

From

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

To

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

Memo No. PF-51A/2015/DGTCP/210

Dated: 15/07/2015

SUBJECT: POLICY FOR REORGANISATION OF BOUNDARIES OF LICENCED COLONIES THROUGH EXCHANGE OF LAND AMONG LICENCES IN A RESIDENTIAL SECTOR.

In the recent past, proposals have been received by Department regarding reorganisation of colony boundaries in a sector to enable better planning of the licenced land in the sector without affecting the net area under such licences. The matter has been deliberated in detail for the purpose of formulation of policy parameters for uniformity in decision making and transparency in the process to deal with such cases. Accordingly, in exercise of the powers conferred under section 9A of the Haryana Development and Regulation of Urban Areas Act, 1975, the Governor of Haryana is pleased to prescribe the following policy parameters to enable a decision in such cases.

2. INCEPTION: For the purpose of grant of licence under the Haryana Development and Regulation of Urban Areas Act, 1975 the ownership of land is a pre-requisite. Accordingly, in order to avail seniority of licence application for group housing and commercial use; as soon as any private developer is able to aggregate such pocket of land, as required under the prescribed norms, howsoever, irregular the shape of the pocket may be, a licence application is submitted in this office. Eventually, when most of the pending licences are granted, at times, the need for reorganisation of colony boundaries within the sector may be felt. This policy aims to prescribe detailed policy parameters to address such situations, wherein, the proposal for reorganisation of boundaries is primarily aimed at better planning of the sector/licenced colonies, without affecting any change in the net planned area of the various colonies. Thus, instead of treating the original boundary of a colony as fait-accomplis, this policy would enable reorganisation of boundaries for better planning and more efficient use of scarce land resources without following the tedious process of de-licencing and re-licencing; in case the licencees/developers are willing to abide by the terms and conditions of this policy.

3. FEES AND CHARGES: The fees and charges as per following shall be recoverable from all applications received under this policy:

- i. At the time of application under this policy: Scrutiny fee at prescribed rates for the entire licenced area falling under all licences for which reorganisation of boundaries is proposed.
- ii. After grant of in-principle approval: The following fees and charges shall be recoverable before grant of final approval regarding reorganisation of boundary of licenced colonies:
 - a. Difference of licence fees and conversion charges, at current rates, for the affected area, where the land use is proposed for a higher order usage. For example; if the area earlier

licenced for plotted colony is now proposed to be used as part of group housing or commercial colony (or, similarly, from group housing to commercial colony), the difference in licence fees and conversion charges at current rates shall be recovered. However, it is clarified that in case site is designated for lower order usage, e.g., from group housing or commercial colony to plotted colony, no such difference of licence fees and conversion charges shall be due for refund.

- b. Administrative charges against transfer of licence, to the extent upto which the change in land schedule of respective licences get affected.
- c. Administrative charges against 'Policy for change in beneficial interest' dated 18.02.2015, to the extent upto which the change in beneficial interest gets affected. For example; in a specific licence, in case the ownership of land for entire licenced area, say 'x', lies with ABC Ltd. and after reorganisation 0.4x from the original land gets excluded and same area i.e., 0.4x of XYZ Ltd. gets added to the land schedule; then, the administrative charges against 'Policy for change in beneficial interest' shall be levied on the 0.4x area of such licence at the rates prescribed under said policy.

It is however, clarified that no IDC/EDC shall be recoverable from the applicants under this policy.

4. APPLICATION UNDER THE POLICY: Any two or more developers, who have obtained licence(s) for development of colony(ies) in the same sector intend to seek reorganisation of boundary of their respective licenced colony through exchange of licenced land, may jointly apply to the Director alongwith following documents from each developer:

