

PUBLIC NOTICE

No. Misc-454/Astt(AK)/8/14/2019-2TCP dated 01.07.2019.- In order to attract the land owners for utilization of Transferable Development Rights (TDR) so that land can be aggregated for development of External Development Works (EDW) and infrastructure in development plan area, it is proposed to substitute the earlier policies with respect to TDR and revised policy frame work is being put in place.

The draft of the said policy has been approved by the Council of Ministers in its meeting held on 25.06.2018 as conveyed vide U.O. No. 9/191/2019-2Cabinet dated 25.06.2019 for the purpose of inviting responses/ suggestions from general public and stakeholders on the revised policy of TDR before its finalization. The draft of said policy is mentioned hereunder for the information of general public and all other stakeholders. The response/suggestions may be forwarded through e-mail to the following within a period of 60 days of the issuance of this public notice i.e. upto **30.08.2019**.

1. DTCP Haryana, Chandigarh: tcpharyana7@gmail.com
2. CTP, Haryana: ctp6.haryana.tcp@gmail.com
3. DTP (HQ) O/o DTCP, Haryana: dtp.hqsk3.tcp@gmail.com.

DRAFT POLICY

SUBJECT: DRAFT POLICY FOR ISSUE & UTILIZATION OF TRANSFERABLE DEVELOPMENT RIGHTS.

In supersession of all existing policy instructions in this regard till date, viz., policy dated 21.08.2015; part of policy dated 26.10.2015 (Para-5.0 and elsewhere) pertaining to TDR; all as amended from time to time, the following is hereby issued:-

2.0 FOREWORD: This policy intends to make it simple for such land-owners, whose land is required for critical infrastructure needs of the development plan, to surrender his land in favour of the Government in return of a TDR Certificate, which can be monetized by the land-owner by selling it to various developers/users in the same town.

2.1 Online Process for Application, Scrutiny, Issuance, Processing & Utilisation: The Department intends to make the complete process online, right from inception of the policy, to enable efficiency and transparency in the entire process. All TDRs shall be created, stored and transferred in digital format only through an application to be developed exclusively for the purpose. However, during the intervening time in which such online process gets ready for use, the applications may be accepted and processed manually subject to condition that the same shall be integrated with the online system as and when it is functional.

3.0 APPLICABILITY OF THIS POLICY: To enable aggregation of land for integrated infrastructure development within the urbanisable limits, a TDR Certificate can be issued on such land/ site designated for the following purposes based on the approved sectoral plan:

- i. **Sector Roads & Green Belts[SRGB]:** Such roads, of any width, which are provided in the development plan, irrespective of whether they serve as a divider between two sectors or two land use zones within a sector are sector roads. In addition to sector roads, all green belts provided in the development plans along such sector roads shall also be considered to be eligible for grant of TDR certificate. The alignment of such sector roads and green belts shall be as that approved in the sectoral plan.
- ii. **Sectoral Plan Road Pockets [SPRP]:** Such internal sector roads, of 30m/24m/18m ROW or otherwise, as approved in the sectoral plans, which function as sub-arterial roads of the development plan and also serve as conduits for external services within a sector are 'sectoral plan roads'. Pockets of land falling in the approved alignment of such sectoral plan road are called as 'Sectoral Plan Road Pockets' or 'SPRP'.
- iii. **EDC Works site [EDWS]:** Such sites as earmarked in the approved sectoral plan against various EDC Works, viz, College, Hospital, ESS etc., as shown in the sectoral plan.
- iv. **Open Space Zone [OS]:** Such sectors or part of sector, excluding the green belt along sector roads, designated as open space zone in the development plan shall be also considered to be eligible for the purpose of issue of TDR certificate.
- v. **Public & Semi Public Zone (PSP):** Such sectors or part of sector, excluding the green belt along sector roads, designated as PSP Zone in the Development Plan shall also be considered to be eligible for the purpose of issue of TDR certificate.

The extent and benefit of TDR against any land pocket shall be governed by various factors, which are taken into account while calculating the 'notional land', as detailed under clause 4.3 below.

