to the Director, for the grant of licence to develop a colony in the prescribed form and pay for it such fee and conversion charges as may be prescribed: ²⁶[xxx];

Provided that if the conversion charges have already been paid under the provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (41 of 1963), no such charges shall be payable under this section²⁷ {:.}

²⁸[Provided further that owner may enter into an agreement jointly or severally with a developer for pooling of land for grant of licence ²⁹ {:.}]

³⁰[Provided further that in case of migration of licence, the colonizer shall pay the outstanding renewal fee with interest accrued upto the date of payment. However, the external development charges including interest paid thereon for the area under migration shall be adjusted in the licence and the colonizer shall not be liable to deposit the unpaid interest amount on external development charges and infrastructure development charges of the existing project. The conversion charges, licence fee, infrastructure development charges already 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 project³¹ {:.}]

³²[Provided further that for such colonies located in such land use zones of various notified development plans, where in the opinion of the Government, the licences are to be issued after invitation of bids or following an auction procedure in pursuance of the policy framed by the Government in this regard from time to time, such application shall be considered to be valid only if it is filed in response to a notice of the Director and fulfils the prescribed terms and conditions]

³³[(1A) All such applications received in response to the notice issued by the Director against policy for auction of licences that are considered to be in order by the Director shall, in addition to the prescribed requirements, also be liable for payment of location premium, as determined through the bidding/auction process, in such manner and in such time frame as conveyed by the Director. The amount received against location premium shall be utilised for provision, maintenance and augmentation of external development works and shall be recovered in addition to the prescribed rates of development charges received against external development works from a colonizer]

(2) On receipt of the application under sub section (1), the Director shall, among other things, enquire into the following matters, namely :-

- (a) title to the land;
- (b) extent and situation of the land;
- (c) capacity to develop a colony;
- (d) the layout of a colony;
- (e) plan regarding the development works to be executed in a colony; and
- (f) conformity of the development schemes of the colony land to those of the neighboring areas.

²⁵ Substituted by Haryana Act No. 11 of 2003 dated 3-4-2003

²⁶ The words “The application shall be accompanied by an income-tax clearance certificate” omitted by Haryana Act No. 27 of 2013 dated 15-10-2013

²⁷ Sign {;} substituted by Haryana Act No. 8 of 2016 dated 20-4-2016

²⁸ Inserted by Haryana Act No. 8 of 2016 dated 20-4-2016

²⁹ Sign {;} substituted by Haryana Act No. 26 of 2016 dated 20-9-2016

³⁰ Inserted by Haryana Act No. 26 of 2016 dated 20-9-2016

³¹ Sign {;} substituted by Haryana Act No. 14 of 2018 dated 19-4-2018

³² Proviso inserted by Haryana Act No. 14 of 2018 dated 19-4-2018

³³ Inserted by Haryana Act No. 14 of 2018 dated 19-4-2018

- (3) After the enquiry under sub section (2), the Director, by an order in writing, shall —
- (a) grant a licence in the prescribed form, after the applicant has furnished to the Director a bank guarantee equal to twenty five per centum of the ³⁴[estimated cost of development works in case of area of land divided or proposed to be divided into plots or flats for residential, commercial or industrial purposes and a bank guarantee equal to thirty-seven and a half per centum of the estimated cost of development works in case of cyber city or cyber park purposes] as certified by the director and has undertaken—
- (i) to enter into an agreement in the prescribed form for carrying out and completion of development works in accordance with licence granted;
- ³⁵[(ii) to pay proportionate development charges if the external development works as defined in clause (g) of section 2 are to be carried out by the Government or any other local authority. The proportion in which and the time within which, such payment is to be made, shall be determined by the Director.]
- (iii) the responsibility for the maintenance and upkeep of all roads, open spaces, public park and public health services for a period of five years from the date of issue of the completion certificate unless earlier relieved of this responsibility and thereupon to transfer all such roads, open spaces, public parks and public health services free of cost to the Government or the local authority, as the case may be;
- ³⁶[(iv) to construct at his own cost, or get constructed by any other institution or individual at its cost, schools, hospitals, community centres and other community buildings on the lands set apart for this purpose, in a period as may be specified, and failing which the land shall vest with the Government after such specified period, free of cost, in which case the Government shall be at liberty to transfer such land to any person or institution including a local authority, for the said purposes, on such terms and conditions, as it may deem fit:

Provided that in case of licenses issued prior to the notification of the Haryana Development and Regulation of Urban Areas (Amendment and Validation) Act, 2012, the licensee, the purchaser or the person claiming through him shall construct the school, hospital, community centres and other community buildings on the land set apart for this purpose, within a period of four years, extendable by the Director by another period of two years, for reasons to be recorded in writing, from the notification of the Haryana Development and Regulation of Urban Area (Amendment and Validation) Act, 2012:

Provided further that at the end of the period as specified under the proviso, if the site is not utilised for the purpose, it was meant for, the land shall vest with the Government and in which case, the Government shall be at liberty to transfer such land to any person or institution including a local authority, for the said purposes, on such terms and conditions, as it may deem fit:

³⁴ Substituted for the words “estimated cost of development works” by Haryana Act No. 11 of 2003 dated 3-4-2003

³⁵ Substituted by Haryana Act No. 11 of 2003 dated 3-4-2003

³⁶ Substituted by Haryana Act No. 4 of 2012 dated 3-4-2012

Provided further that a show cause notice and an opportunity of hearing shall be issued before vesting the land in the Government³⁷ {;}

³⁸ {Provided further that the applicant shall be exempted from the provisions of this clause where compliance of clause (iv-b) is sought by the Director.}

³⁹[(iv-a) to pay proportionate cost of construction of such percentage of sites of such school, hospital, community centre and other community buildings and at such rates as specified by the Director;]

⁴⁰[(iv-b) to hand-over the possession and transfer the ownership of such land, as demarcated and identified in the approved layout plan, in such form and manner, as may be specified by the Director and such land shall vest with the Government to achieve the objective of creation of community buildings, housing, commercial and other physical and social urban infrastructure, in such colonies where a condition to this effect is imposed by the Director, before grant of licence;]

(v) to permit the Director or any other officer authorised by him to inspect the execution of the layout and the development works in the colony and to carry out all directions issued by him for ensuring due compliance of the execution of the layout and development works in accordance with the licence granted;

⁴¹ [(vi) to fulfill such terms and conditions as may be specified by the Director at the time of grant of licence through bilateral agreement as may be prescribed:]

Provided that the Director, having regard to the amenities which exist or are proposed to be provided in the locality, is of the opinion that it is not necessary or possible to provide one or more such amenities, may exempt the licensee from providing such amenities either wholly or in part⁴² {;}

⁴³ [Provided further that the applicant shall have an option to mortgage a part of the land for which licence has been granted or being granted in lieu of submission of bank guarantee against cost of internal development works and external development works.]

(b) refuse to grant a licence, by means of speaking order, after affording the applicant an opportunity of being heard.

(4) The license so granted shall be valid for a period of ⁴⁴[five years], and will be renewable from time to time for a period of ⁴⁵[two years], on payment of prescribed fee:

⁴⁶[Provided that in the licensed colony permitted as a special project by the Government, the license shall be valid for a maximum period of five years and shall be renewable for a period of as decided by the Government.]

⁴⁷[(5) Each colony may comprise of one or more licences with contiguous land pockets.]

³⁷ Sign {;} substituted by Haryana Act No. 8 of 2016 dated 20-4-2016

³⁸ Proviso inserted by Haryana Act No. 8 of 2016 dated 20-4-2016

³⁹ Inserted by Haryana Act No. 4 of 2012 dated 3-4-2012

⁴⁰ Inserted by Haryana Act No. 8 of 2016 dated 20-4-2016

⁴¹ Added by Haryana Act No. 15 of 2006 dated 20-3-2006

⁴² Sign {;} substituted by Haryana Act No. 26 of 2016 dated 20-9-2016

⁴³ Proviso added by Haryana Act No. 26 of 2016 dated 20-9-2016

⁴⁴ Substituted by Haryana Act No. 5 of 2009 dated 18-3-2009 see Hr. govt. Gaz. (Extra.) page 95 and further substituted by Haryana Act No. 15 of 2014 dated 4-4-2014 page 159

⁴⁵ Substituted by Haryana Act No. 5 of 2009 dated 18-3-2009 see Hr. govt. Gaz. (Extra.) page 95

⁴⁶ Proviso added by Haryana Act No. 11 of 2003 dated 3-4-2003

⁴⁸[(6) After the coloniser has laid out the colony in accordance with the approved layout plan and executed the internal development works in accordance with the approved design and specifications, he may apply to the Director for grant of completion or part-completion certificate. The Director may enquire into such matters, as he deems necessary before granting such certificate.

(7) After enquiry under sub-section (6), the Director may, by an order in writing, grant completion or part-completion certificate on such terms and conditions and after recovery of infrastructure augmentation charges, as may be prescribed:

Provided that where in the agreement executed to set up a colony, a condition was incorporated for deposit of surplus amount beyond maximum net profit @ 15% of the total project cost and the coloniser has not taken the completion certificate of the said project, then notwithstanding the said condition in the agreement, the coloniser shall have the option either to deposit the infrastructure augmentation charges as applicable from time to time at any stage before the grant of such completion certificate and get the exemption of the restriction of net profit beyond 15% or deposit the amount as per terms of the agreement.]

⁴⁹[3A. *Establishment of Fund*— (1) Any colonizer to whom a license has been given under this Act shall deposit as ⁵⁰{infrastructure development charges} a sum, ⁵¹{at such rate as may be prescribed by the Government from time to time, per square metres of the gross area and of the covered area of all the floors in case of flats proposed to be developed by him into a colony} in two equal installments. The first installment shall be deposited within 60 days from the date of grant of the license and the second installment to be deposited within six months from the date of grant of license.

(2) The Haryana Urban Development Authority ⁵² {local authorities, firms, undertakings of Government and other authorities involved in land development} shall also be liable to deposit the ⁵³ {infrastructure development charges} and shall be deemed to be ⁵⁴ {colonizers} for this purpose only. The date of first inviting applications for sale of plots in any colony by it shall be deemed to be the date of granting of license under this Act for the purpose of deposit of ⁵⁵ {infrastructure development charges}.

(3) The ⁵⁶ {infrastructure development charges} shall be deposited by the colonizer with such officer or person as may be appointed by the government in this behalf.

(4) The colonizer shall in turn be entitled to pass on the ⁵⁷ {infrastructure development charges} paid by him to the plot holder.

(5) The amount of ⁵⁸ {infrastructure development charges} if not paid within the prescribed period shall be recoverable as arrears of land revenue.

⁴⁷ Substituted by Haryana Act No. 5 of 2009 dated 18-3-2009 see Hr. govt. Gaz. (Extra.) page 95

⁴⁸ Inserted by Haryana Act No. 16 of 2010 dated 30-9-2010

⁴⁹ Section 3-A was inserted by Haryana Act No. 15 of 1984 which was published in the Haryana Govt. Gaz. (Extra.) dated 24-4-1984

⁵⁰ Substituted by Haryana Act No. 5 of 2007 dated 3-4-2007

⁵¹ Substituted by Haryana Act no. 17 of 1996 dated 13-12-1996

⁵² Inserted by Haryana Act no. 17 of 1996 dated 13-12-1996

⁵³ Substituted by Haryana Act No. 5 of 2007 dated 3-4-2007

⁵⁴ Substituted by Haryana Act no. 17 of 1996 dated 13-12-1996

⁵⁵ Substituted by Haryana Act No. 5 of 2007 dated 3-4-2007

⁵⁶ Substituted by Haryana Act No. 5 of 2007 dated 3-4-2007

⁵⁷ Substituted by Haryana Act No. 5 of 2007 dated 3-4-2007

⁵⁸ Substituted by Haryana Act No. 5 of 2007 dated 3-4-2007

⁵⁹{⁶⁰[(6) The amount of infrastructure development charges so deposited by the colonizer shall constitute a fund called the Fund, for stimulating socio-economic growth and development of major infrastructure projects for the benefit of the State of Haryana (hereinafter referred to as the Fund)].

⁶¹[(7) The Fund shall be collected and managed by the Director and passed on for the purpose of its further utilisation to the Board to be constituted by the Government for this purpose.]

(8) The amount of infrastructure development charges ⁶² {and infrastructure augmentation charges} deposited by the colonizers, loans and grants from the Central/State Government or the local authority, or loans and grant from national/international financial institutions and any other money from such source as the state Government may decided, shall be credited to the fund.

⁶³[(9) The Fund shall be utilized for stimulating socio-economic growth and development of major infrastructure projects for the benefit of the state of Haryana. The Fund may also be utilized to meet the cost of administering the Fund.]]

(10) ⁶⁴[XXX.]

⁶⁵[**3AA. Establishment and constitution of Board.**—(1) The State Government shall, by notification in the Official Gazette, establish a Board consisting of the following members, namely:-

(i)	The Chief Minister of Haryana.	Chairman
(ii)	The Chief Secretary to Government of Haryana	Vice-Chairman
(iii)	The Principal Secretary to Government of Haryana, Finance Department	Member
(iv)	The Principal Secretary to Government of Haryana, Irrigation Department	Member
(v)	The Principal Secretary to Government of Haryana, Power Department	Member
(vi)	The Principal Secretary to Government of Haryana, PWD (B&R) Department	Member
(vii)	The Principal Secretary to Government of Haryana, Town & Country Planning Department	Member
(viii)	The Principal Secretary to Government of Haryana, Transport Department	Member
(ix)	The Director General, Town & Country Planning Department, Haryana.	Member
(x)	The Chief Administrator, Haryana Infrastructure Development Board	Member Secretary
(xi)	Any other person(s) to be nominated by the Government	Special Invitee

⁵⁹ Sub-sections (6),(7),(8) and (9) substituted by Haryana Act No. 5 of 2007 dated 3-4-2007

⁶⁰ Sub-sections (6) and (9) again substituted by Haryana Act No. 5 of 2009 dated 18-3-2009 see Hr. Govt. Gaz. (extra.) page 95

⁶¹ Substituted by Haryana Act No. 5 of 2013 vide notification No. Leg. 7/2013 dated 5-4-2013

⁶² Inserted by Haryana Act No. 16 of 2010 dated 30-9-2010

⁶³ Sub-sections (6) and (9) again substituted by Haryana Act No. 5 of 2009 dated 18-3-2009 see Hr. Govt. Gaz. (extra.) page 95

⁶⁴ Omitted by Haryana Act No. 5 of 2013 vide notification No. Leg. 7/2013 dated 5-4-2013

⁶⁵ Inserted by Haryana Act No. 5 of 2013, Notification No. Leg. 7/2013 dated 5.4.2013

(2) The Board shall have perpetual succession and a common seal with power to acquire, hold and dispose off property and to contract, and may by the said name sue or be sued.

(3) The Board may constitute an executive committee consisting of following members to aid and to assist it in the discharge of its functions, namely:-

- | | | |
|-------|---|-----------------------------------|
| (i) | The Chief Secretary to Government of Haryana | Chairman |
| (ii) | The Principal Secretary to Government of Haryana,
Finance Department | Member |
| (iii) | The Principal Secretary to Government of Haryana,
Town & Country Planning Department | Member |
| (iv) | The Director General, Town & Country Planning
Department, Haryana. | Member |
| (v) | The Chief Administrator, Haryana Infrastructure
Development Board | Member Secretary
-cum-Convener |
| (vi) | The Administrative Secretary of the concerned Department | Special Invitee |
| (vii) | Any other person to be nominated by the Board | |

(4) The Board shall meet at such time and place and shall observe such procedure to transact its business, as may be specified by the bye-laws.]

3AB. Officers and Employees of the Board.—(1) The Board shall have a Chief Administrator to be appointed by the Government to assist in its day to day functioning and shall be the overall in-charge of the officers and employees of the Board.

(2) The Board may, with the approval of the Government, create such other posts and appoint such officers and other employees thereon, as it may consider necessary for the efficient discharge of its functions.

(3) The conditions of service of officers and other employees referred to in sub-section (2) and their functions and duties shall be such, as may be specified in the bye-laws.

(4) All contracts with prior sanction of the Executive Committee shall be signed by the Chief Administrator and in his absence, by an officer authorised by the Executive Committee.

3AC. Functions and Powers of Board.—(1) The Board shall be the apex body for overall planning and development of infrastructure sector and infrastructure projects for the benefit of State of Haryana, subject to the limitations specified in sub-section (3).

(2) The Board shall-

- (i) act as a nodal agency to co-ordinate all efforts of the Government regarding the development and implementation of infrastructure sectors and infrastructure projects for the benefit of State of Haryana, involving private participation and funding from sources other than those provided by State budget and shall,
 - (a) identify infrastructure projects for private participation;
 - (b) promote competitiveness and progressively involve private participation while ensuring fair deal to the end-users;
 - (c) identify and promote technology initiatives in urban development and infrastructure development sector for improving efficiency in the system;
 - (d) identify bottlenecks in the infrastructure sectors and recommend to the Government policy initiatives to rectify the same;
 - (e) select, prioritise and determine sequencing of infrastructure projects;
 - (f) formulate clear and transparent policies related to the infrastructure sectors so as to ensure that project risks are clearly identified and allocated between the stakeholders; and
 - (g) identify the sectoral concessions to be offered to concessionaires to attract private participation and secure availability of viable infrastructure facilities to the consumers;

Provided that where participation is sought by any person by participating in disinvestment process, the provisions of this Act shall not apply:

Provided further that any authority or body, constituted to implement such disinvestment, may seek assistance from the Board;

- (ii) prepare internally or through external consultants or service providers engaged for the purpose, all necessary documents including the bid or tender documents, draft contracts including the various contractual arrangements and incentives to be offered by the Government;
- (iii) assist public infrastructure agencies and concessionaires in obtaining statutory and other approvals;
- (iv) recommend the grant of concessions to a public infrastructure agency in accordance with the provisions of this Act, the rules and the bye-laws made there under;
- (v) assist in determining the level and structuring of investments of the Government and public bodies into infrastructure projects with private participation including holding the investment or part thereof;
- (vi) create a special purpose vehicle for implementation of any infrastructure project in co-ordination with the Government or public infrastructure agencies; and
- (vii) administer the Fund and projects under this Act.

(3) The Board shall not play any role in the infrastructure projects undertaken by the Government exclusively through its budgetary provisions.

(4) In order to carry out its functions consistent with the provisions of this Act, the Board shall have the powers to do all or any of the following, namely:-

- (i) acquire, hold, develop or construct such property, both movable and immovable, as the Board may deem necessary for the performance of any of its activities related to the development of infrastructure sectors or infrastructure projects;
- (ii) advise or recommend to the Government acquisition of land under the Land Acquisition Act, 1894 for the purposes of infrastructure projects;
- (iii) lease, sell, exchange, or otherwise make allotments of the property referred to in clause (i) to concessionaire and to modify or rescind allotments, including the right and power to evict the allottees concerned on breach of any of the terms or conditions of such allotment;
- (iv) borrow and raise money in such manner as the Board may think fit and to secure the repayment of any money borrowed, raised or owing by mortgage, charge, standard security, lien or other security upon the whole or any part of the Board's property or assets (whether present or future), and also by a similar mortgage, charge, standard security, lien or security to secure and guarantee the performance by the Board of any obligation or liability, it may have undertaken or which may become binding on it;
- (v) constitute a professional multi-disciplinary Project Management Team and one or more Advisory Committee or Committees or Sectoral Sub-Committee or Project Implementation Sub-Committee, or engage suitable service providers or advisors or consultants to advise the Board for the efficient discharge of its functions;
- (vi) enter into and perform all such contracts as it may think necessary or expedient for performing any of its functions; and
- (vii) do such other things and perform such other acts as it may think necessary or expedient for the proper conduct of its functions and for carrying into effect the purposes of creation of the Board, as contained in this Act.

