

The Haryana Development and Regulation of Urban Areas Act, 1975

HARYANA

India

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Act 8 of 1975

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The Haryana Development and Regulation of Urban Areas Act, 1975 (Haryana Act No. 8 of 1975) Last Updated 5th September, 2019 Statement of Objects and Reasons. - In a recent decision in the Civil Writ Nos. 2419 and 3624 of 1973 the Punjab and Haryana High Court has held the provisions of the Haryana Restrictions on (Development and Regulation of) Colonies Act, 1971 (Act No. 39 of 1971) to be violative of Article 19(1)(f) of the Constitution of India. The High Court has struck down the Act No. 39 of 1971 as amended by Act No. 9 of 1973 mainly on the grounds that the definition of the word 'Colony' is too wide and it covers every piece of land whether big or small which is divided into two or more plots and that the restrictions imposed by the various provisions of the said ACT do not amount merely to the reasonable restriction on the right to dispose of property but amount to complete annihilation of that fundamental right. In order to overcome the lacuna pointed out by the High Court, it is proposed to reenact the legislation on the subject and thereby repeal the Act No. 39 of 1971. The proposed legislation redefines the word 'Colony' and restricts its application to the area within the limits of the local authorities and the areas situate within 5 kilo metres beyond the limits of the local authorities. It will also apply to other areas that may be notified by the State Government as such if Government is satisfied that urbanisation is taking place there. This bill seeks to regulate the use of the land in order to prevent ill-planned and haphazard urbanisation in or around towns in the State of Haryana.² This bill seeks to achieve these objects. Published vide Haryana Gazette Extraordinary Dated 13.1.1975 Pages 62-63. Statement of Objects and Reasons - Haryana Act 17 of 1996. - Section 2 of the Haryana Development and Regulation of Urban Areas Act, 1975 provides for various definitions. As per provisions of Sub-Section (c) of the said Section definition of "Colony" means of area of land divided or proposed to be divided into plots for residential, commercial or industrial purposes. The Deptt. of Town and Country Planning has been granting licences to develop group housing schemes and therefore it is necessary to include an enabling provisions for licencing flatted colonies also. Accordingly a suitable amendment is proposed. In Sub-section (j) of the Section 2, the definition of "Local Authority" is proposed to be limited to "Municipal Committee or

Municipal Council or Municipal Corporation" in order to streamline the existing definition. Under the provisions of Section 3A of the abovesaid Act, a coloniser is required to deposit as service charges a sum at Re. 1 per square metre of the plotted area proposed to be developed by him as Residential, Commercial or Industrial (excluding the areas used by the Public for general purposes) into a colony, in two equal instalments. These rates were prescribed in the year 1984, - vide notification No. LEG/18/84, dated 24th April, 1984 and with the escalation in the price index it is proposed to revise these service charges. Hence it has been felt necessary to amend the provisions of Section 3A of the Act to the effect that the coloniser shall deposit the service charges "at such rate as many be prescribed by the Government from time to time, per square metre of the gross area and of the covered area of all floors in case of flats proposed to be developed by him into a colony. This amendment proposes to levy the service charges on the gross area of the colony instead of plotted area alone as per the existing provision, and in case of flatted development, the covered are of all the floors is taken into consideration." Sub-section (2) of Section 3A provides that Haryana Urban Development Authority shall also be liable to deposit the service charges and shall be deemed to be a coloniser for this purpose only. It is proposed that for equality in treatment local authorities, firms, undertakings of Government connected with land development should also be deemed colonisers for this purposes only. Hence an amendment to bring all these agencies, authorities of the Government involved in land development under the provisions of Section 3-A is necessary. Sub-section (9) of Section 3-A of the said Act provides that the Haryana Urban Development Fund shall be utilised by the State Government for the benefit of the coloniser and the plot holders. This Sub-section restricts the scope of the fund. It has been observed that a fund of this kind should be used for Urban Development and creation and improvement of Urban infrastructure in the entire State of Haryana without confining its operation only to the colonisers and the plot-holders. Accordingly an amendment in this sub-section has been proposed. Existing provision of Section 18 of the said Act provides that "nothing in this Act shall affect the power of the Government, Improvement Trusts, Housing Board (any local authority or other authorities) to develop land or impose restrictions upon the use and development of any area under any other law for the time inforce." As these above organisations involved in land development are not contributing to the state exchequer while undertaking operations similar to that of colonisers, it is felt that they should also be charges some amount on the lines of licence fee charges from the colonisers. To give effect to such a provision even while exempting these organisations from formally supplying for licence under the act no. 8 of 1975, an enabling amendment has been proposed. This amendment however does not envisage limiting the powers of the Government. Hence this Bill. Published vide Haryana Government Gazetted (Extra.) dated 18.11.1996, page 2397. Statement of Object and Reasons - Haryana Act 30 of 1986. - The procedure prescribed under Section 8 of the Haryana Development and Regulation of Urban Areas Act, 1975, for the development of a colony in cases where the licence of a colonizer is cancelled, was quite cumbersome and impracticable. In order to protect the interests of plot holders and to facilitate the development of such a colony, it has been decided that in the event of cancellation of a licence of the colonizer, the development may be undertaken by the Director, Town and Country Planning himself, after realising the development charges from the colonizer and, if necessary, from the plot holder(s). 2. As the State Legislature was not in session and because it was necessary to amend the Haryana Development and Regulation of Urban Areas Act, 1975, immediately on Ordinance was promulgated. Now this Ordinance is to be converted into Act. Hence this bill. Published vide