4.0 PROCEDURE FOR TDR APPLICATION

4.1 TDR Application: Any land-owner, whose land fulfills the criteria as prescribed under para 3 above, who intends to seek TDR certificate for its land may apply to the Director along with the following documents:

- i. Scrutiny fees at the rate of Rs 10 per sqm on the applied land;
- ii. Ownership documents depicting clear title of land;
- iii. Verification certificate of ownership from concerned Deputy Commissioner;
- iv. Indemnity Bond in favour of the Director, protecting the Director against any land dispute that is raised on such land in future;
- v. Undertaking to transfer the title and possession of such land to the Government through the Director for all intents and purposes and free from encumbrances, in case of receipt of LOI for issuance of TDR Certificate;
- vi. Any other document that the Director may demand.

4.2 Scrutiny of TDR Application: Upon scrutiny of the application, in case the TDR application is found to be in order, a provisional offer shall be issued to the applicant, calling upon the applicant to submit a gift deed in favour of the Government (acting through the Director) for effective transfer of the title of such land in favour of Director within a period of

90 days. The possession of land shall also be handed over to the Director or his authorized representative, designated for the purpose.

4.3 Calculation of Notional Land for which TDR Certificate is to be issued: The TDR shall be issued after conversion of the site area in the form of a notional land having collector rate of Rs. one crore per acre, to be obtained after multiplying with the index based on the following formula:

Notional Land (in acres)	=	Land Rate Index: Weighted average collector rate applicable for the surrendered land	X	Area of Land surrendered in favour of Government (in acres)	X	Land Use Index
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- Note: (1) This process intends to normalise all TDRs issued in different corners of the Development Plan to bring them at the same level and make them comparable.
- (2) For 'Land Rate Index' the figure of collector rate in 'Rs. Crores per acre' shall be adopted.
- (3) The collector rate, as notified by the Deputy Commissioner concerned, prevailing at the time of grant of TDR certificate shall be considered to be applicable for this purpose irrespective of the date on which it is eventually utilized.
- (4) For this purpose, the collector rate of 'vacant agricultural land' shall be applicable.
- (5) The following land use index shall be considered for this purpose:

Sr No	Land Use of Surrendered Land	Land Use Index
i.	(a) Land/site designated as SRGB;	1.25
	(b) SPRP in Residential/Commercial/Special zone or in multiland-use sectors which though not falling in Res/Comm/Spl zone serve the residential/commercial/special zone/ Land use	
ii.	All EDC works sites approved in the sectoral plan	1.00
iii.	SPRP in Industrial/Public & Semi Public Zone or in multi-land use sectors which though not falling in Industrial/Public & Semi public zone serve the industrial/public & semi public zone/land use.	0.80
iv.	Open space zone other than any included above	0.60
v.	Public & Semi Public zone (PSP)	0.40

4.4 General terms and conditions for application & grant of TDR certificate: The general terms and conditions for filing of application & issue of TDR certificate shall be as follows:

- i. There shall be no minimum and maximum area for filing of TDR application.
- ii. Every such TDR Certificates that is issued shall carry an FAR of 1.75.

- iii. TDR certificates shall be split into units of 100 sqm built-up area to enable its ease of transfer and utilization. The balance of built-up area available beyond the multiples of 100 sqm shall get added into the last TDR certificate.
- iv. Any TDR certificate issued in a specific development plan shall be valid for utilisation in the same development plan.

4.5 Applicable Fees and Charges: The applicable fees and charges for TDR shall be as follows:

- i. The land-owner applicant shall be required to pay only scrutiny fees at the time of applying of TDR certificate. The scrutiny fees, once paid, shall be non-refundable.
- ii. The colonizer/ project proponent intending to utilise the TDR certificate through increase in FAR of its project by amendment in the zoning plan shall be liable to deposit the following charges, as applicable on the date of utilizing the TDR Certificate:
 - a) Infrastructure Augmentation Charges-TDR (IAC-TDR) at rates, as prescribed;
 - b) EDC against the increased covered area at prescribed rates for different uses;
 - c) IAC-TOD for such projects where the additional FAR is utilized on projects that have already availed the benefit of TOD.
- iii. The said charges, i.e., IAC-TDR, EDC, IAC-TOD, as applicable, shall be recovered at the time of such amendment in zoning plan.
- iv. The said charges, i.e., IAC-TDR, EDC, IAC-TOD, as applicable, shall be recovered on the increased covered area based on the notional land of the receiving site
- v. Needless to clarify that a TDR certificate not being a licence, no additional licence fees, conversion charges or Infrastructure Development Charges, as prescribed in the Act no 8 of 1975 for the purpose of grant of licence shall be recovered.
- vi. The rates for IAC-TDR to be recovered for utilisation of such TDR certificate shall be as follows:

Sr No	Purpose	Hyper	High-I	High	Medium	Low
1	GH/HDGH/ TOD-GH	1200	700	700	350	100
2	AGH	200	120	120	60	20
3	Commercial/ TOD-Commercial	7000	5000	4000	2000	500
4	Cyber Unit/ Cyber Park/ Cyber City	2400	1400	1400	700	200
5	NILP-GH	900	500	500	250	70
6	Industrial [Other than (4) above]	400	200	200	100	30
7	Institutional	400	200	200	100	30

NOTE:

- I. All figures are in Rs per square meter, leviable on the permitted increase in covered area on all floors against the notional land of the receiving site.

5.0 TRANSFER & UTILISATION OF TDR CERTIFICATE : The transfer of TDR Certificate shall be governed by the following policy parameters:

- i. The TDR certificate can be split into multiple certificates of not less than 100 sqm built up area and sold any number of times to any person intending to utilize the same in their existing colony/project within the same development plan.
- ii. Any such TDR certificate shall be freely transferable in the open market, based upon mutually agreed financial considerations between the buyer and the seller. Provided that no such transfer shall be treated as valid unless a 'Transfer application' is filed online on the Department portal and an online transfer is executed after completing the transfer formalities, subject to condition as prescribed under para 2.1 above.
- iii. The department portal shall have an online mechanism, free of manual interventions by the department, to authenticate the credentials of the transferor and the transferee. Upon such successful authentication, the name of the new transferor shall be entered in the TDR certificate.
- iv. For each such transfer, an online facilitation charge shall be recovered at the rate of Re 1/- per sqm leviable on the transferred covered area against the notional land of the TDR Certificate. Such amount shall be credited to 'IT Initiatives Fund (IIF)' to be created under the Act No 8 of 1975. The IIF shall be administered by the Director for promoting IT initiatives in the Department.
- v. The timeframe involved in online transfer of TDR certificate shall not exceed three working days from the date when such transfer is sought by any applicant.
- vi. In case of an existing colony where the benefit of increased FAR and/or density is proposed to be availed:
 - a) Revision of Zoning clauses to the extent that it depicts the increased FAR shall be required.
 - b) The prevailing instructions dated 28.01.2013, as amended from time-to-time, regarding seeking objections from existing allottees for approval of revised building plans shall continue to be applicable.
 - c) Fresh Structural Stability Certificate shall be required to be procured.
 - d) No relaxation in setbacks and ground coverage shall be permitted.
- vii. The TDR certificate shall stand extinguished and as when an application is received for its utilization through revision of zoning plan.
- viii. For the purpose of availing the benefit of development rights on the site receiving the TDR, the 'notional land of TDR certificate' shall be converted into 'notional land of the receiving based on the following formula:

Notional Land of the receiving site (in acres)	=	$\frac{\text{Notional Land of TDR Certificate (in acres)}}{\text{Land Rate Index: Weighted average collector rate applicable for the receiving site}}$
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- ix. The benefit of increased FAR to be availed in the zoning plan shall be calculated 'on the notional land of the received site', derived as per Sr. no (viii) above.