3AD. Power to make Bye laws for efficient administration of Board.— The Board shall, with prior approval from the Government, make bye-laws for proper performance of its functions under this Act, which without prejudice to the generality of powers may provide for the following matters, namely:-

- (a) constitution, functioning and powers of Sectoral Sub-committee, Project Implementation Sub-committee;
- (b) duties of officers and employees of the Board and conditions of service;
- (c) conduct of the meetings of the Board, the time and place at which such meetings shall be held, the procedure to be followed in the transaction of business; and
- (d) any other matters in relation to which bye-laws are required to be or may be made

3AE Power to issue directions.—The Government may, from time to time issue such directions to the Board on matters concerning the infrastructure sectors and the infrastructure projects in the State, as it may deem fit, for the purpose of carrying out the provisions of this Act and the Board shall be bound by such directions.]

NOTES

Statement of Objects and Reasons—The Section 3A of the Act 8 of 1975 provides for creation of a Fund from the receipts on account of Infrastructure Development Charges (IDC) and Infrastructure Augmentation Charges (IAC). The said Fund vests with the Director General, Town and Country Planning Haryana, and is presently administered by a High Powered Committee constituted for the purpose for investment on major infrastructure projects and for the purpose of stimulating socio-economic growth for the benefit of State of Haryana. Owing to the increasing complexities involved in such infrastructure projects and in order to leverage the Fund available for structuring and implementation of larger infrastructure projects in Public-Private-Partnership, the Government has decided for setting up of Haryana Infrastructure Development Board (hereinafter referred as the Board) as a dedicated agency for encouraging private sector investment in infrastructure projects across all sectors through innovative development and financial structuring of infrastructure projects for implementation in Public-Private-Partnership mode, viz., Build-Operate-Transfer, Build-Own-Operate-Transfer, Joint Venture Agreement, concessionaire agreement, equity participation by State, subsidy support, incentivisation in form of tax exemptions, Viability Gap funding, Grant of Government guarantee, etc. The Section 3AA is accordingly proposed to be introduced for the constitution of Board. The sub-section 7 of section 3A is also proposed for amendment to enable transfer of amount collected under the Fund by the Director to the Board. The Preamble of the Act is also proposed for appropriate amendment to reflect the said intent and purpose.

The Board is likely to evolve as a ‘multi-disciplinary Techno-Legal-Financial Institution for Promotion of Infrastructure Development in the State’ under the Haryana Development and Regulation of Urban Areas Act, 1975, with professionals drawn from Administration, Engineering, Town Planning, Legal and Finance cadres. Enabling provision for appointment of officers and employees for the Board has accordingly been made in Section 3AB. The Powers and Functions of the Board has been detailed under Section 3AC. Provision enabling the formulation of bye-laws by the Board for efficient administration of the Board has been provided under Section 3AD and the Government has been empowered under Section 3AE to issue directions to the Board for carrying out provisions of the Act. The Section 24 is also proposed for amendment to add enabling provisions for notification of Rules for prescribing various procedures to be adopted for efficient administration of the Board.

Hence this BILL⁶⁶

⁶⁶ Haryana Bill No. 8-HLA of 2013-Published in Haryana Govt. Gaz. (Extra.) dated 1-3-2013 at page 1225

⁶⁷[**3B** *Erection or re-erection of buildings in a licensed colony*:— No person shall erect or re-erect buildings in a colony save in accordance with approved plans and subject to such restrictions and conditions as are contained in the license or as may be specified by the Government or the Director.]

⁶⁸[**3C** *Registration of independent residential floors*.— (1) The registration of independent residential floors for the purpose of transfer, sale, gift, exchange or lease in perpetuity in a colony, for which a licence has been granted under this Act, shall be permitted as independent dwelling units:

Provided that no sub-division of land under the residential dwelling unit shall be permitted and the registration shall be limited to one dwelling unit only on each floor.

(2) The purchaser desiring registration under sub-section (1), shall be liable to pay a duty as notified by the Government from time to time, in addition to the stamp duty payable under the Indian Stamp Act, 1899, as applicable in the State of Haryana.

(3) The said duty shall be collected by the Registrar or Sub-Registrar at the time of registration of the document in the manner specified under the Indian Stamp Act, 1899, and intimation thereof shall be sent to the Director immediately.

(4) The amount of the duty collected under this Act shall be credited to the Fund established under section 3A of this Act.]

⁶⁹[**3D** *Change in beneficial interest*.— After a licence has been granted under sub-section (3) of section 3, the Director may, if satisfied, after making such enquiry, as he may deem necessary, on an application from the colonizer, allow the change in beneficial interest to a third party, after the fulfillment of such terms and conditions, as specified by the Director and after recovery of such administrative charges, as may be prescribed.]

4. Maintenance of Registers.—The Director shall maintain such registers as may be prescribed showing sufficient particulars of all cases in which license is granted or refused by him and the said registers shall be available for inspection without charges by all interested persons and such persons shall be entitled to have extract therefrom.

5. Cost of Development Works.— (1) The colonizer shall deposit ⁷⁰[thirty per centum] of the amount received, from time to time, by him, from the plot-holders within a period of ten days of its realization in a separate account to be maintained in a scheduled bank. This amount shall only be utilized by him towards meeting the cost of internal development works in the colony. After the internal development works of the colony have been completed to the satisfaction of the Director, the colonizer shall be at liberty to withdraw the balance amount. The ⁷¹[remaining seventy per centum] of the said amount shall be deemed to have been retained by the colonizer, inter-alia, to meet the cost of land and external development works.

(2) The colonizer shall maintain accounts of the amount kept in the scheduled bank, in such manner as may be prescribed:

⁶⁷ Inserted by Haryana Act No. 11 of 2003 dated 3-4-2003

⁶⁸ Inserted by Haryana Act No. 18 of 2009 dated 14-9-2009

⁶⁹ Insertion of Section 3D by Haryana Act No. 11 of 2017 dated 3-4-2017

⁷⁰ Substituted for the words “deposit fifty per centum” by Haryana Act No. 11 of 2003 dated 3-4-2003

⁷¹ Substituted for the words “remaining fifty per centum” by Haryana Act No. 11 of 2003 dated 3-4-2003

⁷²[Provided that where the license under section 3 is granted for setting up a colony for cyber city or cyber park purposes, the provisions of sub-sections (1) and (2) shall not be applicable.]

6. Auditing of accounts.—(1) The Director, or any other officer authorized by him in this behalf, shall be competent to inspect the accounts maintained by the colonizer who shall produce before him all the relevant records required for this purpose.

(2) The colonizer shall get his accounts audited, after the close of every financial year, by a chartered accountant and shall produce a statement of accounts, duly certified and signed by such chartered accountant, in the manner prescribed.

⁷³[**6A. Grant of Transferable Development Rights (TDR) Certificate.**— (1) If the owner whose land is eligible for issuance of TDR Certificate within the urbanisable limits of any development plan, subject to such terms and conditions, as may be prescribed, makes an application on the prescribed format, for handing over the possession of such land, to vest with the Government through the Director, for all intents and purposes, free from all encumbrances, shall, notwithstanding anything contained in this Act or rules framed thereunder, be entitled to be granted TDR Certificate upon payment of such fee and charges, as may be prescribed.

(2) On receipt of the application under sub-section (1), the Director, shall undertake scrutiny of such application to—

- (a) verify the extent, situation and title of the land;
- (b) ascertain conformity of the application to the prescribed parameters; and
- (c) initiate and examine the claims and objections in such manner, as may be prescribed.

(3) After the scrutiny under sub-section (2), the Director may issue a TDR Certificate specifying the notional land, to be calculated after factorizing with the prescribed index, on which development rights may be availed subject to such terms and conditions, as may be prescribed or may reject it, citing reasons thereof:

Provided that no such application shall be rejected without giving an opportunity of hearing to the owner.

(4) The entitlement of development rights shall be calculated on the basis of the area of the land and its location, which on account of issuance of TDR Certificate shall vest with the Government, free from all encumbrances and without claiming compensation under any law for the time being in force:

Provided that the Government may either transfer such land that has vested with it to any person or institution including a local authority for such purpose, on such terms and conditions, as it may deem fit, or enter into an exchange of the land with any other person or institution to ensure better planning, before its transfer and utilization.

(5) The development rights shall only be utilizable after due approval from the Director at the time of approval of building plans and shall not be allowed to be utilized unless an entry to such effect is made in the TDR Certificate and the register/database maintained by the Director.

(6) The utilization of development rights shall be subject to such limitations, as may be prescribed.

(7) The Director shall maintain and periodically publish a register/database including entries of issue, transfer or utilization of development rights granted under this section in such manner, as may be prescribed.

⁷² Proviso added by Haryana Act no. 11 of 2003 dated 3-4-2003

⁷³ Insertion of Section 6A and 6B by Haryana Act No. 8 of 2016 dated 20-4-2016

6B. Grant of Purchasable Development Rights (PDR) Certificate.- (1) A colonizer intending to obtain a PDR Certificate shall make an application on the prescribed format, alongwith an undertaking to deposit such fee, as may be prescribed, upon demand, shall be entitled to be granted PDR Certificate under this section upon fulfillment of such terms and conditions and on payment of such fee, as may be prescribed.

(2) On receipt of the application under sub-section (1) and upon scrutiny of the application, the Director, if satisfied, may issue PDR Certificate specifying its utilization or may reject it, citing reasons thereof:

Provided that no such application shall be rejected without giving an opportunity of hearing to the colonizer.

(3) The utilization of development rights against any PDR Certificate issued against a specific colony shall be non-transferable and fee deposited against it shall be non-refundable.]

7. Prohibition to advertise and transfer plots.—Save as provided in section 9,⁷⁴[no person including a property dealer shall],—

- (i) without obtaining a license under section 3, transfer or agree to transfer in any manner plots in a colony or make an advertisement or receive any amount in respect thereof;
- (ii) erect or re-erect any building in any colony in respect of which a license under section 3, has not been granted.
- ⁷⁵[(iii) erect or re-erect any building other than for purposes of agriculture on the land sub-divided for agriculture as defined in clause (aa) of section 2 of this Act.]

⁷⁶{⁷⁷[**7A. Registration of certain documents.**— Notwithstanding anything contained in any other State law for the time being in force, where any document is required to be registered under the provisions of section 17 of the Registration Act, 1908 (Central Act 16 of 1908), purporting to transfer by way of sale or lease any agricultural land having an area of less than two kanals in an urban area, as may be notified specifically by the Government, from time to time for the purposes of this section, no Registration Officer appointed under the above said Act shall register any such document unless the transferor produces before such Registration Officer a no objection certificate issued by the Director or an officer authorized by him in writing in this behalf to the effect that the said transfer does not contravene any of the provisions of this Act and the rules made thereunder and such no objection certificate shall be issued to the concerned Registering Authority within thirty days from the date of receipt of the application for the same:

Provided that—

- (a) there shall be no requirement to obtain a no objection certificate from the Director, where-
 - (i) the land is situated in a colony for which a license has been issued under section 3 of this Act and the copy of the layout plan of colony is submitted with the application for registration of land; or
 - (ii) the proposed transfer is as a result of family partition, inheritance, succession or partition of joint holdings not with the motive of earning profit; or
 - (iii) the proposed transfer is in furtherance of any scheme sanctioned under any law; or

⁷⁴ Substituted for the words “no person shall” by Haryana Act No. 11 of 2003 dated 3-4-2003

⁷⁵ Inserted by Haryana Act No. 11 of 1989

⁷⁶ Substituted by Haryana Act No. 11 of 2017 dated 3-4-2017

⁷⁷ Inserted by Haryana Act No. 11 of 1989

- (iv) the land is being consolidated by way of sale or transfer of complete share of the different land owners and such land is contiguous to the land of the purchaser;
- (b) if the above said application for grant of no objection certificate submitted to the Director or an officer authorized by him in writing in this behalf is not disposed of through an order in writing within a period of thirty days, the no-objection certificate shall be deemed to have been granted;
- (c) all applications for grant of no-objection certificate shall be accompanied by the following documents, namely:-
 - (i) title of land;
 - (ii) draft copy of registration deed; and
 - (iii) copy of Aadhaar Card.

Explanation:- “agricultural land” includes the land recorded as Nehri, Chahi, Barani or by any other term in the revenue record. }

⁷⁸[**7B. Time limit for completion of a specific category of colony.**- (1) Notwithstanding anything contained in this Act, the Government may, by notification, specify a time limit for completion of a specific category of colony. If the coloniser fails to complete the laying out of any such specific category of colony in accordance with the approved lay out plans or to execute internal development works as per the approved design and specifications or to apply for grant of completion certificate under sub-section(6) of section 3 within the specified time limit, the Director shall not entertain any application for renewal of the licence and shall issue a show cause as to why the licence granted may not be treated as lapsed. The coloniser shall reply to the show cause notice within a period of thirty days from the receipt of such a notice.

(2) On receipt of the reply to the show cause notice issued under sub-section (1), the Director shall give an opportunity of hearing and after making such enquiry, as deemed necessary and for reasons to be recorded in writing, -

- (i) if satisfied, that the delay in execution of development work was for reasons beyond the control of the colonizer, renew the licence for a maximum period of twenty-four months, or part thereof, on deposit of fee at double the rate of fee prescribed for grant of the licence:

Provide that in case the renewal of the licence is allowed for a period less than twenty-four months, then proportionate renewal fee shall be deposited against such period;

- (ii) if not satisfied, order that the licence has lapsed, and thereafter, within one month, shall cause a public notice to be published about the lapse of the licence in atleast two newspapers, one each in Hindi and English, having circulation in such locality.

(3) After passing the order under clause(ii) of sub-section (2), the procedure laid down under sub-sections (2),(3),(4) & (5) of section 8 shall be followed.]

8. Cancellation of license.— (1) A license granted under this Act, shall be liable to be cancelled by the Director if the colonizer contravenes any of the conditions of the license or the provisions of the Act or the rules made thereunder; provided that before such cancellation the coloniser shall be given an opportunity of being heard.

⁷⁹[(2) After cancellation of the licence, the Director may himself, carry out or cause to be carried out, the development works in the colony and recover such charges as the Director

⁷⁸ Inserted by Haryana Act No. 27 of 2013 dated 15-10-2013

⁷⁹ Inserted by Haryana Act No. 30 of 1986 dated 15-12-1986

may have to incur on the said development works from the colonizer and the plot-holders in the manner prescribed as arrears of land revenue.

(3) The liability of the colonizer for payment of such charges shall not exceed the amount the colonizer has actually recovered from the plot-holders less the amount actually spent on such developments works, and that of the plot-holders shall not exceed the amount which they would have to pay to the colonizer towards the expenses of the said development works under the terms of the agreement of sale or transfer entered into between them:

Provided that Director may, recover from the plot holders with their consent, an amount in excess of what may be admissible under the aforesaid terms of agreement of sale or transfer.

(4) Notwithstanding anything contained in this Act after the colony has been fully developed under sub-section (2), the Director may, with a view to enabling the colonizer, to transfer the possession of and the title to the land to the plot-holders within a specified time, authorize the colonizer by an order to receive the balance amount, if any, due from the plot-holders, after adjustment of the amount which may have been recovered by the Director towards the cost of the development works and also transfer the possession of or the title to the land to the plot-holder within aforesaid time. If the colonizer fails to do so, the Director shall on behalf of the colonizer transfer the possession of and the title to the land to the plot-holders on receipt of the amount which was due from them.

(5) After meeting the expenses on development works under sub-section (2), the balance amount shall be payable to the colonizer.]

⁸⁰[8A. *Online receipt and approval.*—(1) All functions performed under this Act may also be performed through electronic form and internet.

(2) Without prejudice to the generality of sub-section (1), the functions may include all or any of the followings:-

- (a) receipt or acknowledgement of applications and payments;
- (b) issue of approvals, orders or directions;
- (c) scrutiny, enquiry or correspondence for grant of license, its renewal, transfer or grant of occupation certificates, part or completion certificate etc.;
- (d) approval of plans, estimates, occupation certificates etc.;
- (e) filing of documents;
- (f) issue of notices for recoveries;
- (g) maintenance of registers and records;
- (h) any other function that the Director may deem fit in public interest.]

9. Exemption from obtaining licence in certain cases.—(1) The Director shall grant exemption to a person from obtaining the license if he is satisfied that—

- (a) the land—
 - (i) had been divided into plots and more than twenty per centum of the plots according to layout plan had been sold or agreed to be sold prior to the 16th day of November, 1971;
 - (ii) is in a compact block; and
 - (iii) is not situated within the controlled area; or
- (b)
 - (i) the land does not exceed 4,000 square metres and is situated within the limits of a municipal area, a notified area or the Faridabad complex;
 - (ii) the amenities similar to the one existing in the locality exist or such person undertakes to provide such amenities; and

⁸⁰ Section 8A inserted by Haryana Act No. 8 of 2016 dated 20-4-2016

- (iii) the size of the plots divided or proposed to be divided is in conformity with the general layout of the plots in the locality:

Provided that Director may, by an order in writing giving reasons, refuse to grant the exemption if he, after hearing the applicant, is of the opinion that the application has been made with a view to evade the provisions of this Act.

(2) The application for obtaining exemption shall be in such form and manner as may be prescribed.

(3) If, within a period of three months of the date when an application under sub-section (2) has been made to the Director, no order in writing has been passed by the Director, the exemption shall be deemed to have been granted.

Explanation.—The expression “controlled area” shall have the meaning assigned to it in the Punjab Scheduled roads and Controlled Areas Restriction of unregulated Development Act, 1963⁸¹ [and the Faridabad Complex (Regulation and Development) Act, 1971.]

⁸²[9A. **Control by Government.**—The Director shall carry out such directions, as may be issued to him, from time to time, by the Government for efficient administration of this Act.]

10. [83Penalties.— (1) Any person who contravenes any of the provisions of this Act or the rules made thereunder or any of the conditions of a licence granted under section 3 shall be punishable with imprisonment of either description for a term which may extend to three years and shall also be liable to fine:

Provided that where only of the provisions of section 9 are contravened the punishment of imprisonment shall not exceed six months.

⁸⁴[(2) Without prejudice to the provisions of sub-section (1), the Director or any other officer authorized in writing by him in this behalf may, by notice, served by post and if a person avoids service, or is not available for service of notice, or refuses to accept service, then by affixing a copy of it on the outer door or some other conspicuous part of such premises, or in such other manner as may be prescribed, call upon any person who has committed a breach of the provisions referred to in the said sub-section to stop further construction and to appear and show cause why he should not be ordered to restore to its original state or to bring it in conformity with the provisions of this Act or the rules framed thereunder, as the case may be, any building or land in respect of which a contravention such as is described in the said subsection has been committed and if such person fails to show cause to the satisfaction of the Director or such authorized officer within a period of seven days, the Director or such authorized officer may pass an order requiring him to restore such land or building to its original state or to bring it in conformity with the provisions of this Act or the rules framed there-under, as the case may be, within a further period of seven day.

