

## PUBLIC NOTICE

For the construction and provision of 24m/18m wide internal circulation roads proposed in the sectoral plan (also known as “Sectoral Plan Roads”) which function as sub-arterial roads of the Development Plan and also serve as Infrastructure conduits for connecting independent licenced colonies/ projects located within the sector (not abutting any sector road) with External Services Network, there is an urgent need for a policy mechanism to ensure “Integrated Infrastructure Development”, including Roads, Water Supply, Sewerage, Drainage, Electricity, Telecom etc. along such sectoral plan roads.

The draft of said policy is enclosed for the information of general public and all other stakeholders and seeking suggestions, if any, on the said policy. The suggestions may be forwarded through e-mail to the following within a period of 21 days of the issuance of this public notice i.e. upto 24.06.2014.

1. DGTCP Haryana, Chandigarh: [tcpharyana1@gmail.com](mailto:tcpharyana1@gmail.com)
2. CTP, Haryana: [ctp1.haryana.tcp@gmail.com](mailto:ctp1.haryana.tcp@gmail.com)
3. DTP (HQ) O/o DGTCP, Haryana: [dtp.hqpp.tcp@gmail.com](mailto:dtp.hqpp.tcp@gmail.com).

### POLICY FOR CONSTRUCTION & PROVISION OF SERVICES ALONG 24M/18M WIDE SECTORAL PLAN ROADS

1. **NEED FOR POLICY FOR INTEGRATED INFRASTRUCTURE DEVELOPMENT ALONG SECTORAL PLAN ROADS:** (i) It may be noticed that the construction of sector roads and provision of all trunk services along such sector roads forms part of the External Development Works and accordingly the responsibility of “Integrated Infrastructure Development”, viz., Roads, Water Supply, Sewerage, Drainage, Electricity, Telecom etc. along the sector roads lies with HUDA against the EDC receipts from its allottees as well as colonisers undertaking development of licenced colonies and paying proportionate EDC dues. On the other hand, the construction and provision of 24m/18m wide internal circulation roads proposed in the sectoral plan (also known as “Sectoral Plan Roads”) does not form part of the External Development Works as defined under the Act of 1975, and thus there is no nodal agency that has been assigned the task of construction of such sectoral plan roads and for provision of Integrated Infrastructure services along the same.

(ii) Since such sectoral plan roads function as sub-arterial roads of the Development Plan and also serve as Infrastructure conduits for connecting independent licenced colonies/ projects located within the sector (not abutting any sector road) with External Services Network, there is an urgent need for a policy mechanism to ensure “Integrated Infrastructure Development”, including Roads, Water Supply,

Sewerage, Drainage, Electricity, Telecom etc. along such 24m/ 18m sectoral plan roads. It has further emerged from the efforts taken till date that:

- i. The 'Integrated Infrastructure Development' along sectoral plan roads can't be made part of EDC since, firstly, the same is not in consonance with the provisions of the Act and would require amendment in the statute, and secondly, since many colonisers are faced with huge defaults on account of existing EDC rate it may not be advisable to effect any further increase in the same;
- ii. Acquisition of such sectoral plan roads at the cost of affected colonisers may prove to be an extremely long drawn process in view of the recently enacted 'Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013';
- iii. The development of sectoral plan roads forming a second-tier development after sector roads is likely to be dependent on several sector-level factors, which are likely to vary from sector-to-sector. Accordingly the entire mechanism of development of sectoral plan roads is likely to be entirely different from that undertaken under EDC and accordingly needs to be treated differently.

## 2. POLICY FOR AGGREGATION OF LAND AND EXECUTION OF INTEGRATED INFRASTRUCTURE

**DEVELOPMENT ALONG SECTORAL PLAN ROADS:** In view of the detailed deliberations held in this regard till date the following broad policy frame work has emerged:

- A. APPLICABILITY: (i)** This policy intends to provide a framework for 'Integrated Infrastructure Development', including roads, water supply, sewerage, drainage, electricity, telecom etc. along 'Sectoral Plan Roads'. 'Sectoral Plan Roads' are such 24m/ 18m internal circulation roads shown in the approved sectoral plans which function as sub-arterial roads of the Development Plan and also serve as Infrastructure conduits for connecting independent licenced colonies/ projects located within the sector (not abutting any sector road) with External Services Network.
- (ii)** A 'Sector' shall be treated as a 'Planning Unit' for the purpose of applicability of this policy unless a request is received by the Director from any of the stakeholders, viz., developers, State development agencies etc., within the period as specified below for combining of sectors for forming a 'Planning Unit':

Sr. No	Zones	Time from the announcement of this policy upto which request for combining of sectors to form a planning unit can be received
1	Hyper/High Potential Towns	4 months
2	Medium Potential Towns	24 months
3	Low Potential Towns	No such time limit prescribed

- (iii)** Upon receipt of any such request and depending upon the ground realities, the Director may by a speaking order either allow clubbing of a group of 'similarly situated sectors' as a single 'planning unit' for the purpose of the applicability of this policy or reject such request in case the ground realities do not justify such clubbing. Any such planning unit shall under no circumstances exceed either five sector or 1000 acres (net planned area) whichever is less.