6.0 UTILISATION OF TDR CERTIFICATES.

6.1 Maximum FAR and Density to be permitted with TDR: Additional FAR can be availed by the applicant himself or by the purchaser of TDR Certificate on the following types of projects to the following extent:

Sr No	Type of Colony/ Site/ Project	Applicable FAR	Applicable Density (ppa)	Max FAR with TDR	Max Density (ppa) with TDR
1.	GH	1.50/1.75	300-400	3.0	Existing +100
2.	AGH	2.25	750-900	3.0	Existing + 75
3.	HDGH	1.75	450	3.0	Existing +100
4.	TOD (GH)	3.5/2.5	600/430 ($\pm 10\%$)	5.0/4.0	Existing +150
5.	CL	1.75	NA	3.0	NA
6.	TOD-CL	3.5/2.5	NA	5.0/4.0	NA
7.	NILP-CL	3.0	NA	4.5	NA
8.	MLU	1.75	80	3.0	Existing +70
9.	TOD-MLU	3.5/2.5	NA	5.0/4.0	NA
10.	NILP-R	1.25/1.5	300	2.5	Existing +100
11.	CP/CC	2.5	NA	5.0	NA
12.	TOD(IT/ITES)	3.0/3.5	NA	4.5/5.0	NA
13.	IILP-IND	1.0	NA	2.0	NA
14.	CS/ I-CLU	1.0/1.5	NA	2.0	NA
15.	Res. Plot	1.80/1.98	18	2.4	No change

Notations:

1. **SRGB**=Sector Roads and Green belts along such Sector roads;
2. **SPRP**=Sectoral Plan Road Pockets;
3. **EDWS**=Sites of EDC Works shown in Sectoral Plans in all land use zones
4. **R**=Residential Zone;
5. **C**=Commercial Zone;
6. **S**=Special Zone;
7. **IND**=Industrial Zone;
8. **INS**=Institutional or Public & Semi-Public Zone;
9. **GH**=Group Housing Components (1.5/1.75 FAR) in such colonies where permitted, except NILP;
10. **AGH**=Affordable Group Housing Component in all such colonies where permitted
11. **HDGH**=High Density Group Housing Project as provided in development plan
12. **TOD-GH**=Group Housing Licence under TOD
13. **CL**=Commercial Components in all colonies where permitted or Commercial CLU projects;
14. **TOD-CL**= Commercial Licenced Colony under TOD
15. **NILP-CL**= Commercial Licence granted under the NILP Policy dated 26.10.2015

16. **MLU**= Mixed Land Use Licence granted under policy dated 03.01.2014
17. **TOD-MLU**= Mixed Land Use Project under TOD Policy
18. **NILP**=Residential Licence granted under New Integrated Licencing Policy dated 26.10.2015
19. **CP/CC/IT-ITES**= Cyber Park/Cyber city/ IT or ITES Units
20. **TOD-IT/ITES**= IT/ITES Project under TOD Policy
21. **IILP-IND**=Industrial Component under IILP policy dated 11.10.2017.
22. **CS**=Community Sites in licenced colonies
23. **I-CLU**= CLU Projects for Institutional Use
24. **Res. Plot**= Residential Plot in a Residential Plotted colony

Note: The parameters as above shall be applicable on the specified use irrespective of such use being either the main use or and ancillary use unless specifically excluded to such effect. For example, the group housing parameters shall be applicable to the group housing components availed either in a group housing colony or in a Cyber City or in an Industrial colony and so on, except group housing components in a NILP projects for which the parameters are separately specified.

6.2 For the purpose of utilization of any TDR certificate for any type of colony/ site/ project as indicated under para 6.1 above, its origin, i.e., the land use of the surrendered land against which the TDR certificate is issued shall be irrelevant.

7.0 UTILIZATION OF LAND FOR INTEGRATED INFRASTRUCTURE DEVELOPMENT.

7.1 Land for SRGB; EDWS and OS: The land available against Sector Roads/ Green Belts, EDC Works Sites and Open Space Zone are part of external development works and accordingly deserve to be handed over to the concerned agency responsible for undertaking external development works through the officer authorized by the Director for the said purpose.

7.2 Land of SPRP: The Director may designate a nodal agency for undertaking integrated infrastructure development along sectoral plan roads, either for the entire development plan or for group of sectors.

8.0 SPECIAL DISPENSATIONS.

- i. This policy shall be applicable with prospective effect
- ii. No existing licenced area shall be considered for delicensing or for migration for availing benefits of this policy.
- iii. To enable effective and efficient implementation of this policy the Director may issue additional directions, from time-to-time, as he may consider necessary

Sd/-

Superintendent

Place: Chandigarh
Date: 01.07.2019

For: Principal Secretary to Government, Haryana
Town and Country Planning Department,
Chandigarh