(3) If the order made under sub-section (2) is not carried out within a specified period, the Director, or any other officer authorized in writing by him in this behalf may, himself at the expiry of the specified period, take such measures, as may appear necessary to give effect to the order and the cost of such measure shall, if effect to the order and the cost of such measure shall, if not paid on demand being made to him, be recoverable from such person as arrears of land revenue:

Provided that even before the expiry of the period mentioned in the order under sub-section (2), if the Director or such authorized officer is satisfied that instead of stopping the

⁸¹ Inserted by Haryana Act No. 9 of 1977

⁸² Inserted by Haryana Act No. 16 of 2010 dated 30-9-2010

⁸³ Substituted by Haryana Act No. 11 of 1989 dated 24-5-1989

⁸⁴ Subsection-(2) and (3) substituted by Haryana Act No. 11 of 2003 dated 3-4-2003

construction, the person continues with the contravention, the Director or such authorized officer may himself take such measures, as may appear necessary, to give effect to the order and the cost of such measures shall if not paid on demand being made to him, be recoverable from such person as arrears of land revenue.]

⁸⁵[10A. *Recovery of dues.*—All dues payable under the Act, which have not been deposited within the time specified, shall be recovered as arrears of land revenue.]

11. ⁸⁶[*Prosecution*— No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Director or any officer authorized in writing by him in this behalf.

11-A. *Duty of Police officers*—It shall be the duty of every police officer—

- (i) to communicate without delay to the Director or any other officer authorized in writing by him in this behalf, any information which he receives of a design to commit or of the commission of any offence against this Act or any rule or regulation made thereunder and;
- (ii) to assist the Director or any other officer authorized in writing by him in this behalf, in the lawful exercise of any power vested in the Director or any other officer authorized in writing by him in this behalf under this Act or any rule or regulation made thereunder.

11-B. *Power to arrest* — (1) A police officer not below the rank of sub-inspector, shall arrest any person who commits in his view any offence against this Act or any rule made thereunder, if the name and address of such person, be unknown to him and if such person, on demand declines to give his name and address, or gives such name or address which such officer has reason to believe to be false.

(2) The person so arrested shall, without unavoidable delay, be produced before the Magistrate authorized to try the offence for which the arrest has been made and no person, so arrested, shall be detained in custody for a period exceeding twenty-four hours without an order from the above mentioned Magistrate.]

12. *Offences by companies.*— (1) Where an offence under this Act has been committed by a company, the company as well as every person in charge of, or responsible to, the company for the conduct of its business at the time of the commission of the offence, shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that, the commission of the offence is attributable to any neglect on the part of, a director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be proceeded against and punished accordingly.

Explanation. —For the purposes of this section —

⁸⁵ Inserted by Haryana Act No. 4 of 2012 dated 3-4-2012

⁸⁶ Section 11, 11-A & 11-B substituted by Haryana Act No. 11 of 1989 dated 24-5-1989

- (a) “company” means anybody corporate and includes a firm or other association of individuals; and
- (b) “director” in relation to a firm means a partner in the firm.

13. Composition of offences.—(1) The Director may, either before or after the institution of the proceedings for prosecution, compound any offence punishable by or under this Act.

(2) Where an offence has been compounded, the offender, if in custody, shall be released and no further proceedings shall be taken against him in respect of the offence compounded.

14. Indemnity.—(1) No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused by anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

15. Bar of jurisdiction of civil court—No civil court shall have any jurisdiction to entertain or decide any question relating to matters falling under this Act or the rules made thereunder.

16. Effect of other laws.—Notwithstanding anything contained in this Act, any permission already granted to set up a colony under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, and the rules made thereunder, shall remain valid and be governed by the terms and conditions contained therein. No person shall be required to obtain a licence if he had obtained permission under the said Act and the same still subsists

17. Restrictions in controlled area.— Any person who has sold or transferred or has agreed to sell or transfer any plot for any purpose in a colony, in an area in which the Punjab Scheduled roads and Controlled Areas Restriction of Unregulated Development Act, 1963, was applicable, and has not obtained permission as required by the said Act, but has realized any money before the commencement of this Act from the plot holders, shall obtain a license under the provisions of this Act within a period of three months from the date of publication of this Act in the official Gazette of the State or such further period as may be allowed by the Director.

18. Savings.— Nothing in this Act shall affect the power of the Government, improvement trusts, Housing Board, Haryana,⁸⁷ [or any local authority or another authority constituted under any law for time being in force by the State Government for carrying out the development of Urban Area] to develop land or impose restrictions upon the use and development of any area under any other law for the time being in force⁸⁸ [but such power except the power exercisable by the Government, shall be exercised on payment of such sum as may be decided by the Government from time to time.]

⁸⁷ Inserted by Haryana Act No. 9 of 1977

⁸⁸ Added by Haryana Act No. 17 of 1996 dated 13-12-1996

19. ⁸⁹[*Appeal*.— Any person, aggrieved by any order of the Director or any officer appointed by the Government, by notification in the official Gazette, to exercise and perform all or any of the powers and functions of the Director may, within a period of thirty days of the communication of the order to him, prefer an appeal to the Secretary to Government of Haryana, Town and Country Planning Department, in such form and manner as may be prescribed.]

Provided that the appeal may be entertained after the expiry of said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.]

20. *Revision*.— The Government may call for the record of any case pending before, or disposed of by, any subordinate authority, for the purpose of satisfying itself as to the legality or propriety of any proceedings or of any order made therein and may pass such order in relation thereto as it may think fit.

21. *Review*.— The Director may, either of his own motion or on an application of any party interested, review, and on so reviewing modify, reverse or confirm any order passed by himself or by any of his predecessors in office:

Provided that –

- (a) when the Director proposes to review any order passed by his predecessor in office, he shall first obtain the sanction of the Government;
- (b) no application for review of an order shall be entertained unless it is made within a period of ninety days from the date of passing of the order, or unless the applicant satisfies the Director that he had sufficient cause for not making the application within that period;
- (c) no order shall be modified or reversed unless the parties concerned have been afforded a reasonable opportunity of being heard;
- (d) no order against which an appeal has been preferred shall be reviewed.

22. *Delegation*.—The Government may by notification direct that the powers exercisable by it under this Act shall, in such circumstances and under such conditions as may be specified therein, be exercisable also by an officer subordinate to it.

23. *Power to exempt*.—If the government is of the opinion that the operation of any of the provisions of this Act causes undue hardship or circumstances exist which render it expedient so to do, it may, subject to such terms and conditions as it may impose, by a general or special order, exempt any class of persons or areas from all or any of the provisions of this Act.

⁹⁰[**23-A.** *Power to issue directions*.—The Director, with the approval of the Government, may, from time to time and/or under the directions issued under section 9A by the Government, shall, issue directions as are necessary or expedient for carrying out the purposes of this Act.]

24. *Power to make rules*.—⁹¹[(1)The Government may, by notification in the Official Gazette, subject to the condition of previous publication, make rules for carrying out the purposes of this Act and may give them prospective or retrospective effect.]

⁸⁹ Substituted by Haryana Act No. 11 of 2003 and further substituted by Haryana Act No. 5 of 2004 dated 8-3-2004

⁹⁰ Inserted by Haryana Act No. 4 of 2012 dated 3-4-2012

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) fee, form and manner of making an application for obtaining licence under sub-section (1) of section 3;
- (b) form of licence agreement under sub section (3) of section 3;
- (c) fee for grant or renewal of licence under sub-section (4) of section 3;
- (d) form of registers to be maintained under section 4;
- (e) form of accounts to be maintained under sub-section (2) of section 5;
- (f) manner of getting the accounts audited under sub-section (2) of section 6;
- (g) manner in which preference is to be given to the plot-holders under sub-section (3) of section 8;
- (h) form and manner of making application under sub-section (2) of section 9;
- ⁹²[(i) any other matter in connection with preparation, submission and approval of plans ⁹³{.};]
- ⁹⁴[(j) any other matter which has to be or may be prescribed.]

⁹⁵[(2A.) In particular and without prejudice to the generality of the foregoing power and the matters specifically provided for in this Act, the Government may, by notification in the Official Gazette, make rules for efficient administration of the Board. Such rules may provide for all or any of the following matters, namely:-

- (i) prescribing the procedure to be adopted for project identification, prioritization, public hearing, finalisation of scope, funding and structuring of infrastructure projects, conducting feasibility analysis, public bidding of the project, concessionaire selection, negotiation of contract, formation of Special Purpose Vehicles, execution of concession agreement, implementation and completion of project as well as its monitoring, maintenance and impact assessment i.e. covering the complete spectrum of project cycle;
- (ii) prescribing the procedure for project implementation including determination of tariff, assignment of assets, assessing feasibility and viability of finalised infrastructure projects, termination of concession agreement etc. for successful implementation of project and its termination in case of violation of provisions of agreement;
- (iii) prescribing the form and manner in which finance, accounts and audit of the Board is maintained, conducted and submitted along with the form and manner in which the annual report of the Board is prepared and placed and returns are submitted;
- (iv) prescribing the form and manner of furnishing returns, statements and other particulars as may be decided;]

⁹⁶[(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session.]

25. Repeal.—The Haryana Restrictions on (Development and Regulation of Colonies) Act, 1971 (Haryana Act 39 of 1971), is hereby repealed.

⁹¹ Substituted by Haryana Act No. 15 of 2006 dated 20-3-2006

⁹² Added by Haryana Act No. 11 of 2003 dated 3-4-2003

⁹³ Sing {.} substituted by Haryana Act No. 8 of 2016 dated 20-4-2016

⁹⁴ Inserted by Haryana Act No. 8 of 2016 dated 20-4-2016

⁹⁵ Inserted by Haryana Act No. 5 of 2013 vide No. Leg. 7/2013 dated 5-4-2013

⁹⁶ Substituted by Haryana Act No. 15 of 2006 dated 20-3-2006

⁹⁷**[Validation.-**Notwithstanding any judgment, decree or order of any court or tribunal or other authority to the contrary, any licence fee charged or purporting to have been charged as per the Haryana Development and Regulation of Urban Areas (Amendment) Rules, 2005, notified by the Haryana Government, Town and Country Planning Department, Notification No. DS-II-05/4737, dated the 23rd May, 2005, and the Schedule given below or any bilateral agreement executed with the Director or any undertaking obtained at the time of grant of licence or any action taken or things done or purporting to have been taken or done before the commencement of the Haryana Development and Regulation of Urban Areas (Amendment and Validation) Act, 2005, shall be deemed to be as valid and effective as if such licence fee were charged in accordance with the provisions contained in the Schedule appended to the Haryana Development and Regulation of Urban Areas Rules, 1976 and any bilateral agreement were executed or undertaking were obtained in accordance with the provisions as amended and validated in exercise of the provisions contained in the Haryana Development and Regulation of Urban Areas (Amendment and Validation) Act, 2005, and shall not be called in question in any court or tribunal or other authority and accordingly—(i) all acts, proceedings or things done or action taken by the Government or by any official of the Government or by any authority, in connection with the charging of licence fee, execution of bilateral agreement and obtaining of any undertaking, for all purposes be deemed to be and, to have always been done or taken in accordance with law; (ii) no suit or other proceedings shall be maintained or continued in any court or before any authority for the refund of any such licence fee so charged and for nullification of bilateral agreement executed and undertaking obtained; and (iii) no court or authority shall enforce a decree or order directing the refund of any such licence fee so charged or for nullification of bilateral agreement or any undertaking obtained at the time of grant of licence:—

SCHEDULE

**Rates of licence fee per gross acre
(for colonies other than Industrial)**

A. Sr. No.	Name of the Town/Urban Area	Plotted Colony	Group Housing Colony	Commercial/ Office Complex in residential sector	Effective date
1	2	3	4	5	6
(i)	Gurgaon, Faridabad and Panchkula	Rs.1 lac	Rs.1.25 lac	(i) Rs. 50 lac for 2% sector area (ii) Rs.75 lac for 1% sector area (for 175 FAR) (iii) Rs.25 lac (for 100 and 150 FAR)	10th April, 2003
(ii)	Sonepat, Panipat, Manesar, Bahadurgarh	Rs.1 lac	Rs.1.25 lac	Rs.15 lac	
(iii)	Rest of the State	Rs. 0.25 lac	Rs. 0.30 lac	Rs.5 lac	

For Industrial Colonies

Sr.No.	Name of the town/urban area	Rate
1	2	3
(i)	Gurgaon Town, Gurgaon Block of Gurgaon District (except Manesar), Faridabad, Ballabgarh and Ballabgarh Block of Faridabad District	Rs. 0.50 lac
(ii)	Bahadurgarh, Kundli, Panipat Town and Industrial Model Township Manesar	Rs. 0.20 lac
(iii)	Remaining Towns of the State	Rs. 0.05 lac

⁹⁷ See Haryana Act No. 15 of 2006 dated 20-3-2006

**Rates of licence fee per gross acre
(for colonies other than Industrial)**

B. Sr. No.	Name of the Town/ Urban Area	Plotted Colony	Group Housing Colony	Commercial/ Office Complex in residential sector	Effective date
1	2	3	4	5	6
(i)	Gurgaon, Faridabad and Panchkula	Rs.1 lac	Rs.1.25 lac	(i) Rs.50 lac for 2% sector area (ii) Rs.75 lac for 1% sector area (for 175 FAR)	22nd November, 2003
(ii)	Gurgaon-Mehrauli Schedule road	Rs.1 lac	Rs.1.25 lac	Rs.1.50 crore (for 175 FAR)	
(iii)	Sonepat, Panipat, Manesar, Bahadurgarh	Rs.1 lac	Rs.1.25 lac	Rs. 15 lac	
(iv)	Rest of the State	Rs. 0.25 lac	Rs. 0.30 lac	Rs. 5 lac	

For Industrial Colonies

Sr.No.	Name of the town/urban area	Rate
1	2	3
(i)	Gurgaon Town, Gurgaon Block of Gurgaon District (except Manesar), Faridabad, Ballabgarh and Ballabgarh Block of Faridabad District	Rs. 0.50 lac
(ii)	Bahadurgarh, Kundli, Panipat Town and Industrial Model Township Manesar	Rs. 0.20 lac
(iii)	Remaining Towns of the State	Rs. 0.05 lac

**Rates of licence fee per gross acre
(for colonies other than Industrial)**

Sr. No.	Name of the Town/Urban Area	Plotted Colony	Group Housing Colony	Commercial Office Complex in residential sector	Effective date
1	2	3	4	5	6
(i)	Gurgaon, Faridabad and Panchkula	Rs.1 lac	Rs.1.25 lac	(i) Rs. 1.00 crore (for 175 FAR)	19th May, 2004
(ii)	Gurgaon-Mehrauli Schedule road	Rs.1 lac	Rs.1.25 lac	Rs.1.50 crore (for 175 FAR)	
(iii)	Sonepat, Panipat, Manesar, Bahadurgarh	Rs.1 lac	Rs.1.25 lac	Rs.15 lac	
(iv)	Rest of the State	Rs. 0.25 lac	Rs. 0.30 lac	Rs. 5 lac	

For Industrial Colonies

Sr.No.	Name of the town/urban area	Rate
1	2	3
(i)	Gurgaon Town, Gurgaon Block of Gurgaon District (except Manesar), Faridabad, Ballabgarh and Ballabgarh Block of Faridabad District	Rs. 0.50 lac
(ii)	Bahadurgarh, Kundli, Panipat Town and Industrial Model Township Manesar	Rs. 0.20 lac
(iii)	Remaining Towns of the State	Rs. 0.05 lac

⁹⁸**[Validation].**-Notwithstanding any judgment, decree or order of any court or tribunal or other authority to the contrary, any action taken with regard to the recovery of proportionate cost of construction of such schools, hospitals, community centres and other community buildings, either through the issuance of executive instructions or through condition prescribed in the Bilateral Agreement executed at the time of grant of licence or through any undertaking obtained from the coloniser, or any action taken or things done or purporting to have been taken or done, before the commencement of the Haryana Development and Regulation of Urban Areas (Amendment and Validation) Act, 2012, shall be deemed to be as valid and effective as if such action was taken or done in accordance with the provisions of the Haryana Development and Regulation of Urban Areas (Amendment and Validation) Act, 2012 and any executive instructions or any Bilateral Agreement or any undertaking obtained in this regard and all such recoveries made, shall be deemed to be as valid and effective as if such Bilateral agreement were executed, or executive instructions were issued or undertakings were obtained or recoveries were made in accordance with the provisions as amended and validated in accordance with the provisions contained in the Haryana Development and Regulation of Urban Areas (Amendment and Validation) Act, 2012, and shall not be called in question in any court or tribunal or other authority:

Provided that the amount already deposited against the cost of construction of the community buildings shall be spent on the construction of such community buildings or related infrastructure within a period of five years hereafter, unless any further extension is allowed under exceptional circumstances by the Government after recording reasons thereof, and accordingly,—

- (i) all acts, proceedings or things done or action taken by the Government or by any other official of the Government or by any authority, in connection with the recovery of cost of construction of such schools, hospitals, community centres and other community buildings by the Director either through issuance of executive instructions or through condition prescribed in bilateral agreement or through any undertaking obtained from coloniser, for all purposes be deemed to be and to have always been done or taken in accordance with law;
- (ii) no suit or other proceedings shall be maintained or continued in any court or before any authority for the refund of any such amount already deposited or for nullification of Bilateral agreement already made, executive instructions already issued and undertaking obtained; and
- (iii) no court or authority shall enforce a decree or order directing the refund of any such recovery of cost of construction of such schools, hospitals, community centres and other community buildings so charged or for nullification of bilateral agreement executed or any executive instructions issued or any undertaking obtained in this regard.]

(2) Notwithstanding any judgement, order or decree of any court or tribunal or other authority to the contrary, if a licensee who deposited the cost of construction, full or part, on the demand of Government and later took the refund under a judgment, order or decree passed by court or tribunal or any other authority, the Government may, after the notification of the Haryana Development and Regulation of Urban Areas (Amendment and Validation) Act, 2012, order the recovery of the amount of construction of which the refund has been taken by the licensee under such judgment, order or decree, after giving a show cause notice and an opportunity of being heard.

