

From

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

To

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

Memo no. PF-51/2017/5/7/2007-2TCP

Dated: 03/01/2017

**Subject: Transfer of Licence under Rule 17 of the Haryana Development and Regulation of Urban Areas Rules, 1976- Policy instructions.**

As per provision of Rule 17 of the Haryana Development and regulation of Urban Areas Rules, 1976, the colonizer may transfer the licence granted to him under Rule 12 of Rules ibid to any other person with the approval of the Director alongwith the administrative charges at the rate of ten percent of the fee prescribed under Rule 3 and the Director, after receipt of such request for transfer of licence examine the matter and may grant in-principle approval for transfer of licence or reject the application. It has been noticed that the implication associated with the transfer of licence is that it may adversely affect the interest of the allottees wherein the colonizer has created the third party rights before the transfer of licence. Therefore, there is need to protect the interest of the allottees involved in licence, which is proposed to be transferred.

2. It has been also noticed that as per provision of section 3(7) of the Haryana Development and Regulation of Urban Areas Act 1975 read with Rule 16A of the Haryana Development and Regulation of Urban Areas Rules, 1976, the colonizer shall derive maximum net profit @15% of the total project cost and this certificate is to be given at the time of grant of completion certificate. Since, transfer of licence involve change in the ownership, therefore, it has been felt that in case of transfer of licence, wherein, the colonizer has not obtained the completion certificate of the colony, the condition of the limiting the profitability margin to 15% of the project cost needs to be imposed.

3. In view of above, in exercise of the powers under Section 9A of the Haryana Development and Regulation of Urban Areas Act 1975, the Governor of Haryana is pleased to issue following instructions:-

- I. The colonizer seeking transfer of licence, shall inform all the allottees about the proposed transfer of licence through publication in the leading newspapers (Two English & One Hindi) and also on his website and give time to the allottees for giving their objections to proposed transfer of licence limited to adverse effect on their rights, if any, in the office of concerned Senior Town Planner within a period of 30 days. In addition to this, the colonizer will also inform all the allottees through their e-mail ids, about the proposed transfer of licence. The proposal to transfer of licence will also be hosted on the website of the Department.

- II. After expiry of 30 days period, the concerned Senior Town Planner of the Circle will submit his report on the objections received from the third party right holders, if any received on the proposed transfer of licence alongwith his comments. The decision to transfer the licence will be taken after examining and deciding the objections.
- III. The colonizer seeking transfer of licence shall submit self-certification alongwith certificate of the Chartered Accountant that 15% profit margin is not exceeded from the project cost at the time of submission of application for transfer of licence (wherein the colonizer has not obtained the completion certificate of the colony) and in case, in future, if it is noticed that the net profit was beyond 15% then the surplus profit alongwith interest @ 12% will be recovered from the colonizer, who is seeking transfer of licence. 15% of the project cost which include cost of land, cost of holding the land, other infrastructure expenditure and Govt. fees etc. incurred upto the submission of application for transfer of licence.

*Sd/-*

**Secretary**

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