

From

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

To

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

Memo No. PF-4/5/46/2011-2TCP Dated Chandigarh the 30th May 2011

SUBJECT: COMPOSITION POLICY: GRANT OF OCCUPATION CERTIFICATE OF INDEPENDENT FLOORS IN CASES OF FLOOR-WISE SUBDIVISION BEFORE THE COMMENCEMENT OF POLICY DATED 19.07.2009; EXCESS COVERAGE ON RESIDENTIAL PLOTS; CANTILEVERED BAY-WINDOW/ CUPBOARD, TEMPORARY PORSCHE; RAILING GRILL OVER FRONT/ REAR BOUNDARY WALL ETC.

The gaps identified in the existing composition policy and the proposals for making the composition policy more comprehensive have been considered at the level of the Government. In exercise of powers provided under Section 11 of the Act no 41 of 1963, the Governor of Haryana is pleased to convey the following addendum to the prevailing composition policy for composition of offences under Section 14 of the Act, *ibid*.

A. FLOOR WISE VERTICAL SUB-DIVISION OF PLOTS BEFORE 19.7.2009: A policy for 'Registration of Floors on Residential Plots' is already in place providing for vertical subdivision of residential plots with effect from 19.7.2009. There are, however, several instances where the floor-wise registration had already taken place before the commencement of said policy. The policy parameters for composition of violation and grant of occupation certificate in such cases shall be as follows

I. Composition of offence pertaining to illegal Registration of Floors before 19.7.2009: - Since the owners have acquired/purchased the property in violation of the zoning plan/building rules etc. a one-time penalty for such floor-wise subdivision shall be levied for composition of such violation at the following rates:-

- a) For Hyper/High Potential Zone: Rs. 1000/- per sqft of area covered on all floors.
- b) For Medium Potential Zone: Rs. 500/- per sqft of area covered on all floors.
- c) For Low Potential zone: Rs. 250/- per sqft of area covered on all floors.

The composition fee shall be payable before the issuance of occupation certificate for any floor on the said plot and each floor-wise occupant shall be required to pay proportionate amount against the area for which occupation certificate is sought/ proposed to be granted.

II. Allowing each floor-owner to apply for Occupation Certificate independently: - Since the registration of independent floors is now permitted and any floor-owner, who is willing to get the illegal subdivision before 19.7.2009 compounded after paying the composition rates as indicated at Sr No I above, any such floor-owner may also be allowed to submit an independent floor-wise application for grant of occupation certificate. While examining such applications, however, certain safeguards need to be adopted since grant of occupation certificate on any floor would imply that no structural alteration would be possible, which may imply that non-compoundable violation existing on other floors, if any, would get

regularized by default. Thus, the grant of occupation certificate for such independent floor, shall be considered subject to the following conditions:

- a) Even if the occupation certificate for a single floor is applied, an integrated site report of entire building covering all floors shall be obtained to ensure that the grant of such occupation certificate for an independent floor does not in any manner restrict/restrain the removal of non-compoundable violations, if any, on other floors.
- b) An indemnity bond shall also be obtained from such applicant to the effect that, he/she shall not object to any structural alteration of the building for the purpose of removal of any non-compoundable violation on any other floor.

III. Sale of Basement as an Independent Floor: The sale of basement as an independent floor can't be allowed under any circumstances, since the same is allowed free of FAR for the purpose of provision of services only and not as a habitable space. Accordingly, the policy for Registration of Independent Floor specifically provides for clubbing the basement with the grounds floor for the purpose of registration of independent floor. Thus any sale of basement shall not be considered for regularization.

B. RATES OF COMPOSITION CHARGES TO BE MADE APPLICABLE ON EXCESS COVERAGE IN RESIDENTIAL PLOTS: As per the prevailing norms, the excess coverage in group housing and commercial colonies gets compounded as per the policy prevailing at the time of approval of building plans, however, the current rates of composition charges are made applicable. Similarly, for all such construction in residential plots also, the same policy may be followed for the composition of excess coverage.

C. COMPOSITION OF CANTILEVERED BAY-WINDOW/ CUPBOARD: The building regulations notified under the HUDA Act, have been amended vide notification dated 12.12.2008, which allows:-

- a) Provision of railing/grill with polycarbonate/fibre glass covering of upto 2ft-6inches height over the front and rear boundary wall of plot.
- b) Provision of temporary porches of polycarbonate sheets/fibre glass roof covering on mild steel frame, that are open on all sides in the driveway area.
- c) Provision of Bay-window and cupboards of maximum 2.5 feet projection and at least 2 feet above plinth level.
- d) Provision of a service stair in addition to main stair as per the Regulation 32 of HUDA Building Bye laws.

Necessary amendments in the Building Rules, 1965 may be undertaken to bring parity in terms of provisions made applicable vide the abovementioned notification of HUDA Building Regulations dated 12.12.2008.

(T.C.Gupta)

Special Secretary

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