⁹⁸ Act No. 4 of 2012 dated 3-4-2012 at page 63 to 66 Pt. I

⁹⁹**The Haryana Development and Regulation of Urban Area Rules, 1976**
Dated 7th March, 1976

No. GSR 107/HA-8/75/S.24/76:— In exercise of the powers conferred by Section 24 of the Haryana Development and Regulation of Urban Areas Act, 1975 and all other powers enabling him in this behalf and with reference to Haryana Government, Town and Country Planning Department notification No GSR-17/HA. 8/75/S-24/76 dated the 6th February, 1976 the Governor of Haryana hereby makes the following rules, namely:-

RULES
PART I

1. Short title.— These rules may be called the Haryana Development and Regulation of Urban Areas rules, 1976.

2. Definitions.— In these rules unless the context otherwise requires:—

- (a) “Act” means the Haryana Development and Regulation of Urban Areas Act, 1975;
- (b) “amenity” includes roads, water supply, street lighting, drainage, sewerage, public parks, schools,¹⁰⁰[play grounds], hospitals, community centers and other community buildings, horticulture, land escaping and any other public utility service;
- (c) “Compact block” means any block of vacant land in an urban area whether owned by one or more persons and whether or not divided by a private road, street, lane footway, passage or drain, natural or artificial;
- ¹⁰¹[(cc) “development plan” means the plan prepared under the provisions of the Punjab Scheduled Roads and Controlled Areas Restrictions of Unregulated Development Rules, 1965;]
- (d) “Form” means a form appended to these rules;
- (e) “layout plan” means a plan of the colony depicting the division or proposed division of land into plots, roads, open spaces, etc, and other details as may be necessary;
- (f) “section” means a section of the Act¹⁰²{;}
- ¹⁰³[(g) “Transit Oriented Development” means any development, macro or micro that is focused around/along a transit node/ corridor and facilitates complete ease of access to the transit facility, thereby inducing people to prefer to walk and use public transportation over personal modes of transport.]

PART II

3. Application for licence [sections 3 and 24].— (1) Any owner of land desirous of setting up a colony shall make an application in writing to the Director in form LC-I and shall furnish therewith:—

- ¹⁰⁴[(a) a demand draft for licence fee at the rates (given in the Schedule to these rules) for the plotted colony, group housing colony and commercial/office complexes in residential sectors and for industrial colony;]

⁹⁹ Published in Haryana Govt. Gaz. (L.S.) Part III at page 671 dated 11.5.1976

¹⁰⁰ Inserted by notification dated 24.12.1982 Hr. Govt. Gaz. Pt. I dated 18.1.1983 page 135

¹⁰¹ Inserted by notification dated 29.1.2007 Hr. Govt. Gaz. (extra.) page 269

¹⁰² Sign (.) substituted by notification dated 31.10.2016 at page 5923

¹⁰³ Inserted by notification dated 31.10.2016 at page 5923

¹⁰⁴ Substituted by Hr. Govt. Gaz. (Extra.) dated 25.1.2001

- (b) income tax clearance certificate;
- (c) particulars of experience as colonizer showing number and details of colonies already established or being established;
- (d) particulars about financial position ¹⁰⁵ [so as to determine the capacity to develop the colony for which he is applying]; and
- (e) the following plans and documents in triplicate ;—
 - (i) copy or copies of all title deeds and other documents showing the interest of the applicant in the land under the colony, along with a list of such deeds and documents;
 - (ii) a copy of the Shajra Plan showing the location of the colony along with the names of revenue estate, Khasra number and area of each field;
 - (iii) a guide map on a scale of not less than 10 centimetre to 1 Kilometre showing the location of the colony in relation to surrounding geographical features to enable the identification of the land;
 - (iv) a survey plan of the land under the proposed colony on a scale of 1 centimetre to 10 metres showing the spot levels at a distance of 30 metres and where necessary, contour plans. The survey will also show the boundaries, and dimensions of the said land, the location of streets, buildings, and premises within a distance of at least 30 metres of the said land and existing means of access to it from existing roads;
 - (v) layout plan of the colony on a scale of 1 centimetre to 10 metres showing the existing and proposed means of access to the colony the width of streets, sizes and types of plots, sites reserved for open spaces, community buildings and schools with area under each and proposed building lines on the front and sides of plots;
 - (vi) an explanatory note explaining the salient feature of the colony, in particular the sources of wholesome water supply arrangement and site for disposal and treatment of storm and sullage water;
 - (vii) plans showing the cross-sections of the proposed roads indicating in particular the width of the proposed carriage ways cycle tracks and footpaths, green verges, position of electric poles and of any other works connected with such roads;
 - (viii) plans as required under sub-clause (vii) indicating, in addition the position of sewers, storm water channels, water supply and any other public health services;
 - (ix) detailed specifications and designs of road works shown under sub-clause (vii) and estimated costs thereof;
 - (x) detailed specifications and designs of sewerage, storm, water and water supply schemes with estimated costs of each;
 - (xi) detailed specification and designs for disposal and treatment of storm and sullage water and estimated costs of works;
 - (xii) detailed specification and designs for electric supply including street lighting.

(2) The triplicate plans mentioned in clause (e) of sub-rule (1) shall be clear and legible A0 prints with one set mounted on cloth.

(3) If the applicant wants to be exempted from providing any one or more of the amenities in a colony he shall furnish detailed explanatory note in triplicate along with application if necessary, indicating the reasons as to why the said amenity or amenities need not or cannot be provided.

¹⁰⁵ Inserted by notification (draft) dated 24.12.1982 Hr. Govt. Gaz. Pt. I dated 18.1.1983 page 135

4. Percentage of area under roads, open space etc. in layout plans [Sections 3(3) 4 and 24]—(1) In the layout plan of a colony, other than an industrial colony¹⁰⁶[or low-density-eco friendly colony], the land reserved for roads, open spaces, schools, public and community buildings and other common uses shall not be less than forty five percent of the gross area of the land under the colony:

Provided that the Director may reduce¹⁰⁷[after recording reasons therefore] this percentage to a figure not below thirty-five where in his opinion the planning requirements and the size of the colony so justify.

(2) In the layout plan of an industrial colony, the land reserved for the purposes specified in sub-rule (1) shall not be less than thirty-five percent of the gross area of the land under the colony:

¹⁰⁸[xxx]
¹⁰⁹(3) In the layout plan of a low-density eco-friendly colony, the land reserved for common uses viz., roads, open spaces, solar farms, bio-gas plant, compost plant and other common uses shall not be less than 20% of the gross area of the land under the colony:

Provided the open space shall not be less than five percent of gross area and shall not be used for any other common purpose such as for solar farms, bio-gas plant or compost plant.]

5. Development works to be provided in colony [Section 3(3)].— The designs and specifications of the development works to be provided in a colony shall include:—

- (a) metalling of roads and paving of footpaths;
- (b) turfing and plantation¹¹⁰[of] trees⁵[in] open spaces;
- (c) street lighting;
- (d) adequate and wholesome water supply;
- (e) sewers and drains both for storm and sullage water and necessary provision for their treatment and disposal; and
- (f) any other works that the Director may think necessary in the interest of proper development of the colony¹¹¹[:]

¹¹²[Provided that in case of a low-density eco-friendly colony, installation and development of solar farm, compost plant, sewerage treatment plant and bio-gas plant as per specified norms and specifications at sites approved in the layout plan shall also constitute part of development works.]

6. Preparation of layout-plans on payment of fees [section 4]:— An owner of land intending to make an application under rule 3 may request that any or all the plans and documents referred to in sub-clauses (v) to (xi) of clause (e) of sub-rule (1) of rule 3 may be got prepared for him by the Director¹¹³[on payment at rate of¹¹⁴{five rupees per square metre.}]

¹⁰⁶ Inserted by Hr. Govt. Gaz. Notification No. PF/70/ 20541 dated 29.8.2014

¹⁰⁷ Inserted by Hr. Govt. Gaz. Notification (draft) dated 24.12.1982 published on 18.1.1983

¹⁰⁸ Proviso omitted by Haryana Govt. Gaz. Notification No. 5DP-94/13852 dated 16.12.1994 published on 21.2.1995

¹⁰⁹ Inserted by Hr. Govt. Gaz. Notification No. PF/70/ 20541 dated 29.8.2014

¹¹⁰ Substituted by Hr. Govt. Gaz. Notification (draft) No. 5DP-94/13852 dated 16.12.1994 published on 21.2.1995

¹¹¹ Substituted by Hr. Govt. Gaz. Notification No. PF/70/ 20541 dated 29.8.2014

¹¹² Added by Hr. Govt. Gaz. Final Notification No. PF/70/ 20541 dated 29.8.2014

¹¹³ Substituted by Hr. Govt. Gaz. Notification dated 24.12.1982 published on 18.1.1983

¹¹⁴ Substituted by Hr. Govt. Gaz. (Extra.) Notification dated 14.3.1995

7. Return of application [Section 3(1)].— No application under rule 3 shall be considered to be valid unless it is made in the prescribed form and is accompanied by the requisite documents and plans required to be furnished along with the application. In case of failure of such compliance, the application together with other documents, if any, received therewith will be returned to the applicant intimating him the grounds for returning the application, for re-submission after compliance with the rules;

8. Enquiry by Director [Section 3(2)].— (1) On receipt of application in the prescribed form and complete in all respects, the Director shall enquire into the following matters and such other matters as he may consider necessary;

- (a) title to land;
- (b) extent and situation of the land;
- (c) capacity to develop the colony;
- (d) layout plan of the colony;
- (e) plan regarding the development works to be executed in the colony;
- (f) conformity with the development scheme of the land in question and the neighbouring areas; and

¹¹⁵[(g) conformity with the development plan.]

¹¹⁶[(2) Before making enquiries under sub-rule (1), the Director shall, by an order in writing, require the applicant ¹¹⁷ {except industrial colonies of Haryana Urban Development Authority and Haryana State Industrial Development Corporation} to furnish, within a period of thirty days from the date of service, of such order, a scrutiny fee at the rate of ¹¹⁸[twenty rupees per square meter, calculated for the gross area of the land, under low-density eco-friendly colony] ¹¹⁹{ten rupees per square metre}, calculated for the gross area of the land under low-density eco-friendly, ¹²⁰{ten rupees per square metre}, calculated for the gross area of the land under the plotted colony, and ³{ten rupees per square metre} calculated on the covered area of all the floors in a group housing colony, in the form of a demand draft in favor of the Director, Town and Country Planning, Haryana and drawn on any scheduled bank ¹²¹{:}]

¹²²[Provided that the scrutiny fee for the projects under Transit Oriented Development shall be charged on pro-rata basis for increased FAR from 1.5/1.75 to 2.5/3.5:

Provided further that the scrutiny fee under the New Integrated Licensing Policy, 2016 shall be applicable on per square metre basis for the permissible covered area.]

(3) If the applicant fails to furnish the requisite fee as provided in sub-rule (2) above, the Director shall reject the application.

9. Rejection of application [Section 3].— The Director may after making inquiry as mentioned in sub-rule(1) of rule 8 and after giving reasonable opportunity of being heard to the applicant by an order in writing reject the application to grant licence in ¹²³[form LC II], if—

- (a) it does not conform to the inquirements of rule 3,4, and 5 and 8;
- (b) the plants and designs of the development works submitted with the application are not technically sound and workable; or

¹¹⁵ Added by Haryana Govt. Gaz. (Extra.) dated 29.1.2007

¹¹⁶ Substituted by Haryana Govt. Gaz. (Extra.) dated 14.3.1995

¹¹⁷ Inserted by Haryana Govt. Gaz. (Extra.) dated 25.1.2001

¹¹⁸ Inserted by Hr. Govt. Gaz. Final Notification No. PF/70/ 20541 dated 29.8.2014

¹¹⁹ Substituted by Haryana Govt. Gaz. (Extra.) dated 4.12.1996

¹²⁰ Substituted by Haryana Govt. Gaz. (Extra.) dated 4.12.1996

¹²¹ Sign (.) substituted by notification dated 31.10.2016 at 5923

¹²² Inserted by Hr. Govt. Gaz. Notification No. PF-69/2016/23910 dated 31.10.2016 at page 5923

¹²³ Substituted by Haryana Govt. Gaz. Notification dated 24.12.1982 published on 18.1.1983

- (c) the estimated expenditure on water-supply mains or extramural and outfall sewers is not commensurate with the size of the colony.

10. Applicant to be called upon to fulfill certain conditions for grant of licence [Section 3 (3)].—(1) If after scrutiny for the plans and other necessary inquiries which the Director may deem fit, he is satisfied that the application is not for the grant of licence, he shall before granting licence, call upon the applicant to fulfill conditions laid down in rule 11 within a period of thirty days from the date of the service of notice in form LC-III:

Provided that on an application within the aforesaid period, for the extension of time limit, the Director, if satisfied of the reasons given therein extend such time up to thirty days:

¹²⁴[Provided further that on the request of the applicant, for the extension of time limit for submission of Bank guarantees under clause (a) of sub-rule (1) of rule 11, the Director, if satisfied that the reasons for delay in submission of the bank guarantee are beyond the control of the applicant, extend such time upto further ninety days period.]

(2) If the applicant fails to fulfill the conditions under sub-rule (1) within the specified or extended period, the grant of licence shall be refused.

11. Conditions required to be fulfilled by applicant [Section 3(3)]—(1) the applicant shall:—

- ¹²⁵(a) furnish to the Director either a bank guarantee equal to twenty-five percent of the estimated cost of the development works or mortgage a part of the licenced land, as determined by the Director and enter into an agreement in form LC-IV for carrying out and completion of development works in accordance with the licence finally granted:

Provided that in case of affordable plotted residential colony under Deen Dayal Jan Awas Yojana, the coloniser shall have option to deposit the cost of internal development works with the concerned municipal authority as per mutually agreed rates or in the alternative, shall have option to mortgage fifteen percent of the total area under all residential plots, in favour of the Director, in lieu of depositing bank guarantee equal to twenty-five percent of the estimated cost of development works.]

- (b) undertake to deposit thirty percent of the amount to be realized by him from the plot-holders, from time to time, within ten days of its realization in a separate account to be maintained in a scheduled bank and this amount shall only be utilized towards meeting the cost of internal development works in the colony;
- (c) undertake to pay proportionate development charges if the main lines of roads, drainage, sewerage, water supply and electricity are to be laid out and constructed by the Government or any other local authority. The proportion in which and the time within which such payment is to be made shall be determined by the Director;
- (d) undertake responsibility for the maintenance and upkeep of all roads, open spaces, public parks and public health services for a period of five years from the date of issue of the completion certificate under rule 16 unless earlier relieved of this responsibility and there upon to transfer all such roads, open spaces, public parks and public health services free of cost to the Government or the local authority, as the case may be;

¹²⁴ Inserted by Haryana Govt. Gaz. Notification No. PF-69/33102 dated 12.3.2013 at page 1362

¹²⁵ Substituted by Haryana Govt. Gaz. Noti. No. PF-69/2016/23910 dated 31-10-2016 at page 5923

¹²⁶[(e) undertake to construct at his own cost, or get constructed by any other institution or individual at its cost, schools, hospitals, community centers and other community buildings on the land set apart for this purpose, within a period of four years from the date of grant of licence extendable by the Director for another period of two years, for reasons to be recorded in writing, failing which the land shall vest with the Government after such specified period, free of cost, in which case the Government shall be at liberty to transfer such land to any person or institution including a local authority, for the said purposes, on such terms and conditions, as it may deem fit;

Provided that a show cause notice and opportunity for hearing shall be given before vesting the land in the Government;]

(f) undertake to permit the Director or any other officer authorized by him to inspect the execution of the layout and the development works in the colony and to carry out all directions issued by him for ensuring due compliance of the execution of the layout and development works in accordance with the licence granted.

¹²⁷[(g) pay such development charges including the cost of development of State/ National Highways, Transport, Irrigation and Power facilities as determined by Director (given in the ¹²⁸{Schedule-A} to these rules); and

(h) execute bilateral agreement in Form LC-IV-A for group housing colony, in Form LC-IV-B for plotted colony, in Form LC-IV-C for industrial colony and in Form LC-IV-D for commercial colony.]

(2) If the Director, having regard to the amenities which exist or are proposed to be provided in the locality, decides that it is not necessary or possible to provide such amenity or amenities, the applicant will be informed thereof and clauses (c), (d) and (e) of sub-rule (1) shall be deemed to have been modified to that extent.

¹²⁹[(3) In case of an application for grant of licence for low-density eco-friendly colony, the applicant shall additionally undertake to-

- (a) install solar farms aiming for meeting energy requirements of the colony through solar energy, in accordance with the technical parameters specified by the Director, on at least five percent of the area of the colony that shall be in addition to the five percent area reserved for open spaces;
- (b) provide integrated facility for storage, purification, distribution and recycling of storm-water aiming for no external source of water supply, minimum ground water extraction and zero run-off. Independent distribution system for separately fulfilling the farming, flushing and domestic water requirements shall also be provided;
- (c) install a bio-gas plant aimed at fulfilling requirements for cooking gas and a compost plant for utilizing and recycling of all bio-degradable waste, in accordance with the technical parameters specified by the Director; and,
- (d) restrict the residential density of the colony to a maximum of twenty five persons per acre.]

¹²⁶ Substituted by Notification No. P.F.-16 Vil-V/23482 Har. Govt. Gaz. (Extra) dated 21.11.2012

¹²⁷ Added by Haryana Govt. Gaz. (Extra) dated 29.1.2007 at page 269

¹²⁸ Substituted by Haryana govt. Gaz. (Extra) dated 28.1.2008 at page 362

¹²⁹ Inserted by Hr. Govt. Gaz. Final Notification No. PF/70/ 20541 dated 29.8.2014

12. Grant of licence [Section 3 (3) and (4)].— (1) After the applicant has fulfilled all the conditions laid down in rule II to the satisfaction of the Director, the Director shall grant the licence in form LC-V.

(2) The licence granted under sub-rule 1) shall be valid for a period of two years from the date of its grant during which period all development works in the colony shall be completed and certificate of completion obtained from the Director as provided in rule 16.

¹³⁰[**12A. Grant of Licence for Transferable Development Rights (TDR) Certificate.**—

(1) Any landowner having land within the residential sector or within the alignment of sector road or within the sites earmarked for external development works may obtain TDR Certificate subject to payment of scrutiny fee as prescribed under sub-rule (2) of rule 8 and licence fee at the rates given in Schedule. Only scrutiny fee and licence fee as prescribed shall be leviable at the time of application for grant of TDR Certificate. The conversion charges, infrastructure development charges and external development charges shall be payable at the time of grant of permission for transfer of such TDR.

Explanation.—The sector roads means the roads designated in the development plan i.e. 30 meters, 45 meters, 60 meters, 75 meters, 90 meters or of any other width designated in the development plan.

(2) The minimum area for considering application for grant of licence for TDR Certificate shall be one acre.

(3) Licences shall be granted for the lands falling under the alignment of sector roads designated in the development plans i.e. 30 meter, 45 meter, 60 meter, 75 meter, 90 meter and of any other width designated in development plans and for sites designated for external development works identified in development plans/sectoral plans:

Provided that the Director may refuse such permission to grant licence for availing TDR certificate if he feels that the size, shape and location of the land do not justify its proper utilization.

(4) Such licensee shall be eligible for FAR as determined by the Government from time to time.

(5) The TDR Certificate shall have development rights in the form of FAR and shall be transferable by the owner to other developer/colonizer in the same development plan area wherein the land of the owner is situated against which licence for TDR Certificate has been obtained.

(6) The TDR certificate may be utilized in any residential sector on such terms and conditions and on such principle as may be determined by the Government from time to time.

(7) The validity of TDR Certificate shall be as determined by the Government.

(8) The land for which licence for TDR Certificate has been granted, shall be transferred by the owner free of cost to the Government within 60 days of grant of Licence for TDR Certificate or before transfer of such TDR to an existing colony, whichever is earlier.

