

From

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

To

Director General,
Town & Country Planning
Haryana, Chandigarh.

Memo No. PF-37/2016/7485
Dated Chandigarh. 12.04.2016

SUBJECT: RELIEF POLICY FOR RECOVERY OF EXTERNAL DEVELOPMENT CHARGES (EDC) AND INTEREST DUES AS WELL AS INFRASTRUCTURE DEVELOPMENT CHARGES (IDC) FROM EXISTING COLONIZERS IN CASE OF DEFAULT IN PAYMENT OF SCHEDULED INSTALLMENTS AND ALTERNATIVE MEASURES FOR ENSURING THE EDC/IDC PAYMENTS IN FUTURE IN CASE OF NEW LICENCES.

Reference: In supersession of Memo No. PF-37/5/32/2009-2TCP dated 12.04.2012 & Acctt/AO-II/LC-964/1066 dated 27.08.2013 and endst no. 126-137 dated 06.01.2014.

In supersession of the 'EDC Relief Policy' dated 12.04.2012 and in order to further streamline the prevailing EDC recovery policy, the Govt. has felt the need to amend the existing policy for recovery of EDC and interest due from the colonizers. Therefore, in accordance with the powers conferred under section 9A of the Haryana Development and Regulation of Urban Areas Act, 1975, the Governor of Haryana is pleased to issue the following policy parameters in supersession of the prevailing EDC relief policy dated 12.04.2012, wherein parameters for the recovery of the outstanding IDC also has been provided:

1.0 Applicability:

- 1.1 This policy shall be applicable to all existing licenced colonies in the State as well as new licences to be obtained in future.
- 1.2 This policy is to extend relief in the form of grant of certain approvals, viz, (i) renewal of licences, (ii) approval of building plans of group housing/commercial/cyber park/city (independent licenced projects or sites within plotted colonies) (iii) grant of occupation certificate for group housing/commercial/cyber park/ city (independent licence or sites in plotted colonies), (iv) approval of zoning plan and service plans/estimates of all licenced colonies (v) grant of part completion certificate to residential & industrial plotted colony (vi) change in beneficial interest as per policy dated 18.02.2015 and to facilitate the colonisers to implement their projects inspite of overdue EDC and IDC amount subject to certain conditions and to put in place a better mechanism to ensure the recovery of EDC and IDC in future licences. However, no relief in the rates of EDC and IDC/interest/penal interest is being allowed.

For the purpose of this policy, outstanding EDC and IDC shall mean the amount of default including applicable interest as well as such installments which are yet to become due.

- 1.3 This policy shall be applicable only in those cases where all other Govt. dues viz, renewal fee, scrutiny fee etc. applicable in the existing licences of the respective coloniser are cleared by him, wherein no relief shall be allowed.

1.4 In case of existing licences, this policy shall remain in force for six months from the date of issue. Any coloniser can avail benefit/ relief under this policy within this period and no relief shall be granted thereafter to any existing licence. However for new licences, the applications shall be received on ongoing basis and shall be decided accordingly.

2.0 Existing licences:

2.1 The renewal of licences, approval of building plans & grant of occupation certificates of group housing/commercial/cyber park/city (independent licenced projects or sites within plotted colonies), approval of zoning plan and service plans/estimates of all licenced colonies, approval of part completion certificate for residential & industrial plotted colony and change in beneficial interest as per policy dated 18.02.2015 irrespective of overdue EDC and IDC amount, may be considered for a colonizer opting for this policy subject to the following requirements:

- (i) The coloniser shall pay 10% of the outstanding EDC and IDC alongwith his request. The balance 90% outstanding EDC and IDC shall be paid in four half yearly equal installments. The first installment shall be due after six months from the date of such approval alongwith applicable interest. A fresh schedule of payment of EDC and IDC shall be conveyed to the coloniser at the time of such approval.
- (ii) One or two compact pieces of licenced land of an area specified in the Table 'A', shall be mortgaged by the coloniser in favour of the Govt. in the Department of Town & Country Planning. The location/situation of the said piece(s) shall be as decided and agreed to by the Director General, Town and Country Planning. In case the piece(s) so offered by the coloniser is considered to be un-utilizable/un-saleable, the Director may refuse to grant the benefit of this policy to the coloniser.

Table 'A'

Outstanding EDC and IDC in existing licences	Percentage of the area of licenced land to be mortgaged
More than original EDC and IDC	35
75 to 100% of original EDC and IDC	30
60 to 75% of original EDC and IDC	25
45 to 60% of original EDC and IDC	20
30 to 45% of original EDC and IDC	15
15 to 30% of original EDC and IDC	10
Less than 15% of original EDC and IDC	5

Note: In case of plotted licenced colony (residential/industrial) the land to be mortgaged shall have commensurate percentage of saleable area, e.g. if total area of the licenced colony is 100 acres (having 55 acres permissible saleable area) and the outstanding EDC and IDC is 50% of the original EDC and IDC, then the coloniser shall mortgage 20 acres of the licenced land which shall include 11 acres saleable area (20% of permissible). Further, in case of group housing/commercial colony /cyber park/city, the colonizer shall be allowed to achieve Floor Area Ratio (FAR) applicable on non-mortgaged land only. It is clarified that colonizer of group housing/commercial colony /cyber park/city will not be allowed to raise construction on the land which is mortgaged, thus the FAR on the said land shall be allowed once the land is de-mortgaged.