Haryana Government Gazetted (Extra.) dated 25.11.1986 (Aghn. 4, 1908 Saka) page 1314. Received the assent of the Governor of Haryana on the 30th January, 1975 and was first published in the Haryana Government Gazette (Extraordinary), Legislative Supplement Part I of 30th January, 1975. An Act [to regulate the use of land in order to prevent ill-planned and haphazard urbanization in or around towns and for development of infrastructure sector and infrastructure projects for the benefit of the State of Haryana and for matters connected therewith and incidental thereto.] [Substituted by Haryana Act No. 5 of 2013, dated 5.4.2013.] Be it enacted by the Legislature of the State of Haryana in the Twenty-Fifth year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1) This Act may be called the Haryana Development and Regulation of Urban Areas Act, 1975. (2) It shall apply to all urban areas in the State of Haryana. (3) It shall be deemed to have come into force on the 16th day of

2. Definitions.

- In this Act, unless the context otherwise requires. -(a) "advertisement" means any word, letter, model, sign, placard, board, notice, device or representation in any manner whatsoever, wholly or in part, intended for the purpose of advertisement, announcement or direction, and includes any structure used or adapted for the display of advertisements; (aa) ["agriculture" includes horticulture, dairy farming, poultry farming and the planting and upkeep of an orchard;] [Added by Haryana Act No. 11 of 1989.] Inserted by Haryana Act No. 5 of 2013, dated 5.4.2013. [(aaa) "Board" means the Haryana Infrastructure Development Board constituted under section 3AA;] (b) "building" means and shop, house, hut, out-house, shed or stable, whether used for the purpose of human habitation or otherwise and whether of masonry, bricks, wood, mud, thatch, metal or any other material whatsoever, and includes a wall; (bb) ["change in beneficial interest" means change in existing developer, assignment of joint development rights, marketing rights or cumulative change in shareholding pattern beyond twenty-five percent of shareholding existing at the time of grant of licence;] [Inserted by Haryana Act No. 11 of 2017, dated 3.4.2017] (c) ["colony" means an area of land divided or proposed to be divided into plots or flats for residential, commercial, industrial, cyber city or cyber park purposes or for the construction of flats in the form of group housing or for the construction of integrated commercial complexes, but an area of land divided or proposed to be divided- [Substituted by Haryana Act No. 11 of 2003.] (i) for the purpose of agriculture; or (ii) as a result of family partition, inheritance, succession or partition of joint holding not with the motive of earning profit; or (iii) in furtherance of any scheme sanctioned under any other law; or (iv) by the owner of a factory for setting up a housing colony for the labourers or the employees working in the factory, provided there is no profit motive; or (v) when it does not exceed one thousand square metres or such less area, as may be decided from time to time in an urban area to be notified by Government for the purpose of this sub-clause; Shall not be a colony;'; and] (d) ["colonizer" means an individual, company or association or body of individuals, whether incorporated or not, owning land for converting it into a colony and to whom a licence has been granted under this Act and shall include a developer;] [Substituted by Haryana Act No. 8 of 2016, dated 20.4.2016.] (dd) ["cyber city" means self contained intelligent city with high quality of infrastructure, attractive surrounding and high