(9) 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 him on account of grant of licence for TDR.]

13. Application for renewal of license [Section 3(4)].— In case a colonizer fails to complete the development works within the period specified in sub-rule (2) the rule 12 for the reasons beyond his control, he may apply to the Director for the renewal of licence in form LC VI at least thirty days before the expiry of the licence and the said application shall be accompanied by :-

¹³⁰ Inserted by Hr. Govt. Gaz. Notification No. PF-69/2016/23910 dated 31.10.2016 at page 5923

¹³¹{(i) A demand draft drawn on a scheduled bank in favour of the Director against the licence renewal fee, for a sum calculated at the rate prescribed as follows:-

- (a) Licence where completion certificate for part of the licenced area has not been issued under rule 16 : ¹³²[10% of the licence fee prescribed in rule 3 as prevailing on the date of application for renewal;
- (b) Licence where completion certificate for part of the licenced area has been issued under rule 16 : 2.5% of the fee prescribed in rule 3 as per the prevailing rates at the time of grant of part completion certificate, shall be levied on area for which the part completion certificate is granted, whereas for remaining area the prescribed fee as mentioned sub-clause (a) shall be levied.}]

(ii) ¹³³[XXXX];

(iii) an explanatory note indicating the details of development works which have been completed or are in progress or are yet to be undertaken;

(iv) reasons for non-completion of development works as required in terms of the licence granted to him; and

(v) ¹³⁴[the licence for verification]. ¹³⁵{:}

¹³⁶[Provided that in case of licence granted for development of affordable group housing colony, the licence shall not be renewed beyond period of 4 years from the date of commencement of the project which shall be date of approval of building plans or grant of environmental clearance, whichever is later:

Provided further that in case of licence granted for development of affordable plotted residential colony under Deen Dayal Jan Awas Yojana-Affordable Plotted Housing Policy, 2016, integrated colony under new integrated licencing policy, the development works shall necessarily be completed within a period of 7 years (5 years initial validity + 2 years first renewal of licence) from the date of grant of licence and in case the further extension is sought, then the same shall be considered subject to the satisfaction of the Director and on payment of a renewal fee equal to 100 percent of the applicable licence fee.]

14. Renewal of licence [Section 3(4)].— (1) On receipt of an application under rule 13, the Director shall if satisfied after making such enquiries as he may consider necessary, that the delay in execution of development works was for reasons beyond the control of the colonizer, renew the licence for a period of one year.

(2) In case the Director is not so satisfied, he shall reject the application and in that case an intimation in this regard will be sent to the colonizer in form LC-VII:

Provided that before rejecting the application, the Director shall give the colonizer an opportunity of being heard.

15. Execution of works [Section 24]— The colonizer shall ¹³⁷[start] the laying out of the colony and development works within a period of three months of the grant of licence under rule 12 and shall complete the same before the expiry of the period of licence.

¹³¹ Substituted by Har. Govt. Gaz. Notification No. 5DP-2000/9293 dated 17.6.2000

¹³² Substituted by Har. Govt. Gaz. Final Notification No. 5479 dated 9.2.2018

¹³³ Clause (ii) omitted by Har. Govt. Gaz. Final Notification No. 5479 dated 9.2.2018

¹³⁴ In Clause (v), for the words “the licence”, the words “the licence for verification” shall be substituted by Har. Govt. Gaz. Final Notification No. 5479 dated 9.2.2018

¹³⁵ Sign {;} substituted by Hr. Govt. Gaz. Noti. No. PF-69/2016/23910 dated 31.10.2016 at page 5924

¹³⁶ Proviso inserted by Hr. Govt. Gaz. Noti. No. PF-69/2016/23910 dated 31.10.2016 at page 5924

¹³⁷ Substituted by Haryana Govt. Gaz. Noti. No. 5DP-94/13852 dated 16.12.1994 published on 21.2.1995

16. ¹³⁸[**Completion certificate/Part Completion Certificate** [Section 24].— ¹³⁹[(1) After the colony has been laid out according to approved layout plans and development works have been executed according to the approved designs and specifications, the coloniser shall make an application to the Director in Form LC-VIII alongwith a demand draft on account of Infrastructure Augmentation Charges as per the rates prescribed in the Schedule-B of these rules if not paid earlier in accordance with the provision of Section 3(7) of the Act.]

(2) After such ¹⁴⁰[scrutiny], as may be necessary, the Director may issue a ²[completion certificate/part completion certificate] in form LC-IX or refuse to issue such certificate stating the reasons for such refusal:

Provided that the colonizer shall be afforded an opportunity of being heard before such refusal.

¹⁴¹[**16A. Exemption from payment of Infrastructure Augmentation charges.**—(1) Any coloniser seeking exemption from the payment of such Infrastructure Augmentation Charges, shall submit a certificate regarding having restricted its profit-margin to fifteen percent from the licence project, in accordance with such condition imposed in the bilateral agreement at the time of grant of licence, alongwith all necessary documents e.g., audited book of accounts for the project, a certificate to this effect from a Chartered Accountant, etc. to the satisfaction of the Director.

(2) The Director shall consider all such requests based on their individual merits and shall decide to conduct an independent audit of books of accounts by any independent agency of its choice. After satisfying itself about the merits of the case, the Director shall decide as to the grant of such exemption from the payment of Infrastructure Augmentation Charges or refuse to issue such exemption, by means of a speaking order, after affording the applicant an opportunity of being heard.]

¹⁴²[**17. Transfer of licence** [Section 24].— [(1) The colonizer may transfer the licence granted to him under rule 12 to any other person with the approval of the Director by making an application to the Director along with administrative charges at the rate of ten percent of the fee prescribed under rule 3 for issuance of such licence, as applicable at the time of making an application for transfer of licence:

Provided that in case part of licenced area is proposed to be transferred, the administrative charges shall be levied on only such part of licenced area, which is proposed to be transferred.

(2) The Director, after receipt of such request for transfer of licence shall examine the matter on merits and may grant in-principle approval for transfer of licence or reject the application.

(3) After in-principle approval by the Director under sub-rule (2) above, the proposed transferee of licence shall submit the documents and fulfill all the terms and conditions laid down in the approval letter within ninety days from the issuance of such approval, which shall be considered by the Director, and if satisfied, may grant final permission for transfer of licence. The Director may also extend the time limit of ninety days for a further period of thirty days, if he is satisfied with the reasons given by the proposed transferee for delay in fulfillment of conditions within the prescribed time limit of ninety days. After expiry of this period of ninety

¹³⁸ Substituted by Haryana Govt. Gaz. Notification No. 5DP-2000/9293 dated 17.6.2000

¹³⁹ Substituted by Haryana Govt. Gaz. Notification dated 30.9.2011 at page 3121

¹⁴⁰ Substituted by Haryana Govt. Gaz. Notification dated 24.12.1982 published on 18.1.1983

¹⁴¹ Inserted by Haryana Govt. Gaz. Notification dated 30.9.2011 at page 3121

¹⁴² Substituted by Haryana Govt. Gaz. Notification No. PF-51/54050 dated 11.10.2013

or one hundred and twenty days, as the case may be, if the documents are not submitted or the terms and conditions are not fulfilled, the in-principle approval shall lapse and the administrative charges deposited by the applicant shall be forfeited.]

¹⁴³ [17A. *Migration of license from one use to other use.*—(1) Any coloniser and/or developer granted licence under section 3, on payment of the outstanding renewal fee with interest upto date, if any, with the prior permission of the Director, on such terms and conditions as may be determined by him, may migrate from any existing licenced project, partly or fully to any other category/categories of licence, but is limited in scope to the existing land schedule:

Provided that no third-party rights 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, as per the formulation specified in this regard, with the consent of the allottees of the colony, which shall be deemed as non-creation of third-party rights to the extent of said part of the colony:

Provided further that the area over which third-party rights have been created shall be in a compact block. If area over which third-party rights have been created is scattered over the licenced area then, the coloniser shall submit consent of the individual allottees for making it in compact block along with a detailed scheme of the relocation within licenced area.

(2) External development charges (principal amount and interest) paid for the area under migration shall be adjusted in the licence to which the coloniser migrates. The coloniser shall be absolved of the liability to deposit the unpaid interest amount on external development charges and infrastructure development charges of the existing project from which he wants to migrate. However, rates of external development charges and infrastructure development charges at the time of grant of fresh licence would be leviable.

(3) The conversion charges, licence fee, infrastructure development charges and external development charges 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 of above fee/charges even after adjustment, then the same shall stand forfeited. No interest will be given on amount paid by the colonizer.

(4) If the colonizer opts 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 area norms prevailing at the time of grant 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, i.e., the part of colony that is considered for migration to a different category of licence shall be independently eligible for grant of licence (including additional licence) under the prevailing policy parameters for such category of licence applicable as on date.]

18. *Cancellation of licence* [Section 8(1)]— (1) If the Director determines at any time that the execution of the layout plans and the construction or other works is not proceeding according to the licence granted under rule 12 or is below specification or is in violation of the provisions of these rules or of any law or rules for the time being in force, he shall by notice in form LC-X require the colonizer to remove the various defects within the time specified in the notice.

(2) If the colonizer fails to comply with the requirements detailed in the notice issued under sub-rule (1), the Director shall issue him a further notice in form ¹⁴⁴[LCXA] to afford him

¹⁴³ Inserted by Hr. Govt. Gaz. Notification No. PF-69/2016/23910 dated 31.10.2016 at page 5924

¹⁴⁴ Substituted by the words “LCXI” by Haryana Govt. Gaz. Notification No. 3984 dated 7.3.2012

an opportunity to show cause within a period of one month why the licence granted should not be cancelled.

(3) After hearing the colonizer and considering such representation as he may make the Director may either cancel the licence or grant him further time for complying with the requirements of the notice issued under sub-rule 1). If, however, the colonizer does not comply with the said requirements within such extended period, the Director shall cancel the licence and thereafter, ¹⁴⁵[within one month], shall cause a proclamation made in the locality about the cancellation of the licence by beat of drum ¹⁴⁶[within thirty days of cancellation of licence.]

(4) On cancellation of the license, no further work shall be undertaken or carried out by the colonizer,

¹⁴⁷[(5) Deleted.]

¹⁴⁸**19. Development works to be carried out by the Director in the colony** [Section 8].— (1) After cancellation of the licence or permission the Director shall by notice in form LC-XI call upon the colonizer to furnish within a specified time an audited statement of accounts duly certified and signed by the chartered accountant showing the amount actually recovered by him from each plot-holder and the amount he has actually spent on development works in the colony.

(2) The Director shall also ascertain from the plot-holders the amount, paid by them to the colonizer and the balance amount, if any, to be paid by each of them to the colonizer.

(3) The Director shall intimate to the colonizer and the plot-holders the charges he may have to incur on development works in the colony and shall call upon the colonizer and the plot-holders in form LC-XII and LC-XIII to pay these charges within thirty days. In case they fail to pay these charges, the Director, may recover these charges as arrears of land revenue.]

20. Release of Bank guarantee [Section 24].—After the layout and development works or part thereof in respect of the colony or part thereof have been completed and a completion certificate in respect thereof issued, the Director may, on an application in this behalf from the colonizer, release bank guarantee or part thereof as the case may be:

Provided that if the completion of the colony is taken in parts only, the part of the bank guarantee corresponding to the part to the colony completed shall be released:

Provided further that the bank guarantee equivalent to 1/15th amount thereof shall be kept unreleased to ensure upkeep and maintenance of the colony or part thereof, as the case may be, for a period of five years from the date of issue of the completion certificate under rule 16 or earlier, in case the colonizer is relieved of the responsibilities in this behalf.

PART III

21. Application for obtaining exemption from grant of licence [Section 9 (2)].— (1) Any person desirous of obtaining exemption from grant of licence under sub-section (1) of section 9 of the Act shall make an application to the Director in form EC-1 and EC-II for cases falling under [clauses] (a) and (b) respectively of sub-section (1) of section 9 along with copies of layout plan and other documents specified therein in triplicate.

¹⁴⁵ Substituted by Har. Govt. Gaz. Noti No. 5DP-94/13852 dt. 16.12.1994 published on 21.2.1995

¹⁴⁶ Inserted by Haryana Govt. Gaz. Notification dated 24.12.1982 published on 18.1.1983

¹⁴⁷ Deleted by Haryana Govt. Gaz. Notification No. GSR-53/H.A.8/75/S-24/87 dated 16.6.1987

¹⁴⁸ Substituted by Haryana Govt. Gaz. Notification No. GSR-53/H.A.8/75/S-24/87 dated 16.6.1987

(2) Incases falling under clause (b) referred to in sub-rule (1), the applicant shall undertake to provide amenities similar to those existing in the locality if not already provided by him.

22. Enquiry by Director [Section 9 (1)].— On receipt of an application in the prescribed form along with other documents and plans under rule 21, the Director shall make an enquiry as he may consider necessary and relevant.

23. Grant or refusal of exemption [Section 9 (1)].— (1) If after the enquiry, the Director is satisfied that the application is fit for grant of exemption, he will grant the exemption in form EC-III.

(2) If after the enquiry and after providing an opportunity of being heard to the applicant, the Director is of the opinion that the application has been made with a view to evade the provisions of the ¹⁴⁹[Act], he will refuse to grant exemption in form EC-IV.

PART IV

24. Submission of copies advertisements, etc. by colonizer [Section 24].— On obtaining a license to set up a colony, the colonizer shall furnish to the Director an authenticated copy of the advertisement made by him for the sale of plots in the colony and of the terms of agreement entered into between him and each of the plot-holders.

25. Maintenance of register [Section 4 and 24].— (1) The Director shall maintain the following registers in the forms noted against each in respect of licences and exemptions granted or refused by him:-

- (a) A register in Form R-I showing particulars of all cases in which licenses have been granted or refused.
- (b) A register in Form R-II showing the particulars of all cases in which exemption have been granted or refused.

(2) The register mentioned in sub-rule (1) shall be available for inspection without any fee by all interested persons and such persons shall be entitled to have copies of the extract there from on the payment of two rupees per entry.

26. Maintenance and submission of accounts [Section 5 and 6].— (1)The colonizer shall—

- (iii) issue regular receipts to the plot holders in respect of the money received by him and maintain counterfoils of the receipts so issued;
- (iv) maintain separate ledger account of each plot-holder;
- (v) maintain a register containing authenticated copies of each of the agreements entered into between him and each of the plot holders; and
- (vi) maintain accounts books showing details of expenses incurred by him on various development works in the colony.

(2) The colonizer shall within a period of three months after the close of every financial year, submit to the Director through registered post with acknowledgement due a statement of accounts indicating the amount realized from each plot-holders, the expenditure incurred on internal and external development works separately of the colony with details thereof together with the amount due from each plot holder indicating their postal address. This statement should be duly audited, certified and signed by a chartered accountant.

¹⁴⁹ Substituted by Haryana Govt. Gaz. Notification dated 24.12.1982 published on 18.1.1983

27. Intimation of account number of Colonizer [Section 5].— The colonizer shall intimate the account number and full particulars of the scheduled bank wherein he deposits fifty per centum of the amount realized by him from the plot holders for meeting the cost of internal development works in the colony.

28. Intimation about deposit of amount [Section 5].— The colonizer shall intimate in form AC on the fifth day of each month the amount realized by him from each of plot holders and the amount deposited by him in the scheduled bank during the preceding month.

29. Fee for copy of licence or exemption [Section 24].— A fee of two rupees shall be charged for obtaining a copy of licence or exemption.

30. Form and manner of appeal [Section 19].— (1) Every memorandum of appeal shall be written on a standard water marked judicial paper in the form of narration and it shall set forth concisely and under distinct heads the grounds of objections to the order appealed from and also the relief claimed.

(2) The memorandum of appeal shall bear a court fee stamp of ten rupees.

(3) The memorandum of appeals shall be accompanied by an attested copy of the order appealed from.

(4) The memorandum of appeals shall be addressed to the Secretary to Government, Haryana, Town and Country Planning Department, Chandigarh, and shall be signed and verified in the manner in which plaints are signed and verified.

Form LC-I

[see rule 3 (1)]

Registered

To

The Director,
Town and Country Planning,
Haryana, Chandigarh.

Sir,

I/ We beg to apply for grant of licence to set up a residential/ industrial /Commercial colony at _____ at tehsil _____ and district _____.

The requisite particulars are as under:-

1. Name _____
 2. Father's name _____
 3. Occupation _____
 4. Permanent residential address _____
 5. Address for the purpose of correspondence _____
 6. Whether applicant is income tax payer, if _____ so, the amount of income tax paid during each of the last three years.
 7. Details of movable/immovable property _____ held by the applicant.
 8. Whether the applicant had ever been granted permission to set up a colony under any other law, if so, details thereof _____
 9. Whether the applicant has ever established _____ a colony or is establishing a colony, and if so, details thereof.
 10. Any other information the applicant likes to furnish.
2. I/We enclose the following documents in triplicate:—

- (i) Copy or copies of all title deeds and/or other documents showing the interest of the applicant in the land under the colony, along with a list of such deeds and/or other documents.
- (ii) a copy of the shajra plan showing the location of the colony along with the names of revenue estate, Khasra number of each field and the area of each field.
- (iii) A guide map on a scale of not less than 10 centimetres to 1 Kilometre showing the location of the colony in relation to surrounding geographic features to enable the identification of the site.
- (iv) A survey map of the land under the colony on a scale of 1 centimetre to 10 metres showing the spot levels at distance of 30 metres and where necessary, contour plans. The survey will also show the boundaries and dimensions of the said land, the location of streets, buildings, and premises within a distance of at least 30 metres of the said land and existing means of access to it from existing roads.
- (v) Layout plan of the colony on a scale of 1 centimetre to 10 metres showing the existing and proposed means of access to the colony, the width of streets, sizes and types of plots, sites reserved for open spaces, community buildings and schools with area under each and proposed building lines on the front and sides of plots.
- (vi) An explanatory note explaining the salient feature of the proposed colony, in particular the sources of water supply arrangement for disposal and treatment of storm and sullage water and site for disposal & treatment of storm and sullage water.
- (vii) Plans showing the cross-sections of the proposed roads showing in particular the width of the proposed carriage ways, cycle tracks and footpaths, green verges, position of electric poles and of any other works connected with such roads.
- (viii) Plans as referred to in clause (vii) above indicating in addition the position of sewers, storm water channels, water supply and other public health services.
- (ix) Detailed specifications and designs of road works shown in clause (vii) above and estimated cost thereof.
- (x) Detailed specifications and designs of sewerage, storm-water and water supply schemes with estimated cost of each.
- (xi) Detailed specification and design for disposal and treatment of storm and sullage water and estimated cost of works.
- (xii) Detailed specification and designs for electric supply including street lighting.

3. The names and qualification of the Engineers responsible for the execution of the development works of the colony are given below and the engineer has also signed below in token of his engagement:-

Name of Engineer	Qualification of Engineer	Signature of Engineer
1	2	3
1.		
2.		
3.		