- i. Board resolution of the developer/company(ies) specifically resolving for such reorganisation of licence boundaries under this policy.
- ii. Board resolution of the developer/company(ies) nominating the authorised signatory to submit such application alongwith necessary documents to the Director.
- iii. In case the land owners are separate from the developer(s), a NOC from such individual land owner(s); and/or Board resolution in case of land owning company(ies) also needs to be submitted.
- iv. The existing as well as proposed land schedule for each licence.
- v. The existing as well as proposed boundary of each licence marked on the copy of sectoral plan as well as shajra plan.
- vi. Scrutiny fee at prescribed rates for the entire licenced area falling under all licences for which reorganisation or boundaries is proposed.
- vii. For each licence, the net areas as per follows be provided;
 - a. The net area (and land schedule) being retained, from the original land schedule, for the original purpose, for which licence was earlier granted.
 - b. The net area(s) (and land schedule) being proposed to be excluded from the land schedule alongwith the uses now proposed to be assigned to such pockets.
 - c. The net area(s) (and land schedule) being proposed to be included in the land schedule alongwith the earlier prescribed use of such pockets.

- viii. The status regarding creation of third party rights in the colony.
- ix. An undertaking to the following effect be submitted:
 - a. There are no changes proposed in the net planned area of licenced colonies from that approved earlier.
 - b. No third party rights have been created in the respective colony(ies). Else, in case third party rights stands created, an undertaking regarding seeking objections from the allottees through public notice as well as notice under registered cover, as per detailed procedures and proforma prescribed by the Director.
 - c. To abide by the terms and conditions as prescribed by the Director for such purpose.

5. EXAMINATION OF REQUESTS UNDER THIS POLICY: All such requests received by the Director under this policy shall be examined on merits and upon such examination, the Director may direct the developer(s) to furnish/comply with some all of the following requirements, as applicable, in a period not exceeding 60 days:

- i. Fresh land schedule as per reorganisation of boundaries.
- ii. Fresh LC-IV agreement and bilateral agreement alongwith replacement bank guarantees, if any.
- iii. Fresh layout-cum-demarcation plan in case plotted colony is involved. Upon its in-principle approval, objections/suggestions shall be invited as per the prevailing policy before its finalisation.
- iv. Revised demarcation plan in case of all integrated projects to enable approval of zoning plan.
- v. Demand draft for the amount, as demanded by the Director under this policy.
- vi. Registered collaboration agreement between the developer and land owning individuals/companies for the affected areas.
- vii. Clear the outstanding EDC/IDC dues as specifically directed by the Director.
- viii. In projects where third party rights stand created, objections on the reorganisation of boundaries shall be invited from the allottees through public notice as well as notice under registered cover as per the detailed procedures and proforma prescribed by the Director.
- ix. An undertaking to settle all the pending/outstanding issues, if any, in respect of all allottees.
- x. An undertaking to be liable to pay all outstanding dues on account of EDC and interest thereon if any, in future as per orders of the Director.
- xi. Original licence and schedule of land.
- xii. An undertaking that notwithstanding the reorganisation of boundaries and inclusion of new land owners/entities, the developer shall continue to be solely responsible for compliance of the provisions of the Act/Rules as well as terms and conditions of the licence.

6. **APPROVAL/REJECTION ORDERS:** Subject to the compliance of the terms and conditions as laid down in the in-principle approval to the satisfaction of the Director, the necessary approval may be allowed. In case of failure of compliance of the prescribed conditions within the prescribed period, the in-principle approval shall automatically lapse and the scrutiny fees shall be forfeited. The applicants may, however, resubmit their request along with fresh scrutiny fees, which shall be examined afresh, on merits.

7. **SPECIAL DISPENSATIONS:** (i) Depending upon the specific requirements on case-to-case basis, the Director shall be free to add any further condition at the time of grant of in-principle approval or with the final permission, as deemed fit.

(ii) The policy parameters as above shall be implemented with immediate effect.

(iii) Any exchange of land involving HUDA and carried out in the interest of HUDA at the instance of HUDA/Department shall continue as per the present practice and no approval under the present policy shall be required in such cases.

(iv) Any subsequent proposal for transfer of licence or change in beneficial interest shall be examined and considered under the prescribed policy and after recovery of prescribed fees/charges.

Place: Chandigarh
Dated: 15th July 2015

Sd/-
(Arun Kumar Gupta)
Secretary
For: Additional Chief Secretary to Govt. Haryana
Town and Country Planning Department