speed communication access to be developed for nucleating the Information Technology concept germination of medium and large software companies and Information Technology enabled services, wherein no manufacturing units shall be permitted; [Inserted by Haryana Act No. 11 of 2003.](ddd)"Cyber park" means an area developed exclusively for locating software development activities and Information Technology Enabled Services, wherein no manufacturing of any kind (including assembling activities) shall be permitted;](d1)[`developer' means an individual, company, association, firm or a limited liability partnership, designated through a collaboration/development agreement with the owner for making an application for grant of licence and for completion of formalities required on behalf of such owner to develop a colony; [Inserted by Haryana Act No. 8 of 2016, dated 20.4.2016.](d2)`development rights' means the rights given for development of land within the urbanisable limit of development plan either to an owner who surrenders such land to vest with the Government without claiming any compensation for the purpose of obtaining TDR Certificate or to a colonizer whom a PDR Certificate has been issued, after fulfilling such terms and conditions and on payment of such fee, as may be prescribed;](e)"development works" means internal and external development works;(f)"Director" means the Director, Town and Country Planning, Haryana, and includes a person for the time being appointed by the Government, by notification, in the official Gazette, to exercise and perform all or any of the powers and functions of the Director under this Act and the rules made thereunder;(g)"external development works" include sewerage, drainage, roads and electrical works which may have to be executed in the periphery of, or outside, a colony for the joint benefit of two or more colonies;(gg)"flat" means a part of any property, intended to be used for residential purposes, including one or more rooms with enclosed spaces located on one or more floors, with direct exit to a public streets or road and includes any garage or room whether or not adjacent to the building in which such flat is located provided by the coloniser/owner of such property for use by the owner of such flat for parking any vehicle or for residence of any person employed in such flat, as the case may be;(h)"Government" means the Government of the State of Haryana;(hh)["group housing" means a buildings designed and developed in the form of flats for residential purpose or any ancillary or appurtenant building including community facilities, public amenities and public utility as may be prescribed; [Inserted by Haryana Act No. 11 of 2003.](hha)["State Infrastructure Development Charges" includes the cost of development of major infrastructure projects;](hhb)["Infrastructure augmentation charges" includes the cost of the augmentation of major infrastructure projects;] [Inserted by Haryana Act No. 16 of 2010, dated 30.9.2010.](hhh)"integrated commercial complexes" means building containing apartments sharing common services and facilities and having their undivided share in the land and meant to be used for office or for practising of any profession or for carrying on any occupation, trade, business or such other type of independent use as may be prescribed;](i)"internal development works" mean -(i)metalling of roads and paving of footpaths;(ii)turfing and plantation with trees of open spaces;(iii)street lighting;(iv)adequate and wholesome water-supply;(v)sewers and drains both for storm and sullage water and necessary provision for their treatment and disposal; and(vi)any other work that the Director may think necessary in the interest of proper development of a colony;(j)["local authority" means a Municipal Committee or Municipal Council or Municipal Corporation;] [Substituted by Haryana Act 17 of 1996.](ja)["low-density eco-friendly colony" means a colony that fulfils such norms and guidelines for achieving ecological sensitivity, minimum environmental impact, sustainability and self-sufficiency in terms of natural resources, energy resources and also conforms to such residential