4. I/We enclose the further following documents:-

- (i) Demand draft No. _____ Dated _____ for Rs. _____
- (ii) Income tax clearance certificate issued by the Income Tax Officer _____

5. It is further requested that I/we may be exempted from providing the following amenity/amenities in the proposed colony and an explanatory note in triplicate along with plans

marked A,B,C (so on) as to why the said amenity/amenities are not required to do provided in the colony is enclosed:-

Amenities

6. I/We solemnly affirm that the particulars given in para 1 above are correct to the best of my/ our knowledge and belief.

Dated :

Place :

Attested :

Your faithfully
(Name and address)

Oath Commissioner/Magistrate, Ist Class

FORM LC-II

(See Rule 9)

From

The Director,
Town and Country Planning, Haryana,
Chandigarh

To

Memo No.

Dated the

Reference your application, dated the

for grant of a licence.

2. It is regretted that the grant of licence is refused for the reasons given below:-

Director,
Town and Country Planning,
Haryana, Chandigarh.

FORM LC-III

(See Rule 10)

Registered A.D.

From

The Director,
Town and Country Planning, Haryana, Chandigarh

To

Memo No.

Dated the

Reference to your application, dated the _____ for grant of licence to set up a colony at _____ Tehsil _____ District _____

2. It is proposed to grant licence to you for setting up a colony at _____ tehsil _____ district _____. You are therefore, called upon to fulfill the conditions laid down in rule 11 of the Haryana Development and Regulation of Urban Areas Rules, 1976 within a period of thirty days from the date of the service of this notice.

Director,
Town and Country Planning,
Haryana, Chandigarh.

FORM LC-IV

(See rule 11)

Agreement by owner of land intending to set up a colony

This agreement made on the _____ day of _____ between Shri/M/s _____ s/o Shri _____, resident of _____ (hereinafter called the "owner") of the one part and the Governor of Haryana, acting through the Director, Town and Country Planning, Haryana (hereinafter referred to as the "Director") of the other part.

Whereas the owner is in possession of or otherwise well entitled to the land mentioned in Annexure hereto for the purposes of converting into residential/commercial/industrial colony;

And whereas under rule 11, one of the conditions for the grant of licence is that the owner shall enter into an agreement for carrying out and completion of development works in accordance with the licence finally granted for setting up a colony at _____ tehsil _____ and district _____.

NOW THIS DEED WITNESSETH AS FOLLOWS

1. In consideration of the Director agreeing to grant licence to the owner to set up the said colony on the land mentioned in Annexure here to on the fulfillment of all the conditions laid down in rule 11 by the owner the owner hereby consents as follows: -

- (a) That the owner shall be responsible for the maintenance and upkeep of all roads, open spaces, public parks and public health services for a period of five years from the date of issue of the completion certificate under rule 16 unless earlier relieved of this responsibility, when the owner shall transfer all such roads, open spaces, public parks and public health services free of cost to the Government of the local authority, as the case may be.
- (b) That the owner shall at his own cost construct or get constructed by any other institution or individual at its cost schools, hospitals, community centres and other community buildings on the land set apart for this purpose, or if so desired by the Government, shall transfer to it at any time, it may desire, free of cost land thus set apart for schools, hospitals, community centres and other community buildings, in which case the Government shall be at liberty to transfer such land to any person or institution including a local authority on such terms and condition as it may lay down.
- (c) That the owner shall deposit fifty percent of the amount realized by him from plot holders, from time to time, in a separate account to be maintained in a scheduled bank and that his amount shall only be utilized by the owner towards meeting cost of internal development works in the colony.
- (d) That the owner shall permit the Director or other officer authorised by him in this behalf to inspect the execution of the layout, and the development works in the colony and the coloniser shall carry out all directions issued by him or ensuring due compliance of the executions of the layout and development work in accordance with licence granted.
- (e) That the owner shall pay proportionate development charges as and when, required and as determined by the Director in respect of external development charges.
- (f) That without prejudice to anything contained in this agreement all the provisions contained in the Act and these rules shall be binding on the owner.

2. Provided always and it is hereby agreed that if the owner shall commit any breach of the terms and conditions of this agreement or violate any provision of the Act or these rules, then and in any such case, and notwithstanding the waiver of any previous cause or right, the Director, may cancel the licence granted to him.

3. Upon cancellation of the licence under clause 2 above, the Government may acquire the area of the aforesaid colony under the Land Acquisition Act, 1894, and may develop the said area under any other law. The Bank guarantee in that events shall stand forfeited in favour of the Director.

4. The stamp and registration charges on this deed shall be borne by the owner.

5. The expression that 'owner' herein before used shall include his hirers, legal representatives, successors and permitted assigns.

6. After the layout and development works or part thereof in respect of the colony or part thereof have been completed and a completion certificate in respect thereof issued, the Director may on an application in this behalf from the owner release the bank guarantee or part thereof as the case may be, provided that if the completion of the colony is taken in parts only the part of bank guarantee corresponding to the part of the colony completed shall be released and provided further that the bank guarantee equivalent to 1/5th amount thereof shall be kept unrealized to ensure unkeep and maintenance of the colony or the part thereof as the case may be for a period of five years from the date of issue of the completion certificate under rule 16 or earlier in case the owner is relieved of the responsibilities in this behalf by the Government.

In witness where of the coloniser and the Director have signed this deed on the day and year first above written.

1. Witnesses:-

The owner

1. _____

2. _____

Dated.....

Director

for & on behalf of the Governor of Haryana.

2.

1. _____

2. _____

Dated.....

Note-In case the owner is exempted from providing any one or more amenities sub clauses (a), (b) & (c) may be modified accordingly.

ANNEXURE

¹⁵⁰[FORM LC-IV A

[See Rule 11(1)(h)]

Bilateral Agreement by owner of land intending to set up an Group Housing colony

This agreement made on the _____ day of _____ between Shri/M/s _____ s/o Shri _____, resident of _____ (hereinafter called the "owner") of the one part and the Governor of Haryana, acting through the Director, Town and Country Planning, Haryana (hereinafter referred to as the "Director") of the other part.

Whereas in addition to agreement executed in pursuance of the provisions of rule 11 of the Haryana Development and Regulation of Urban Areas Rules, 1976 (hereinafter referred to as the "Rules") and the conditions laid down therein for grant of licence, the owner shall enter into a bilateral agreement with the Director for carrying out and completion of the development works in accordance with the licence finally granted for setting up of a group housing colony on the land measuring acres falling in the revenue estate of village _____ district _____ AND WHEREAS the bilateral agreement mutually agreed upon and executed between the parties shall be binding on the owner:-

¹⁵⁰ Form LC-IV-A to Form LC-IV-D inserted by Haryana govt. Gazetted (Extra) dt. 29.01.2007 at page 269

NOW THIS DEED OF BILATERAL AGREEMENT WITNESSETH AS FOLLOWS:

1. In consideration of the Director agreeing to grant licence to the owner to set up the said colony on the land mentioned in Annexure to Form LC-IV and on the fulfillment of the conditions of this bilateral agreement, the owner, his partners, legal representatives, authorized agents, assignees, executors etc. shall be bound by the terms and conditions of this bilateral agreement executed by the owner hereunder covenanted by him as follows:-
 - (a) That in case of group housing adequate accommodation shall be provided for domestic servants and other services population of economically weaker section and number of such dwelling units shall not be less than 10% of the number of main dwelling units and the area of such a unit shall not be less than 140 square feet, which will cater to the minimum size of the room along with bath and water closet.
 - (b) That all the buildings to be constructed shall be with the approval of the competent authority and shall conform to the building bye-laws and regulations in force in that area and shall conform to the National Building Code with regard to the *inter se* distances between various blocks, structural safety, fire safety, sanitary requirements and circulation (vertical and horizontal).
 - (c) That adequate educational, health, recreational and cultural amenities to the norms and standards provided in the respective development plan of the area shall be provided by the owner. The owner shall at his own cost construct the primary-cum-nursery school, community buildings/ dispensary and first aid centre on the land set apart for this purpose or if so desired by the Government shall transfer to the Government at any time free of cost and thus set apart for primary-cum-nursery school, community centre buildings/dispensary and first aid centre, in which case the Government shall be at liberty to transfer such land to any person or institution including a local authority on such terms and conditions as it may lay down.

No third party right shall be created without obtaining the prior permissions of the Director, Town and Country Planning, Haryana, Chandigarh. The colonizer shall construct all the community buildings within a period of three years from the date of grant of licence.
 - (d)
 - (i) That the owner undertakes to pay proportional external development charges (EDC) for the area earmarked for group housing scheme, as per rate, schedule and conditions annexed hereto.
 - (ii) That the rates, schedule and terms and conditions of external development charges as mentioned above may be revised by the Director during the licence period as and when necessary and the owner shall be bound to pay the balance of the enhanced charges, if any, in accordance with rates, schedule and terms and conditions determined by him along with interest from the date of grant of licence.
 - (e) That the owner shall not be allowed to recover any amount whatsoever on account of internal community building from the flats holders /plot holders @ Rs. _____ per gross acre which is a tentative charges only for construction of a portion of the total community buildings.
 - (f) That the owner shall ensure that the flats/dwelling units are sold/leased/transferred by him keeping in view the provisions of the Haryana Apartment Ownership Act, 1983.
 - (g) That the owner shall abide by the provisions of the Haryana Apartment Ownership Act, 1983.

- (h) That the responsibility of the ownership of the common area and facilities as well as their management; and maintenance shall continue to vest with the colonizer till such time the responsibility is transferred to the owner of the dwelling unit under the Haryana Apartment Ownership Act, 1983.
- (i) That the owner shall be responsible for the maintenance and up-keep of all roads, open spaces, public parks, public health services for five years from the date of issue of the completion certificate under rule 16 unless earlier relieved of this responsibility, which the owner shall transfer all such roads, open spaces, public parks and public health services free of cost to the Government or the local authority, as the case may be.
- (j) That the owner shall deposit 30% of the amount realized by him from flat holders from time to time within ten days of its realization in a separate accounts to be maintained in the Scheduled bank and that this amount shall only be utilized by the owner towards meeting the cost of internal development works and the construction works in the colony.
- (k) That the owner shall permit the Director or any other officer authorized by him in this behalf to inspect the execution of the layout and the development works in the plotted/group housing colony and the colonizer shall carry out all directions issued to him for ensuring due compliance of the execution of the layout plans and the development works in accordance with the licence granted.
- (l) That the owner shall deposit service charges @ Rs. 10/- square meters of the total flatted area of the flatted area/total covered area of the colony in two equal installments. The first installment of the service charges would be deposited by the owner within sixty days from the date of grant of licence and the second installment within six months from the date of grant of the licence. The unpaid amount of service charges shall carry an interest @ 18% (simple) per annum for the delay in the payment of installments.
- (m) That the owner shall carry out at his own expenses any other works which the Director may, think necessary and reasonable in the interest of proper development of the colony.
- (n) That the owner shall reserve 15% of the total number of flats developed or proposed to be developed for allotment to economically weaker section categories, and the area of such flats shall not be less than 200 square feet. These flats shall be allotted on the basis of the price charged by the Haryana Housing Board for such sizes/flats in that particulars area in the following manner:-
 - (i) That for the allotment of the flats the owner shall invite applications for allotment through open press from eligible member of economically weaker section categories, as defined by the State Government/ Housing Board Haryana. The owner shall also announce the tentative number of flats, its price along with sizes available for such sale.
 - (ii) That if the number of applications exceeds the number of flats, the allotment shall be made through the method of lottery/draw by the owner after giving due publicity and in the presence of the representative of the State Government. The successful applicants will be allotted flats after complying with the usual business conditions with regard to the payment of the earnest money and acceptance of terms and conditions of the sale within the stipulated time period prescribed by the owner.
 - (iii) That the owner while calling the applications for the allotment of economically weaker section /lower income group categories of flats in the

group housing colonies shall charge not more than 10% of the total tentative cost of such flats as registration/earnest money.

- (o) That the owner shall derive maximum net profit @ 15% of the total project cost of development of a colony after making provisions of statutory taxes. In case the net profit exceeds 15% after completion of the project period, surplus amount shall either be deposited within two months in the State Government Treasury by the owner or he shall spend this money on further amenities/facilities in his colony for the benefit of the residents therein.

Further the owner shall submit the following certificates to the Director within ninety days of the full and final completion of the project from a Chartered Accountant that:-

- (a) the overall net profits (after making provision for the payment of taxes) have not exceeded 15% of the total project cost of the scheme;
- (b) a minimum of 15% in case of economically weaker section /lower income group flats as provided in sub clause (n) have been allotted at the prescribed subsidized price;
- (c) the owner while determining the sale price of the flats in open market shall compute the net profit @ 15% and the details of which including the cost of acquisition of land shall be supplied to the Director as and when demanded by him. The total project shall mean a defined phase or a compact area of the colony, as approved by the Director;
- (d) after the layout plans and development works or part thereof in respect of the group housing colony or part thereof have been completed and a completion certificate in respect thereof issued, the Director may, on an application in this behalf, from the owner, release the bank guarantee or part thereof, as the case may be, provided that, if the completion of the group housing colony is taken in parts, only the part of the bank guarantee corresponding to the part of the group housing colony completed shall be released and provided further that the bank guarantee equivalent to 1/5th amount thereof shall be kept unreleased to ensure upkeep and maintenance of the group housing colony or part thereof, as the case may be, for a period of 5 years from the date of issue of the completion certificate under rule-16 or earlier in case the owner is relieved of the responsibility in this behalf by the Government. However, the bank guarantee regarding the external development charges shall be released by the Director in proportion to the payment of the external development charges received from the owner;
- (e) that the bank guarantee of the internal development works has been furnished on the interim rates for development works and construction of the community buildings. The owner shall submit the additional bank guarantee, if any, at the time of approval of service plan/estimates according to the approved layout plan. In case of community buildings, the bank guarantee is based on the interim rate of construction as on 01.01.1995 with an increase in the cost of construction and an increase in the number of facilities in the layout plan, the owner will furnish an additional bank guarantee within thirty days on demand.

2. Provided always and it is hereby agreed that if the owner commit any breach of the terms and conditions of this agreement or violate any provisions of the Act and rules, then and in any such case and notwithstanding the waiver or any previous clause or right, the Director, may cancel the licence granted to him.

3. Upon cancellation of the licence under clause 2 above, action shall be taken as provided in the Haryana Development and Regulation of Urban Areas Act, 1975 and the

Haryana Development and Regulation of Urban Areas Rules, 1976 and all the subsequent amendments made in the Act and rules. The bank guarantee in that event shall stand forfeited in favour of the Director.

4. The stamp duty and registration charges on this deed shall be borne by the owner.
5. The expression the "owner" hereinbefore used/shall include his heirs, legal representatives, successors and permitted assignees.
6. That any other condition which the Director may think necessary in public interest can be imposed.

IN WITNESS WHEREOF THE OWNER AND THE DIRECTOR HAVE SIGNED THIS DEED ON THE DATE AND THE YEAR FIRST ABOVE WRITTEN.

WITNESSES:	Signature _____
1. Signature _____	Name _____
Name _____	Date _____
Date _____	Address of the owner _____
Address _____	
2. Signature _____	
Name _____	
Date _____	
Address _____	
1. Signature _____	Signature _____
Name _____	Name _____
Date _____	Date _____
Designation _____	Designation _____
2. Signature _____	
Name _____	
Date _____	
Designation _____	

DIRECTOR
TOWN AND COUNTRY PLANNING
HARYANA, CHANDIGARH

FOR and on behalf of the Governor of
Haryana.

FORM LC-IV-B

[See Rule 11(1)(h)]

Bilateral Agreement by owner of land intending to set up a plotted colony.

This agreement made on _____ day of _____ between Shri/M/s _____ s/o Shri _____ resident of _____ (hereinafter called the "owner") of the one part and the Governor of Haryana, acting through the Director, Town and Country Planning, Haryana (hereinafter referred to as the "Director") of the other part.

Whereas in addition to agreement executed in pursuance of the provisions of rule 11 of the Haryana Development and Regulation of Urban Areas Rules, 1976 (hereinafter referred to as the "Rules") and the conditions laid down therein for grant of licence, the owner shall enter into a bilateral agreement with the Director for carrying out and completion of the development works in accordance with the licence finally granted for setting up of a residential plotted colony on the land measuring _____ acres _____ falling in the revenue estate of village _____ district _____.

AND WHEREAS the bilateral agreement mutually agreed upon and executed between the parties shall be binding on the owner:-

NOW THIS DEED OF BILATERAL AGREEMENT WITNESSETH AS FOLLOWS:

1. In consideration of the Director agreeing to grant licence to the owner to set up the said colony on the land mentioned in annexure hereto on the fulfillment of the conditions of this bilateral agreement, the owner, his partners, legal representatives, authorized agents, assignees, executors etc. shall be bound by the terms and conditions of this bilateral agreement executed by the owner hereunder covenanted by him as follows:
 - (a) That the owner shall reserve 20% of the total number of residential plots developed for or proposed to be developed for allotment to economically weaker section /lower income group categories (normally of the sizes of 50 square meters, 75 square meters, 100 square meters and 125 square meters or otherwise approved) specifically in the layout plan approved by the Director. Only those persons will be eligible to apply whose total family income inclusive of the income of the husband, wife and dependent children does not exceed the prescribed limit laid down by the Director. These plots shall be allotted in the following manner at the subsidized price, so fixed by the Director.
 - (b) That for the allotment of economically weaker section/lower income group plots, the owner shall invite applications for allotment through press from eligible members of economically weaker section/lower income group categories as defined by the Director. He shall also announce the tentative number of plots with sizes available for such sale.
 - (c) That if the number of applications exceeds the number of plots, the allotment shall be made through the method of lottery drawn by the owner after giving due publicity and in the presence of the representative of the Director. The successful applicants will be allotted plots after complying with the usual conditions with regard to the payment of earnest money and acceptance of terms and conditions of the sale within the stipulated time period prescribed by the owner.
 - (d) That the owner while calling the applications for allotment of economically weaker section/lower income group categories of plots/flats in residential colonies/ group housing colonies shall charge not more than 10% of the total tentative cost of such plots/flats as registration/earnest money.
2. That the owner shall further reserve 25% of the residential plots of "No Profit No Loss" category (normally of sizes of 125 square meters, 150 square meters, 200 square meters, 225 square meters or otherwise approved) specifically in the layout plan by the Director for allotment. These plots shall be allotted at a price determined by the Director and in the following manner:-
 - (i) That the owner shall allot these plots to the applicants registered during the course of his business. In case the number of persons so registered exceeds the number of plots, the allotment shall be made by the draw of lottery for 75% plots.
 - (ii) That the owner shall allot remaining 25% of "No Profit No Loss" plots to:-
 - (a) Non Resident Indians against Foreign Exchange.
 - (b) The land owners whose land has been purchased by the owner for setting up a colony in lieu thereof under a written contractual obligation.
 - (c) Plots falling in small pockets which subsequently are acquired by the colonizers as part of an area already developed as colony by the owner.
 - (d) Such persons whom the owner may like at his discretion, provided that the allotment to such persons shall not exceed 5% of the total number of plots provided in sub- clauses (i) and (ii):

Provided that in case of allotment from out of registered applications only, if the prices of different sizes of plots offered to applications are different, the lottery shall be drawn separately for each of the categories. However, the draw of lottery for the smallest sizes of plots will be drawn first. After the draw of lottery, allotment of plots shall be made to successful applicants after fulfillment of usual business conditions with usual terms and conditions within the stipulated time prescribed by the owner:

3. That the remaining 55% of the total number of residential plots of sizes above 225 square meter, would be sold by the owner in the open market wherein he would adjust the subsidy given in the plots as well as the loss of reasonable profit on plots, as provided under clauses 1 and 2.