- (iii) Such mortgaged land shall be free from all encumbrances and no third party rights should have been created. Further, though there shall be priority to have

mortgaged land in the same licence; however, in case, it is not possible for the licensee to mortgage the required quantum of the land in the same licence to the satisfaction of Director General Town & Country Planning, then he shall have the option to mortgage the required piece of land, situated in any other nearest licence of similar nature within the same Development Plan area.

- (iv) The manner and procedure for mortgaging shall be decided and laid by the DGTCP.
 - (v) In case of plotted colony, the coloniser shall not be allowed to raise construction on the land mortgaged to the Govt. and shall not be allowed to create third party rights on it. However he may be allowed to lay the infrastructure services, as per approved layout plan/service plans, which are required for integration of the colony.
 - (vi) In case of group housing/commercial/cyber park/city, the coloniser can get the building plans approved for the entire project/licenced land but he shall be allowed to raise the construction only on the non-mortgaged land and he shall be able to consume the maximum FAR only upto the extent equivalent to the FAR permissible on the area available with him after excluding the area under mortgaged land. The utilization of balance FAR shall be allowed only when the land is de-mortgaged.
 - (vii) An undertaking from the coloniser to clear the outstanding EDC and IDC amount in four half yearly installments spread over a period of 2 years from the date of such approval shall be obtained.
- 2.2 Interest @ 12% per annum on outstanding installments and penal interest @ 15% per annum on delayed payment shall be levied.
- 2.3 The Occupation Certificates of Group Housing Colonies, Commercial Colonies, Cyber Park/City, either independent licenced colony or part of the plotted colony, under this policy can be considered only upto 50% of the permitted FAR.
- 2.4 In case any licence stands renewed under any other policy in force prior to this policy, the Department shall not insist for clearance of outstanding EDC and IDC amount for the following approvals/clearances:-
- a. Zoning plan and Service Plans/Estimates of all licenced colonies.
 - b. Building plans and occupation certificates for community sites.
 - c. Building plans and occupation certificates for EWS flats of Group Housing Colonies.

Further, if the licence is not renewed, the renewal of licence under this policy shall be a pre-requisite for any of the approvals at a, b & c above. However, the approval of building plans and grant of occupation certificates of individual residential/industrial plots in residential/ industrial plotted colonies shall continue to be considered on individual merits irrespective of the status of renewal of licence as per the present practice.

- 2.5 On the request of the coloniser, proportionate area of the mortgaged land will be de-mortgaged in proportion to the payment of outstanding EDC and IDC under this policy subject to minimum of 5% of project land and multiples thereof.

3 Additional/New licences:

- 3.0 In case of grant of additional or new licence, the coloniser may mortgage 25% area of the land being so licenced in favour of the Govt. in lieu of the bank guarantee being submitted as per present policy on account of EDC and IDC. The land to be mortgaged

shall be in one or two compact pieces of land being licenced. In case of plotted licenced colony the land to be mortgaged shall also have 25% of the saleable area. Similarly in case of Group Housing/Commercial Colony /Cyber Park/City, the colonizer shall be allowed to achieve proportionate FAR allowed on non mortgaged land only.

- 3.1 The land to be so mortgaged shall be free from all encumbrances and from third party rights and the colonizer shall obtain and submit the consent of the concerned land owners for the same.

4 Other conditions (for Existing & New Licences):

- 4.0 No final completion certificate shall be granted under this policy. The coloniser shall be required to clear all outstanding dues before grant of final completion certificate.
- 4.1 A coloniser opting for this policy shall strictly adhere to the payment schedule under this policy. In case of default in payment of EDC and IDC, the Govt. shall be at liberty to dispose off the mortgaged land or any portion thereof for the purpose of recovery of payment of outstanding EDC and IDC. DGTCP may revoke any permission/approval granted under this policy if the coloniser defaults in two successive EDC and IDC installments or rescheduled EDC and IDC installments if DGTCP is satisfied that the coloniser is not intending to adhere to the original/rescheduled payment of EDC and IDC.
- 4.2 After a colonizer has obtained the eligibility after meeting the prescribed criteria, the coloniser may request for release of Bank Guarantee already submitted by him with the Department on account of EDC and IDC, which may be allowed subject to such conditions as may be imposed.
- 4.3 The Department may amend the HDRU Act 1975 and Rules framed thereunder, if necessary for implementation of this policy.
- 4.4 The policy issued vide memo no PF-37/5/32/2009-2TCP dated 12th April, 2012 ceases its operation from the date of issuance of this policy. The cases which are under consideration with the Department shall be considered/decided under the above mentioned policy. However, if any coloniser, whose application is already under consideration with the Department under the policy dated 12.04.2012, desires that his case be considered as per the present policy, the request may be considered by the Department.

Sd/-

(Arun Kumar Gupta, IAS)

Secretary

For:- Additional Chief Secretary to Govt. Haryana
Town & Country Planning Department.

Endst. No. PF-37/2016/7486

Dated: 12.04.2016

A copy is forwarded to the Chief Administrator, HUDA, Sector-6, Panchkula for information and record.

Sd/-

(Arun Kumar Gupta, IAS)

Secretary

For:- Additional Chief Secretary to Govt. Haryana
Town & Country Planning Department.