(iv) This policy shall be applicable on Residential, Commercial and Industrial Sectors/Zones as designated in the notified development plans only. However, Industrial sectors can't be clubbed with any residential or commercial sector for the formation of a "Planning Unit".

- B. NODAL AGENCY FOR EXECUTION INTEGRATED INFRASTRUCTURE DEVELOPMENT ALONG SECTORAL PLAN ROADS:** (i) For each such 'Planning Unit' a 'Nodal Agency' shall be designated by the Director in consultation with the colonisers who have obtained a licence under the Act of 1975 for development of various types of colonies and the public agency (if applicable) in such 'Planning Unit'. The 'Nodal Agency' can either be a coloniser or a consortium-of-colonisers in form of a SPV (Special Purpose Vehicle) or a public agency, viz., HUDA/ HSIIDC, or any other third party agency to be decided through a mutual agreement entered into between all such stakeholders. In case no such agreement is reached between the stakeholders, the Director may take a decision on the matter in the interest of integrated development of the sector and direct all such stakeholders to enter into an agreement, which shall be binding.
- (ii) The 'Nodal Agency' so designated shall function under the supervision and directions of the concerned STP(Circle Office), who may also associate the DTP and XEN concerned to form a committee for the purpose. The 'Nodal Agency' shall be responsible for:
- (a) preparation of Design and Estimates for deployment of Integrated Infrastructure Services along sectoral plan roads;
  - (b) getting the said Design & Estimates approved from HUDA;
  - (c) working out a fund-raising mechanism for achieving financial closure of the project;
  - (c) finalising a cost sharing mechanism among the existing licencees and those obtaining licence in future. The pro-rata rates finalised for different types of colonies for levy on all existing as well as future licences based on the Design & Estimates approved by HUDA and envisaged cash flows in future shall be called as 'Sectoral Plan Development Charges' [hereinafter called as SPDC]. The SPDC shall be calculated only for the purpose of having a transparent mechanism for cost sharing of the services and shall under no circumstances be added as a separate component in the rate of plot/flat sold by any coloniser;
  - (d) deployment, operation and maintenance of services for a period of 20 years unless relieved of the responsibility by the local authority earlier;
  - (e) taking the possession of entire land under the sectoral plan road, either licenced earlier or as and when licenced in future for the implementation of "Integrated Infrastructure Development" along the sectoral plan roads. Provided that, the public agencies like HUDA, HSIIDC etc. shall have the option to either construct the 24m roads in their areas or get it constructed through the 'Nodal Agency'.

(iii) The 'Nodal Agency' shall also prepare a 'Financial-cum-Operating Plan (FOP)' integrating its proposal for phase-wise physical development and the cash-flow matrix for Integrated Infrastructure Development along the Sectoral Plan Roads in consultation with all the stakeholders.

(iv) The 'Nodal Agency' so designated shall assume its responsibilities in the 'Planning Unit' after all existing licencees have entered into a collaboration agreement. Any disputes arising among the various licencees/other stakeholders and/or the Nodal Agency with respect to the execution of 'Integrated Infrastructure Development' along sectoral plan roads shall be sorted out between the parties mutually. However, in case of non-resolution of any such dispute on mutually acceptable terms, the decision of the Director shall be final.

**C. AGGREGATION OF LAND FOR INTEGRATED INFRASTRUCTURE DEVELOPMENT OF SECTORAL PLAN**

**ROADS:** (i) In order to enable the aggregation of land falling under the alignment of sectoral plan roads, with the 'Nodal Agency', it is proposed to consider grant of licence for such 'Pocket of land falling in the approved alignment of sectoral plan road' (hereinafter called as 'Sectoral Plan Road Pockets' or 'SPRP') irrespective of whether the SPRP is contiguous to the applied/granted licence site or not.

(ii) In case SPRP is contiguous to main licenced area: The possession of any such SPRP which is contiguous to the main licence (hereinafter referred as 'contiguous SPRP') and is either already licenced or is licenced in future shall be transferred to the 'Nodal Agency' as and when it is designated. The grant of licence as well as 100% benefit of FAR/ coverage etc. against such 'contiguous SPRP' shall continue to be governed under the prevailing policy parameters, except that the responsibility for development and maintenance of such portion of Sectoral Plan Road shall get transferred to the 'Nodal Agency' against the pro-rata recovery of SPDC against such 'contiguous SPRP'.