4. That the owner while advertising for the sale of plots in the open market shall ensure the allotment of other categories of plots proportionately.

5. That the owner shall submit the list of allottee(s) to the Director twice a year.

6. That the record of such allotment shall be open for inspection by the State Government.

7. That the owner shall derive maximum net profit @ 15% of the total project cost of development of a colony after making provisions of statutory taxes. In case the net profit exceeds 15% after completion of the project period, surplus amount shall either be deposited within two months in the state Government Treasury by the owner or he shall spend this money on further amenities/facilities in his colony for the benefit of the residents therein.

8. The owner shall submit the following certificates to the Director within ninety days of the full and final completion of the project from a Chartered Accountant that:-

- (a) the overall net profits (after making provision for the payment of taxes) have not exceeded 15% of the total project cost of the scheme;
- (b) a minimum of 20% in case of economically weaker section/lower income group and 25% of "No Profit No Loss" plots as provided in sub-clause (a) of clause 1 and sub clause (ii) of clause 2 above respectively have been allotted at the subsidized price of economically weaker section/lower income group and "No Profit No Loss" basis prescribed above.

9. That the owner shall not be allowed to recover any amount whatsoever on account of internal community building from the plot-holders at the rate of Rs..... per gross acre which is a tentative charges only for construction of a portion of the total community buildings. All the community buildings shall be got constructed by a colonizer within a period of three years. This period would commence after two months of grant of licence during which the colonizer would submit their building plans for sanction. This three years period would exclude ninety days statutory period given for approval of building plans.

10. That the owner shall be responsible for the maintenance and up-keep of all roads, open spaces, public parks, public health services for five years from the date of issue of the completion certificate under rule-16 unless earlier relieved of this responsibility, at which the owner shall transfer all such roads, open spaces, public parks and public health services free of cost to the Government or the local authority, as the case may be.

11. That the owner shall deposit 30% of the amount realized by him from plot holders from time to time within ten days of its realization in a separate account to be maintained in the Scheduled bank and that this amount shall only be utilized by the owner towards meeting the cost of internal development works and the construction works in the colony.

12. That the owner shall permit the Director or any other officer authorized by him in this behalf to inspect the execution of the layout and the development works in colony and the colonizer shall carry out all directions issued to him for ensuring due compliance of the

execution of the layout plans and the development works in accordance with the licence granted.

13. That the owner shall carry out at his own expenses any other works which the Director may think necessary and reasonable in the interest of proper development of the colony.

14. That the bank guarantee of the internal development works has been furnished on the interim rates for development works and construction of the community buildings. The owner will submit the additional bank guarantee, if any, at the time of approval of service plan/estimates according to the approved layout plan. In case of community buildings, the bank guarantee is based on the interim rate of construction as on 01.01.1995. With an increase in the cost of construction and an increase in the number of facilities in the layout plan, the owner will furnish an additional bank guarantee within thirty days on demand.

15. That any other condition which the Director may think necessary in public interest can be imposed.

IN WITNESS WHEREOF THE OWNER AND THE DIRECTOR HAVE SIGNED THIS DEED ON THE DATE AND THE YEAR FIRST ABOVE WRITTEN.

WITNESSES:

- 1. Signature _____
Name _____
Date _____
Address _____
- 2. Signature _____
Name _____
Date _____
Address _____
- 1. Signature _____
Name _____
Date _____
Designation _____
- 2. Signature _____
Name _____
Date _____
Designation _____

Signature _____
Name _____
Date _____
Address of the owner _____

Signature _____
Name _____
Date _____
Designation _____

DIRECTOR
TOWN AND COUNTRY PLANNING
HARYANA, CHANDIGARH

FOR and on behalf of the Governor of
Haryana.

FORM LC-IV-C

[See Rule 11(1)(h)]

Bilateral Agreement by owner of land intending to set up an Industrial Colony.

This agreement made on _____ day of _____ between Shri/M/s _____ s/o Shri _____ resident of _____ (hereinafter called the "owner") of the one part and the Governor of Haryana, acting through the Director, Town and Country Planning, Haryana (hereinafter referred to as the "Director") of the other part.

Whereas, in addition to the agreement executed in pursuance of the provisions of rule-11 of the Haryana Development and Regulation of Urban Areas Rules, 1976 (hereinafter referred to as the "Rules") and the conditions laid therein for the grant of licence, the owner shall enter

into a bilateral agreement with the Director for carrying out building construction and completion of the development works in accordance with the licence finally granted for setting up of a industrial colony falling in industrial sector _____ District _____.

AND WHEREAS the bilateral agreement mutually agreement upon and executed between the parties shall be binding on the owner:-

NOW THIS DEED OF BILATERAL AGREEMENT WITNESSETH AS FOLLOWS:

1. In consideration of the Director agreeing to grant licence to the owner to set up the said colony on the land mentioned in Annexure hereto on the fulfillment of the conditions of this bilateral agreement, the owner, his partners, legal representatives, authorized agents, assignees, executors etc. shall be bound by the terms and conditions of this bilateral agreement executed by the owner hereunder covenanted by him as follows:

- (i) That the owner undertakes to pay proportionate external development charges as per rate, schedule, terms and conditions hereunder:-
- (ii) That the owner shall pay the proportionate external development charges at the tentative rate of Rs. _____ lacs per gross acre for industrial colony. These charges shall be payable to Haryana Urban Development Authority through the Director, Town and Country Planning, Haryana either in lump-sum within thirty days from the date of grant of licence or in eight equal quarterly installments of 12.5% each in the following manner :-
 - (a) First installment shall be payable within a period of thirty days from the date of grant of licence.
 - (b) Balance 87.5% in seven equal quarterly installments along with interest at the rate of 15% per annum which shall be charged on unpaid portion of the amount worked out at the tentative rate of Rs. _____ lacs per gross acre.
 - (c) The owner shall furnish bank guarantee equal to 25% of the amount worked out at the tentative rate of Rs. _____ lacs per gross acre.
- (iii) The external development charges rates are under finalization. In the event of increase tentative external development charges rates, the owner shall pay the enhanced amount of external development charges and the interest on installment, if any, from the date of grant of licence.
- (iv) For grant of completion certificate, the payment of external development charges shall be pre-requisite along with valid licence and bank guarantee.
- (v) The unpaid amount of external development charges would carry an interest at a rate of 15% per annum and in case of any delay in the payment of installments on the due date an additional penal interest of 3% per annum (making the total payable interest 18% simple per annum) would be chargeable upto a period of three months and an additional three months with the permission of Director.
- (vi) That the owner shall derive maximum net profit @ 15% of the total project cost of development of the above noted industrial colony after making provisions of statutory taxes. In case, the net profit exceeds 15% after completion of the project period, surplus amount shall be deposited, within two months in the State Government Treasury by the owner.
- (vii) The owner shall submit the certificate to the Director within thirty days of the full and final completion of the project from a Chartered Accountant that the overall net profits (after making provisions for the payment of taxes) have not exceeded 15% of the total project cost of the scheme.
- (viii) In case Haryana Urban Development Authority executes external development works before final payment of external development charges, the Director, shall be empowered to call upon the owner to pay the balance amount of external development charges in lumpsum even before the completion of licence period

and the owner shall be bound to make the payment within the period so specified.

- (a) The owner shall arrange the electric connection from the outside source for electrification of their colony from Haryana Vidhyut Parsaran Nigam. If the owner fails to seek electric connection from Haryana Vidhyut Parsaran Nigam the Director, shall recover the cost from the owner and deposit the same with Haryana Vidhyut Parsaran Nigam. However, the installation of internal electricity distribution infrastructure as per the peak load requirement of the colony shall be the responsibility of the colonizer, for which the colonizer will be required to get the “electric (distribution) services plan/estimates” approved from the agency responsible for installation of “ external electrical services” i.e. Haryana Vidhyut Parsaran Nigam/Uttari Haryana Vidhyut Nigam Limited/Dakshin Haryana Bijlee Vitran Nigam Limited Haryana and complete the same before obtaining completion certificate for the colony.
- (b) That the rates, schedule and terms and conditions of external development charges may be revised by the Director during the period of licence as and when necessary and owner shall be bound to pay the balance enhanced charges, if any, in accordance with the rates, schedule and terms and conditions so determined by the Director.
- (c) That the owner shall be responsible for the maintenance and upkeep of the colony for a period of five years from the date of issue of completion certificate under rule-16 of the Rules, unless earlier relieved of this responsibility.
- (d) That the owner shall be individually as well as jointly be responsible for the development of industrial colony.
- (e) That the owner shall complete the internal development works within one year of the grant of the licence.
- (f) That the Owner shall deposit service charges @ Rs. 10/- square meter of the total covered area of the colony in two equal installments. The first installment of the service charges shall be deposited by the owner within sixty days from the date of grant of licence and the second instalment within six months from the date of grant of the licence. The unpaid amount of service charges shall carry an interest @ 18% (simple) per annum for the delay in the payment of installments.
- (g) That the owner shall carry out at his own expenses any other works which the Director may think necessary and reasonable in the interest of proper development of the colony.
- (h) That the owner shall permit the Director or any other officer authorised by him on his behalf to inspect the execution of the development works and the owner shall carry out all direction issued to him for ensuring due compliance of the execution of the development works in accordance with the licence granted.
- (i) That without prejudice to anything contained in this agreement, all provisions contained in the Act and the Rules shall be binding on the owner.
- (j) That the owner shall make his own arrangement for disposal of sewerage till the external sewerage system is provided by Haryana Urbana Development Authority and the same is made functional.

2. Provided always and it is hereby agreed that if the owner commits any breach of the terms and conditions of this bilateral agreement or violate any provisions of the Act or the Rules, then and in any such cases notwithstanding the waiver of any previous clause or right, the Director, may cancel the licence granted to the owner.

3. Upon cancellation of the licence under clause 2 above, action shall be taken as provided in the Haryana Development and Regulation of Urban Areas Act, 1975 and the Haryana Development and Regulation of Urban Areas Rules, 1976 as amended upto date, the bank guarantee in that event shall stand forfeited in favour of the Director.

4. The Stamp duty and registration charges on this deed shall be borne by the owner.

5. After the layout plans and development in respect of the industrial colony have been completed by owner in accordance with the approved plans and specifications and a completion certificate in respect thereof issued, the Director may, on an application in this behalf, from the owner, release the bank guarantee or part thereof as the case may be, provided that the bank guarantee equivalent to 1/5th amount thereof shall be kept unreleased to ensure upkeep and maintenance of the colony for a period of 5 years from the date of issue of the completion certificate under rule 16 or earlier in case the owner is relieved of the responsibility in this behalf by the Government. However, the bank guarantee regarding the external development charges shall be released by the Director in proportion to the payment of the external development charges received from the owner.

6. That any other condition which the Director may think necessary in public interest can be imposed.

IN WITNESS WHEREOF THE OWNER AND THE DIRECTOR HAVE SIGNED THIS DEED ON THE DATE AND THE YEAR FIRST ABOVE WRITTEN.

WITNESSES:

- | | |
|---|---|
| 1. Signature _____
Name _____
Date _____
Address _____ | Signature _____
Name _____
Date _____
Address of the owner _____ |
| 2. Signature _____
Name _____
Date _____
Address _____ | |
| 1. Signature _____
Name _____
Date _____
Designation _____ | Signature _____
Name _____
Date _____
Designation _____ |
| 2. Signature _____
Name _____
Date _____
Designation _____ | |

DIRECTOR
TOWN AND COUNTRY PLANNING
HARYANA, CHANDIGARH

FOR and on behalf of the Governor of
Haryana.

FORM LC-IV-D
[See Rule 11(1)(h)]

Bilateral Agreement by owner of land intending to set up a Commercial Colony

This agreement made on _____ day of _____ between Shri/M/s _____ s/o Shri _____ resident of _____ (hereinafter called the "owner") of the one part and the Governor of Haryana, acting through the Director, Town and Country Planning, Haryana (hereinafter referred to as the "Director") of the other part.

Whereas in addition to agreement executed in pursuance of the provisions of rule-11 of the Haryana Development and Regulation of Urban Areas Rules, 1976 (hereinafter referred to as the "Rules") and the conditions laid down therein for grant of licence, the owner shall enter into a bilateral agreement with the Director for carrying out and completion of the development works in accordance with the licence finally granted for setting up of a Commercial colony on the land measuring _____ acres _____ falling in the revenue estate of village _____ district _____.

AND WHEREAS the bilateral agreement mutually agreed upon and executed between the parties shall be binding on the owner:-

NOW THIS DEED OF BILATERAL AGREEMENT WITNESSETH AS FOLLOWS:

1. In consideration of the Director agreeing to grant licence to the owner to set up the said colony on the land mentioned in Annexure hereto on the fulfillment of the conditions of this bilateral agreement, the owner, his partners, legal representatives, authorized agents, assignees, executors etc. shall be bound by the terms and conditions of this bilateral agreement executed by the owner hereunder covenanted by him as follows:

- (i) That the owner undertakes to pay proportionate external development charges as per rate, schedule, terms and conditions hereunder:-
- (ii) That the owner shall pay the proportionate external development charges at the tentative rate of Rs. _____ lacs per gross acre for commercial colony. These charges shall be payable to Haryana Urban Development Authority through the Director, Town and Country Planning, Haryana either in lumpsum within thirty days from the date of grant of licence or in eight equal quarterly installments of 12.5% each in the following manner:-
 - (a) First installment shall be payable within a period of thirty days from the date of grant of licence.
 - (b) Balance 87.5% in seven equal quarterly installments along with interest at the rate of 15% per annum which shall be charged on unpaid portion of the amount worked out at the tentative rate of Rs. _____ lacs per gross acre.
 - (c) The owner shall furnish bank guarantee equal to 25% of the amount worked out at the tentative rate of Rs. _____ lacs per gross acre.
- (iii) The external development charges rates are under finalization. In the event of increase tentative external development charges rates, the owner shall pay the enhanced amount of external development charges and the interest on installment, if any, from the date of grant of licence.
- (iv) For grant of completion certificate, the payment of external development charges shall be pre-requisite along with valid licence and bank guarantee.
- (v) The unpaid amount of external development charges would carry an interest at a rate of 15% per annum and in case of any delay in the payment of installments on the due date an additional penal interest of 3% per annum (making the total payable interest 18% simple per annum) would be chargeable upto a period of three months and an additional three months with the permission of Director.
- (vi) That the owner shall derive maximum net profit @ 15% of the total project cost of development of the above noted industrial colony after making provisions of statutory taxes. In case, the net profit exceeds 15% after completion of the project period, surplus amount shall be deposited, within two months in the State Government Treasury by the Owner.
- (vii) The owner shall submit the certificate to the Director within thirty days of the full and final completion of the project from a Chartered Accountant that the overall net profits (after making provisions for the payment of taxes) have not exceeded 15% of the total project cost of the scheme.

- (viii) In case Haryana Urban Development Authority executes external development works before final payment of external development charges, the Director, shall be empowered to call upon the owner to pay the balance amount of external development charges in lumpsum even before the completion of licence period and the owner shall be bound to make the payment within the period so specified.
- (a) Enhanced compensation on land cost, if any, shall be payable extra as decided by Director from time to time.
 - (b) The owner shall arrange the electric connection from the outside source for electrification of their colony from Haryana Vidhyut Parsaran Nigam. If the owner fails to seek electric connection from Haryana Vidhyut Parsaran Nigam the Director, shall recover the cost of from the owner and deposit the same with Haryana Vidhyut Parsaran Nigam. However, the installation of internal electricity distribution infrastructure as per the peak load requirement of the colony shall be the responsibility of the colonizer, for which the colonizer will be required to get the “electric (distribution) services plan/estimates” approved from the agency responsible for installation of “external electrical services” i.e. Haryana Vidhyut Parsaran Nigam/Uttari Haryana Vidhyut Nigam Limited/Dakshin Haryana Bijlee Vitran Nigam Limited, Haryana and complete the same before obtaining completion certificate for the colony.
 - (c) That the rates, schedule and terms and conditions of external development charges may be revised by the Director during the period of licence as and when necessary and owner shall be bound to pay the balance enhanced charges, if any, in accordance with the rates, schedule and terms and conditions so determined by the Director.
 - (d) That the owner shall be responsible for the maintenance and upkeep of the colony for a period of five years from the date of issue of completion certificate under rule 16 of the Rules, unless earlier relieved of this responsibility.
 - (e) That the owner shall be individually as well as jointly be responsible for the development of commercial colony.
 - (f) That the owner shall complete the internal development works within one year of the grant of the licence.
 - (g) That the owner shall deposit service charges @ Rs. 10/- square meters of the total covered area of the colony in two equal installments. The first installment of the service charges would be deposited by the owner within sixty days from the date of grant of licence and the second installment within six months from the date of grant of the licence. The unpaid amount of service charges shall carry an interest @ 18% (simple) per annum for the delay in the payment of installments.
 - (h) That the owner shall carry out at his own expenses any other works which the Director may think necessary and reasonable in the interest of proper development of the colony.
 - (i) That the owner shall permit the Director or any other officer authorized by him in his behalf to inspect the execution of the development works and the owner shall carry out all direction issued to him for ensuring due compliance of the execution of the development works in accordance with the licence granted.
 - (j) That without prejudice to anything contained in this agreement, all provisions contained in the Act and the Rules shall be binding on the owner.
 - (k) That the owner shall make his own arrangement for disposal of sewerage till the external sewerage system is provided by Haryana Urban Development Authority and the same is made functional.

2. Provided always and it is hereby agreed that if the owner commits any breach of the terms and conditions of this bilateral agreement or violate any provisions of the Act or the Rules, then and in any such cases notwithstanding the waiver of any previous clause or right, the Director, may cancel the licence granted to the owner.

3. Upon cancellation of the licence under clause 2 above, action shall be taken as provided in the Haryana Development and Regulation of Urban Areas Act, 1975 and the Haryana Development and Regulation of Urban Areas Rules, 1976, as amended up to date, the bank guarantee in that event shall stand forfeited in favour of the Director.

4. The Stamp duty and registration charges on this deed shall be borne by the owner.

5. After the layout plans and development in respect of the commercial colony have been completed by owner in accordance with the approved plans and specifications and a completion certificate in respect thereof issued, the Director may, on an application in this behalf, from the owner, release the bank guarantee or part thereof as the case may be, provided that the bank guarantee equivalent to 1/5th amount thereof shall be kept unreleased to ensure upkeep and maintenance of the colony for a period of 5 years from the date of issue of the completion certificate under rule 16 or earlier in case the owner is relieved of the responsibility in this behalf by the Government. However, the bank guarantee regarding the external development charges shall be released by the Director in proportion to the payment of the external development charges received from the owner.

6. That any other condition which the Director may think necessary in public interest can be imposed.

IN WITNESS WHEREOF THE OWNER AND THE DIRECTOR HAVE SIGNED THIS DEED ON THE DATE AND THE YEAR FIRST ABOVE WRITTEN.