density norms, as may be prescribed;] [Inserted by Haryana Act No. 27 of 2013, dated 15.10.2013.](jaa)["location premium" means an amount over and above the prescribed fee and charges that an applicant is willing to pay to the Government to obtain the licence against applications received under sub-section (1A) of section 3, as determined through bidding/auction process in pursuance of the policy issued by the Government in this regard, from time to time;] [Inserted by Haryana Act No. 14 of 2018, dated 19.4.2018](jj)["major infrastructure projects" include national/state highways transport, major water supply scheme and power facilities etc.] [Inserted by Haryana Act No. 5 of 2007, dated 3.4.2007.](jjj)[`notional land' means the theoretical land of which TDR Certificate has been issued;] [Inserted by Haryana Act No. 8 of 2016, dated 20.4.2016.](k)"owner" includes a person in whose favour a lease of land in an urban area for a period of not less than ninety-nine years has been granted;(l)"person" includes an association or body of individuals whether incorporated or not;(m)"plot/flat holder" means a person in whose favour a plot/flat in a colony has been transferred or agreed to be transferred by the colonizer;(n)"prescribed" means prescribed by rules made under this Act; and(nn)["property dealer" means any person/agent who runs the business of purchase or sale of plots, flats or apartments integrated commercial complex or issues advertisement for sale thereof on behalf of owners and;] [Inserted by Haryana Act No. 11 of 2003.](n1)[`Purchasable Development Rights Certificate (PDR Certificate)' means the certificate of development rights given to a colonizer in a specified colony which shall not be resalable or transferable; [Inserted by Haryana Act No. 8 of 2016, dated 20.4.2016.](n2)`Transferable Development Rights Certificate (TDR Certificate)' means the certificate of development rights given to an owner who surrenders such land to vest with the Government without claiming any compensation and such certificate may be sold within urbanisable limit of a development plan by the owner;](o)"urban area" means any area of land within the limits of a municipal area or notified area or the Faridabad Complex or situate within five kilometres of the limits thereof, or any other area where, in the opinion of the Government, there is a potential for building activities and the Government by means of a notification declares.

3. Application for licence.

(1)Any owner desiring to convert his land into a colony, shall, unless exempted under Section 9, make an application, to the Director, for the grant of a licence to develop a colony in the prescribed form and pay for it such fee and conversion charges as may be prescribed. [***] [Omitted 'The application shall be accompanied by an income-tax clearance certificate' by Haryana Act No. 27 of 2013, dated 15.10.2013.]:Provided that if the conversion charges have already been paid under the provisions of the punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (41 of 1963), no such charges shall be payable under this section:[Provided further that the schedule of payment of fee and charges for various licence colonies shall be such, as may be specified by the Government by directions issued from time to time under section 9A of this Act.] [Inserted by Haryana Act No. 32 of 2019, dated 3.9.2019.][Provided further that owner may enter into an agreement jointly or severally with a developer for pooling of land for grant of licence:] [Added by Haryana Act No. 8 of 2016, dated 20.4.2016][Provided further that for such colonies located in such land use zones of various notified development plans, where in the opinion of the Government, the licences are to be issued after invitation of bids or following an auction procedure in pursuance of the policy framed by the Government in this regard from time to time, such