(iii) In case SPRP is not contiguous to the main licenced area: It is proposed to consider grant of licence for such SPRP, which is non-contiguous to the main licenced area (hereinafter referred as 'SPRP' for sake of brevity) in such sectors forming part of any 'Planning Unit' and where a 'Nodal Agency' stands designated, and subject to the terms, conditions and restriction as laid down in this policy. The broad parameters for grant of licence for such SPRP shall be as follows:

1. Any application for grant of licence for SPRP shall be accepted provided that:

a) The applicant has in the said development plan; either already obtained a licence or has applied for grant of licence for development of residential/ commercial/ IT colony. Further provided that, in case of pendency of licence application for any such colony of the applicant, the licence for SPRP shall not be considered until and unless the main colony licence is granted. Accordingly, the licence for such SPRP shall continue to be treated as an additional licence.

- b) Such licensee/developer undertakes to hand-over the possession of such SPRP to the 'Nodal Agency as and when asked by the Director.
- c) Such licensee/developer undertakes to deposit with the 'Nodal Agency', the total amount of SPDC within such time frame as conveyed by the Director.
2. Any application for grant of licence for SPRP can be accepted even in cases where the SPRP is not contiguous to the applied/granted licence site.  
*Explanation: Since the FAR allowed against such SPRP licence shall be availed in the main colony itself, contiguity ceases to be a factor. [Refer to para C(5)(c)]*
3. The licenced area under SPRP shall not form part of the Net Planned Area of the colony and accordingly, such licence for SPRP shall have no bearing on the prescribed sector area limits viz., 20% for Group Housing, 3.5% for Commercial, 5% for IT Park etc.
4. Any 'Residual Pocket' having an area upto 10% of the area of an adjoining SPRP under consideration for grant of licence and falling under the ownership of the same applicant, may also be considered for grant of licence within the present policy parameters. Any such 'Residual Pocket' shall necessarily be maintained as 'Green Area' by the licensee and no construction whatsoever shall be allowed on the same. Such 'Residual Pockets' shall be considered as SPRP for all facts and circumstances as far as the present policy parameters are concerned.  
*Note: This parameter is aimed at preventing any unauthorised construction on such pockets and shall aid development of open/green areas in the sector.*
5. The grant of licence to such SPRP may be considered subject to the following terms and conditions:
- a) Any licence granted for SPRP shall be provided an exclusive licence number independent of the main licence along which or in addition to which it is granted to enable its independent transfer at any future date. Any such licence for SPRP shall be required to be renewed only upto the time the FAR as per the parameters of this policy is not availed/apportioned in the zoning plan of any particular colony;
- b) The licensee shall be required to pay all the statutory fees and charges including EDC at the rates prescribed for group housing. However, if ultimately the FAR of such SPRP licence or part thereof is utilized for any higher order use viz., commercial purpose, then the difference in fees and charges applicable, as on date for commercial use, shall be payable to the Government by the licensee utilizing such FAR.;
- c) The licensee shall be allowed the benefit of increased FAR and density either within the same planning unit or in any other planning unit subject to the following terms and conditions:
- |  | <b><u>Benefit of FAR Allowed</u></b> |
|--|--------------------------------------|
| (i) In case FAR is availed within either in the same or in the adjoining Planning Unit | : 100% of the applicable FAR         |
| (ii) In case FAR is availed anywhere else in the same Development Plan                 | : 75% of the applicable FAR          |

d) In case of integrated colonies, viz., Group Housing, Commercial, IT Park/ IT City, the benefit of FAR to be granted under this policy shall be limited to 50% of the applicable FAR against SPRP;

e) In case of a licenced plotted residential/industrial colony, the benefit of FAR shall be allowed on the commercial or group housing sites as approved within such colony and shall be limited to 50% of the applicable FAR against SPRP;

f) The increase in FAR and density of any such group housing, commercial or IT site should not exceed 10% of the FAR and density permitted in the existing "Net Planned Area" of the colony without accounting for SPRP.

g) In case of an existing group housing colony where the benefit of increased FAR and density is proposed to be availed:

- 1) Revision of Zoning clauses to the extent that is depicts the increased FAR shall be required.
- 2) The prevailing instructions regarding seeking objections from existing allottees for approval of revised building plans shall continue to be applicable.
- 3) Fresh Structural Stability Certificate shall be required to be procured.
- 4) No relaxation in setbacks and ground coverage shall be permitted.

**D. TRANSFER OF LICENCE OR PART THEREOF OF SPRP:** Transfer of licence under the Haryana Development and Regulation of Urban Areas Rules, 1976 to any other licensee, who is willing to avail the benefit of increased FAR and density as per clause no. C (5)(c) of this policy shall also be allowed within the same Development Plan.

Place: Chandigarh  
Date: 03.06.2014

Director General  
Town and Country Planning Department  
Haryana, Chandigarh