WITNESSES:

- 1. Signature _____
Name _____
Date _____
Address _____
- 2. Signature _____
Name _____
Date _____
Address _____
- 1. Signature _____
Name _____
Date _____
Designation _____
- 2. Signature _____
Name _____
Date _____
Designation _____

Signature _____
Name _____
Date _____
Address of the owner _____

Signature _____
Name _____
Date _____
Designation _____

DIRECTOR
TOWN AND COUNTRY PLANNING
HARYANA, CHANDIGARH

FOR and on behalf of the Governor of
Haryana.]¹⁵¹

¹⁵¹ Form LC-IV-A to Form LC-IV-D inserted by Har. Govt. Gaz. (Extra.) dt. 29.1.2007 at page 269

FORM LC-V
(See Rule 12)
HARYANA GOVERNMENT TOWN AND COUNTRY PLANNING
DEPARTMENT

Licence No. _____

This licence has been granted under the Haryana Development and Regulation of urban Areas Act, 1975 and the rules made thereunder Shri/M/s _____ resident of _____ Tehsil _____ and District _____ for setting up a *residential/ Commercial/ Industrial Colony at Tehsil _____ and District _____.

2. The particulars of land wherein the aforesaid colony is to be set up are given in the schedule annexed hereto and duly signed by the Director, Town and Country Planning, Haryana.

*3. The licence has been accepted from providing the following amenity/amenities in the aforesaid colony:-

- 1.
- 2.
- 3.

4. The licence granted is subject to the conditions;-

- (a) that the colony is laid out to conform to the approved layout plans and development works are executed according to the designs and specifications shown in the approved plan accompanying this licence;
- (b) that the conditions of the agreement already executed are duly fulfilled and the provisions of the Haryana Development and Regulation of Urban Areas Act, 1975 and the rules, made thereunder are duly complied with.

5. The licence is valid upto _____

Director
Town and Country Planning
Haryana, Chandigarh

Sr. No.	Date of renewal	Date upto which renewed	Signature of the Director
1.			
2.			
3.			

* Strike off whichever is not applicable

FORM LC-VI
(See Rule 13)

Registered A.D.

To

The Director,
Town and Country Planning, Haryana,
Chandigarh.

Sir,

I/We beg to apply for renewal of licence No..... which expires on.....

2. As required I/We submit—

- (i) Demand draft no.....dated.....for rupees.....as renewal fee.
- (ii) Income Tax clearance certificate issued by the Income Tax Officer
.....

- (iii) An explanatory note indicating the details of developments works which have been completed or are in progress or are yet to be undertaken.
- (iv) Reasons for non-completion of development works.
- (v) Licence.

Date
Place

Yours faithfully,
(Name and address)

FORM LC-VII
[See Rule 14(2)]

Registered A.D.

From

The Director,
Town and Country Planning Department, Haryana,
Chandigarh.

To

.....
.....

Memo No. _____ Dated the _____
Reference your application, dated the _____for renewal of a licence no.

.....

- 2. It is regretted that the renewal of the licence is refused for the reasons given below:-

.....
.....

Director
Town and Country Planning,
Haryana, Chandigarh.

FORM LC-VIII
[See Rule 16(1)]

Registered

From

.....
.....
.....

To

The Director,
Town and Country Planning, Haryana,
Chandigarh.

Sir,

Kindly refer to your memorandum No..... dated granting licence to the setting up of a colony atTehsiland District.....

- 2. I/We have to intimate that the said colony has been laid out and completed part of the colony as shown on the enclosed plan has been completed in all respects as per terms and conditions of the licence granted by you. I/We, therefore, request that a completion certificate in respect of the whole colony/ the said part of the colony may kindly be issued as required under rule 16.

- 3. As required I/We enclose the layout plan of the colony in triplicate showing the whole/part thereof over which the said works have been completed.

Date
Place

Yours faithfully,
(Name and address)

FORM LC-IX
[See Rule 16(2)]

Registered A.D.

From

The Director,
Town and Country Planning, Haryana,
Chandigarh.

To

-----.

Memorandum No.

Dated the

Reference your application, dated the.....requesting for completion certificate in respect of your colony/part of colony for licence was granted, vide this office memorandum No. dated.....

2. It is hereby certified that the required development works on the whole of the colony/part of the colony as indicated in the enclosed outlay, duly signed by me:-

- (1) have been completed to my satisfaction.
- (2) have not been completed as per details given below:-

.....

Director
Town and Country Planning
Haryana, Chandigarh

FORM LC-X
[See Rule 18(1)]

Registered A.D.

From

The Director,
Town and Country Planning,
Haryana, Chandigarh.

To

.....
.....

Memorandum No.

Dated the

Whereas it has come to my notice that:-

- (a) the execution of the layout plan and the development works have not been commenced within three months of the grant of licence to you.
- (b) layout of the colony has not been done as per approved layout plan and is deficient in following respects:

.....
.....

- (c) development works are not being executed as per terms and conditions of licence in this behalf and are deficient in following respects-

.....
.....

2. You are hereby required to set the aforesaid deficiencies and deviations in order within a period offrom the date of this notice and report compliance.

Director
Town and Country Planning
Haryana, Chandigarh

¹⁵²**[FORM LC-XA**
[See Rule 18(2)]

Registered A.D.

From

The Director,
Town and Country Planning,
Haryana, Chandigarh.

To

.....
.....

Memorandum No.

Dated the

Whereas a notice under Sub-rule (1) of rule 18 was issued to you vide this office memorandum No. dated

And whereas, despite the said notice, you have failed to comply with the same.

Now, therefore, you are hereby required to show cause within a period of one month from the date of receipt of this notice why the licence already granted to you under rule 12 in respect of the aforesaid colony should not be cancelled. In case no reply is received within the aforesaid period, it shall be presumed that you have no cause to show and further action shall be taken in accordance with the rules.

(Sd/-)...,
Director
Town and Country Planning
Haryana, Chandigarh]

¹⁵³**[FORM LC-XI**
[See Rule 19(1)]

Registered A.D.

From

The Director,
Town and Country Planning,
Haryana, Chandigarh.

To

Memorandum No.

Dated the

Whereas your licence/permission has been cancelled and you are not to carry out the development works in the colony, you are hereby required to furnish within fifteen days an audited statement of accounts duly certified and signed by a chartered accountant showing the amount actually recovered by you from each of the plot-holder and the amount you have

¹⁵² Inserted vide Haryana Govt. Gaz. L.S. (Extra) dated 7.3.1912

¹⁵³ Inserted vide Har. Govt. Gaz.L.S. (Extra) dated 16.6.1987 page 693

actually spent on development works in the colony. In case you fail to comply with this direction action as admissible under the Haryana Development and Regulation of Urban Areas Act, 1975 will be taken.

Director
Town and Country Planning
Haryana, Chandigarh

FORM LC-XII
[See Rule 19(1)]

Registered A.D.

From

The Director,
Town and Country Planning,
Haryana, Chandigarh.

To

Memorandum No.

Dated the

Whereas your licence/permission has been cancelled and the development work in thecolony are proposed to be carried out by the undersigned and the estimated cost of these works will be Rs.....you are hereby required under section 9 of the Haryana Development and Regulation of Urban Areas Act, 1975 to pay Rs. by a demand draft within thirty day of the service of this notice, failing which the said amount of Rs.....will be recovered from you as arrears of land revenue.

Director
Town and Country Planning
Haryana, Chandigarh

FORM LC-XIII
[See Rule 19(3)]

Registered A.D.

From

The Director,
Town and Country Planning,
Haryana, Chandigarh.

To

.....
.....

Memorandum No.

Dated the

Whereas the licence/permission of thecoloniser has been cancelled and the development works in the colony are to be executed by the Director and the estimated cost of their development works would be Rs....., you are hereby required under section 8 of the Haryana Development and Regulation of Urban Area Act, 1975, to pay Rs..... by a demand draft within thirty days of the service of this notice failing which the said amount of Rs..... will be recovered from you as arrears of land revenue.

Director
Town and Country Planning
Haryana, Chandigarh]

- 2. The copies of plans and others documents referred to above are enclosed in triplicate.
- 3. I/We solemnly affirm that the information given in para 1 above are correct to the best of my/our knowledge and belief.

Yours faithfully,

Dated _____ Attested _____
 Place _____ Oath Commissioner/Magistrate Ist Class.

FORM EC-II
 (See Rule 21)

Registered A.D.
 From _____

To _____
 The Director,
 Town and Country Planning,
 Haryana, Chandigarh.

Sir,

I/We beg to apply for grant of exemption from obtaining the licence and submit that:-

- (i) I/We owned/own land measuring Sq. metres in Khasra Nos. and Hadbast No.....and the said land is situated at, i.e. within the limits of Municipality of Notified area Faridabad Complex and it has been divided or proposed to be divided into residential, industrial and commercial plots of the size as shown in the enclosed layout plan drawn on a scale of 1 centimetre to 10 metres.
- (ii) The said land is situated in the locality knows asat A layout plan of the locality within a distance of 100 metres around/our land drawn on a scale of 1 centimetre to 10 metres is enclosed indicating the size of residential, Industrial and commercial plots.
- (iii) The amenities existing in the locality are as under;
- (iv) The amenities which exist or are undertaken to be provided by the applicant are as under:-
 - (a) Existing amenities.....
 - (b) Amenities undertaken to be provided within a period of

- 2. The copies of plans and other documents referred to above are enclosed, in triplicate.
- 3. I/We solemnly affirm that the information given in a Para 1 above are correct to the best of my/our knowledge and belief.

Yours faithfully,

Dated _____ Attested _____
 Place _____ Oath Commissioner/Magistrate Ist Class.

FORM EC-III
 [See Rule 23(1)]

Registered A.D.
 From _____

The Director,
 Town and Country Planning,
 Haryana, Chandigarh.

To

.....
Memo No.

Dated the

Reference your application dated thefor grant of exemption from obtaining the licence.

2. The exemption applied for in respect of the land detailed in the Schedule below is granted subject to the conditions of your providing the amenities mentioned below:-

**SCHEDULE
AMENITIES**

Director,
Town and Country Planning,
Haryana, Chandigarh.

FORM EC-IV
[See Rule 23(2)]

Registered A.D.

From

The Director,
Town and Country Planning, Haryana, Chandigarh.

To

.....
Memo No.

Dated the

Reference your application dated the,

2. It is regretted that the exemption from obtaining the licence is refused for the reasons given below:-

Director,
Town and Country Planning,
Haryana, Chandigarh.

FORM R-I
[See rule 25(1) (a)]

Register showing the particulars of all cases in which licence to set up a colony has been granted or refused:

Sr. No	File No	Name and full address of the persons or society or company applying for licence	Date of Application	Particulars of financial position of the application	Place where colony is to be setup	Area of the Colony
1	2	3	4	5	6	7

Date of Brief particulars of the final orders pass by the Director granting or refusing licence	Date of submission of demand draft on account of licence fee/renewal fee with amount there of	Date on which licence expires	Date of renewal of licence and the period up to which licence is renewed	Particulars of the Bank guarantee furnished	Remarks
---	---	-------------------------------	--	---	---------

8	9	10	11	12	13
---	---	----	----	----	----

FORM R-II

[See rule 25(1) (b)]

Register showing the particulars of all cases in which exemption from obtaining the licence has been granted or refused:

Sr. No	File No	Name and full address of the Owner of the land applying for exemption	Date of Application	Area of Land covered by the colony and brief description of its location	Date and brief particulars of the final orders passed by the Director granting or refusing exemption	Whether any condition has been imposed for providing amenities if so, the period by which amenities are to be provided	Remarks
1	2	3	4	5	6	7	8

FORM AC

(See rule 28)

Registered

From

.....

To

The Director,
 Town and Country Planning,
 Haryana, Chandigarh.

I furnish below the particulars of amount realize from the plot holders in the month of _____ AND the amount deposited in account No. _____ in _____ Bank.

Sr. No	Name with percentage of the plot holder along with address	Particular of plots	Amount realized from plot holder	Date of realization of amount from plot holder	Amount deposited in bank for internal dev. works in the colony	Date of deposit of amount in bank	Remarks
1	2	3	4	5	6	7	8

Date:

Place:

Yours faithfully,

()

“Schedule

[See rule 3]

RATES OF LICENCE FEE PER GROSS ACRE

(In lacs per gross acre)

Category of Uses	Hyper Potential Zone	High-I Potential Zone	High-II Potential Zone	Medium Potential Zone	Low Potential Zone
	Areas forming part of the development plan of Gurgaon-Manesar Urban Complex.	Areas forming part of Development Plan of Faridabad-Ballabgarh Complex, Pinjore-Kalka Complex ,	(i)Areas forming part of Development Plan of Faridabad-Ballabgarh Complex, Pinjore-Kalka Complex , Gwal Pahari and Periphery Controlled area of Panchkula (All for	(i)Areas forming part of Development Plans of Karnal, Kurukshetra, Ambala, Yamuna Nagar-Jagadhari, Bahadurgarh, Hisar, Rohtak, Rewari,	All other urban areas in the State.

Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965

		Gwal Pahari & Periphery Controlled area of Panchkula (All for commercial use only)	other than commercial use); (ii) Area forming part of Development Plan of Sonapat-Kundli Urban Area Complex and Panipat; (iii) Part of Sohna Development Plan falling in Gurgaon District; and, (iv), Any other Urban Area declared under clause (o) of section 2 of the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975), to cover the Controlled Area declared in Gurgaon District excluding the areas forming part of Development Plan of the Gurgaon-Manesar Urban Complex, Development Plan Pataudi and Farukhnagar.	Gannaur, Palwal, Hodel, Bawal Dharuhera and Prithla. (ii) The urban areas declared under clause (o) of section 2 of the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975) to cover the controlled areas declared under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (Punjab Act 41 of 1963) in Faridabad District (excluding the Controlled Areas of Faridabad-Ballabgarh Complex) and Oil Refinery, Panipat (Baholi) in Panipat District.	
1	2	3	4	5	6
Residential (Plotted)	12.50	—	9.50	6.25	1.25
Residential (Group Housing)	40.00	—	19.00	9.50	2.50
Commercial	<u>On Gurgaon-Mehrauli Road</u> (i) 540.00 for FAR above 150. (ii) 400.00 for FAR upto 150. <u>On other Roads</u> (i) 340.00 for FAR above 150. (ii) 270.00 for FAR upto 150.	(i) 270.00 for FAR above 150. (ii) 235.00 for FAR upto 150.	(i) 210.00 for FAR above 150. (ii) 140.00 for FAR upto 150.	(i) 95.00 for FAR above 150. (ii) 62.50 for FAR upto 150.	(i) 19.00 for FAR above 150. (ii) 12.50 for FAR upto 150.

Industrial	2.50		1.25	0.625	0.125
Low-density Eco-friendly colony	25		19	12.50	2.5

{This Schedule is as per Final Notification 2015 published vide Notification No. PF-46/1961 dated 2nd February, 2015}

¹⁵⁴[**Note:** The licence fee for the projects under Transit Oriented Development shall be levied on pro-rata basis for increased FAR and shall be proportionate to the uses in case of mixed land use projects. For projects under New Integrated Licencing Policy, 2016, the licence fee shall be 1.5 times the rates prescribed for the plotted colony. The licence fee for the projects under Deen Dayal Jan Awas Yojana-Affordable Plotted Housing Policy, 2016 shall be levied at the rate of rupees one lakh and rupees ten thousand per gross acre for medium and low potential towns respectively.]

¹⁵⁵[**Schedule-A**

[See Rule 11(1)(g)]

**Rates of Infrastructure Development Charges
(Rs. In per square metre)**

Sr. No.	Category	Hyper Potential Zone	High Potential Zone	Medium Potential zone	Lower Potential Zone
1.	Residential	500-00	375-00	250-00	70-00
2.	Institutional	500-00	375-00	250-00	70-00
3.	Industrial	250-00	190-00	125-00	35-00
4.	Commercial	1000-00	750-00	500-00	190-00
5.	Group Housing	625-00	460-00	320-00	90-00
¹⁵⁶ [6.	Low-density Eco-friendly colony	500	375	250	70]

Note:- (i) For plotted development the charges are applicable on ¹⁵⁷{gross area of licenced plotted colony}.

(ii) For Group Housing/ Commercial/ Information Technology Parks/ Information Technology City, the charges are leviable for ¹⁵⁸{permitted covered area on all floors} of the colony.

¹⁵⁹{(iii) The Hyper Potential, High Potential, Medium Potential and Low Potential Zone shall be as classified in the Schedule to these rules prescribing rates of Licence fee per gross acre.}]

¹⁵⁴ Inserted by Hr. Govt. Gaz. Notification No. PF-69/2016/23910 dated 31.10.2016 at page 5925

¹⁵⁵ See Haryana Govt. Gaz. (Extra.) dated 28.1.2008 at page 362

¹⁵⁶ Inserted by Hr. Govt. Gaz. Final Notification No. PF/70/ 20541 dated 29.8.2014

¹⁵⁷ Substituted for the words "plotted area" by Haryana Govt. Gaz. Notification No. P.F.-36/29108 dated 22.1.2013 at page 614

¹⁵⁸ Substituted for the words "gross area" by Haryana Govt. Gaz. Notification No. P.F.-36/29108 dated 22.1.2013 at page 614

¹⁵⁹ Substituted by Haryana Govt. Gaz. Notification No. P.F.-36/29108 dated 22.1.2013 at page 614

- ¹⁶⁰{(iv) The infrastructure development charges for the projects under Transit Oriented Development shall be levied on pro-rata basis for increased FAR and shall be proportionate to the uses in case of mixed land use projects.
- (v) No Infrastructure Development Charges shall be levied for licences under Deen Dayal Jan Awas Yojana-Affordable Plotted Housing Policy, 2016.}

¹⁶¹[**Schedule-B**
(See Rule 16)]

Rates of Infrastructure Augmentation Charges

(All figures are in Rs. Lakhs per acre)

Urban Areas Classification	Hyper Potential Zone	High-I Potential Zone	High-II Potential Zone	Medium Potential zone	Lower Potential Zone
1	2	3	4	5	6
Category of Uses					
Residential (Plotted)	5	3	3	1.5	0.5
Residential (Group Housing)	10	6	6	3	1
Commercial	20	12	12	6	2
Industrial/IT	15	9	9	4.5	1.5

Note:- The classification of Urban Areas under Hyper, High-I, High-II, Medium and Low Potential Zone shall be same as prescribed under the Schedule under rule 3.]

¹⁶²[**Rates of Infrastructure Augmentation Charges for Projects under TOD Policy:**

Table

Land Use	Rates in rupees per square metre
1	2
Residential	2000
Commercial	3000
Institutional/IT/ITes	500

Note: Infrastructure Augmentation Charges shall be levied proportionate to the uses in case of mixed land use projects.]

¹⁶⁰ Inserted by Hr. Govt. Gaz. Notification No. PF-69/2016/23910 dated 31.10.2016 at page 5925

¹⁶¹ Schedule-B added by Har. Govt. Gaz. Notification No. PF-51/14514 dt. 30.9.2011 at page 3121

¹⁶² Inserted by Hr. Govt. Gaz. Notification No. PF-69/2016/23910 dated 31.10.2016 at page 5925