

From

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

To

1. All Deputy commissioners- cum- Registrars in the State.
2. All Tehsildars-cum-Sub Registrars in the State.

Memo. No. **2733-34**

Dated: **27.3.2009**

Subject:

REGISTRATION OF INDEPENDENT FLOORS OF RESIDENTIAL PLOTS- ACTION TO BE TAKEN AS PER THE DECISIONS TAKEN IN THE MEETING HELD UNDER THE CHAIRMANSHIP OF HON'BLE CM, HARYANA ON 11-11-2008.

The detailed guidelines for registration of independent floors for the residential plots of licenced colonies are as follows:

1. APPLICABILITY OF FLOOR WISE REGISTRATION:

Registration of independent floors shall be allowed in case of residential plots of sizes 180 sq yards or above.

2. PARAMETERS FOR FLOOR WISE REGISTRATION OF BUILDINGS:

i) Every building subject to the provisions of Act No. 8 of 1975 and rules, 1976 framed there under can have a separate and independent unit on each floor. Each such dwelling unit shall be designated as 'Independent Floor'. Each 'Independent Floor' shall be recognized as a distinct, identifiable property with a separate identification number, to which the owner shall have title alongwith proportionate rights in the declared common areas and common facilities, rights of access, easements and other ownership rights as well as the right to use, transfer or dispose off the property in accordance with the applicable law and rules.

ii) Owner of each 'Independent Floor' shall be entitled to separate utility connections such as water supply and electricity subject to building regulations/ rules of Power Utilities.

iii) The basement, if any, allowed in a residential building shall not constitute a separate sub division/ floor. The basement shall form a part of the 'Independent Floor' at ground level. However, in case owners of different 'Independent Floors' in a building intend and agree to use basement as a common area for facilities such as parking or other plant and equipment required for different floors in the building, they may have undivided proportionate rights in the basement.

iv) No increase in maximum permissible FAR will be allowed. However, the owner shall have an option to distribute the maximum permissible coverage equally on all the floors.

v) No sub division of plot and vertical division of building shall be allowed.

vi) Disputes, if any, shall be limited to the agreement partners and the Department of Town & Country Planning Haryana shall not be a party. No

claim shall lie against the Department by any of the parties for non-construction.

3. ELIGIBILITY CRITERIA & OTHER CONDITIONS: -

3.1) Only such owners shall be eligible to transfer the floor wise ownership of his/ her building:

a) Who has completed all the three floors as per approved building plans/ building bye laws and obtained occupation certificate thereof from the competent authority,

OR

Who has got approved the building plans for all floors and submits a joint undertaking by the transferee/ transferors in the form of an affidavit that they mutually agree to complete construction of their respective floors, as per approved plan, within a reasonable specified period, can be allowed to transfer floor wise ownership rights. This agreed reasonable period shall be clearly mentioned in the re-allotment letter as well conveyance/ sale deed.

b) That there is no misuse of the site/ building.

c) That the owners of 'Independent Floors' in a building shall make adequate arrangement for parking of their vehicles within their premises and shall not misuse road/ public property for parking in any manner what so ever.

3.2) Any two 'Independent Floors' can be jointly allowed to be transferred provided the ownership of both the floors is being transferred to one person.

4. PROCEDURE FOR TRANSFER OF OWNERSHIP OF FLOORS:

4.1) The present owner shall make an application to the sub-registrar for transfer the ownership of 'Independent Floor' under the transfer of property Act. The request shall be accompanied by the following information/ documents:

i) The area/ floor proposed to be transferred alongwith details of Common areas and common facilities duly defined on the prescribed format(s) and further shown and marked on the approved building plan.

ii) Original allotment letter.

iii) A copy of the approved building plan.

iv) A copy of the occupation certificate (in case of constructed building).

v) Photographs of existing building showing front, back and side elevations.

vi) Any other document prescribed by the Registrar/ Sub-Registrar for registration of such floors.

4.2) All these provisions of Punjab Scheduled Roads and Controlled Areas Restrictions of Unregulated Development Act, 1963 and rules, 1965 framed there under from time to time and covenants shall apply, pari passu, to such floors and to the owners thereof, as they did and would have, to the site of building and the owners thereof.

5. COMMON AREA AND COMMON FACILITIES: -

5.1) Definition:

“Common Area and Common Facilities in relation to a residential building shall include the land covered by the building and all easements rights of access and other similar rights belonging to the land and the building. The common structures such as foundations, columns, beams, supports, main valves, common roofs, corridors, staircase, fire escapes, entrances and exist of the building. Such parking areas, passages, driveways, gardens, storage space, spaces for security, as per required or specified for common use. Installations of common services such as power, light, gas, water, heating, refrigeration, air conditioning, sewerage, elevators, tanks, pumps, ducts and such other common facilities as may be prescribed from time to time. All other parts of the building and land necessary for maintenance, safety and common use.”

5.2) The common areas and common facilities shall remain un-divided and no owner or occupier of any ‘Independent Floor’ or any person shall be entitled to seek a partition or division of any part thereof.

For the registration of such independent floors, in addition to the normal Stamp Duty, 1% extra Stamp Duly will be paid by the party desirous of registering the floor wise dwelling units through a separate challan, This 1% Stamp Duly will be paid by the treasury to Chief Administrator, HUDA for defraying the cost of additional external development that will have to be incurred due to the pressures on the Civic amenities that will arise due to extra persons living on the plotted areas.

You are requested to take necessary action as per above policy on the requests for transfer/ registration of ‘Independent Floors’ located in the licensed colonies of Haryana.

Special Secretary

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

Endst No. 2735

Dated: 27.3.09

A copy of the above along with enclosures is also forwarded to the Financial Commissioner & Principal Secretary to Government Haryana Revenue Department, for information and further necessary action.

Special Secretary

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

Endst No. 2736-37-37A

Dated: 27.3.2009

A copy of the above along with enclosures is also forwarded to following for information and further necessary action:

1. All Senior Town Planners of the state.
2. All District Town Planners of the state.

District Town Planner (HQ)
Town & Country Planning Department,
Haryana, Chandigarh