application shall be considered to be valid only if it is filed in response to a notice of the Director and fulfils the prescribed terms and conditions:] [Added by Haryana Act No. 14 of 2018, dated 19.4.2018][Provided further that for such colonies located in such land use zones of various notified development plans, where in the opinion of the Government, the licences are to be issued after invitation of bids or following an auction procedure in pursuance of the policy framed by the Government in this regard from time to time, such application shall be considered to be valid only if it is filed in response to a notice of the Director and fulfils the prescribed terms and conditions.] [Added by Haryana Act No. 14 of 2018, dated 19.4.2018.](1A)[All such applications received in response to the notice issued by the Director against policy for auction of licences that are considered to be in order by the Director shall, in addition to the prescribed requirements, also be liable for payment of location premium, as determined through the bidding/auction process, in such manner and in such time frame as conveyed by the Director. The amount received against location premium shall be utilised for provision, maintenance and augmentation of external development works and shall be recovered in addition to the prescribed rates of development charges received against external development works from a colonizer.] [Inserted by Haryana Act No. 14 of 2018, dated 19.4.2018](2)On receipt of the application under sub-section (1), the Director shall, among other things, enquire into the following matters, namely : -(a)title to the land;(b)extent and situation of the land;(c)capacity to develop a colony;(d)the layout of a colony;(e)plan regarding the development works to be executed in a colony; and(f)conformity of the development schemes of the colony land to those of the neighbouring areas.(3)After the enquiry under sub-section (2), the Director, by an order in writing, shall -(a)grant a licence in the prescribed form, after the applicant has furnished to the Director a bank guarantee equal to twenty-five per centum of the estimated cost of development works as certified by the Director and has undertaken-(i)to enter into an agreement in the prescribed form for carrying out and completion of development works in accordance with the licence granted;(ii)[to pay proportionate development charges in the external development works as defined in clause(g) of section 2 are to be carried out by the government or my other local authority. The proportion in which and the time within which, such payment is to be made shall be determined by the Director;] [Substituted by Haryana Act No. 11 of 2003.](iii)the responsibility for the maintenance and upkeep of all roads, open spaces, public parks and public health services for a period of five years from the date of issue of the completion certificate unless earlier relieved of this responsibility and thereupon to transfer all such roads, open spaces, public parks and public health services free of cost to the Government or the local authority, as the case may be;(iv)[to construct at his own cost, or get constructed by any other institution or individual at its cost, schools, hospitals, community centres and other community buildings on the lands set apart for this purpose, within a period of five years from grant of licence or in the extended period as allowed by the Director and failing which the land shall vest with the Government after such specified period, free of cost, in which case the Government shall be at liberty to transfer such land to any person or institution including a local authority, for the said purposes, on such terms and conditions, as it may deem fit: [Substituted by Haryana Act No. 7 of 2019, dated 31.1.2019.]]Provided that in case the licensee, the purchaser or the person claiming through him fails to construct and use the site for the purpose it was meant for in the prescribed period and seeks extension, the Director may, if satisfied after making such enquiry, as he may consider necessary, extend the construction period for a maximum period of five years at a time, after recovery of such extension fees, as may be prescribed on per-acre per-annum basis:Provided further that a show cause notice shall be issued and an opportunity of

hearing shall be given before vesting the land in the Government: Provided further that the applicant shall be exempted from the provisions of this clause where compliance of clause (iv-b) is sought by the Director. Explanation. - In all licences issued at any date prior to the 3rd April, 2013, no extension fees shall be leviable for any extended period of construction prior to the 3rd April, 2018; [(iv-a) to pay proportionate cost of construction of such percentage of sites of such school, hospital, community centre and other community buildings and at such rates as specified by the Director;] [Inserted by Haryana Act No. 4 of 2012, dated 3.4.2012.] [(iv-b) to hand-over the possession and transfer the ownership of such land, as demarcated and identified in the approved layout plan, in such form and manner, as may be specified by the Director and such land shall vest with the Government to achieve the objective of creation of community buildings, housing, commercial and other physical and social urban infrastructure, in such colonies where a condition to this effect is imposed by the Director, before grant of licence;] [Inserted by Haryana Act No. 8 of 2016, dated 20.4.2016.] (v) to permit the Director or any other officer authorised by him to inspect the execution of the layout and the development works in the colony and to carry out all directions issued by him for ensuring due compliance of the execution of the layout and development works in accordance with the licence granted; (vi) [to fulfil such terms and conditions as may be specified by the Director at the time of grant of licence through bilateral agreement as may be prescribed:] [Added by Haryana Act No. 15 of 2006, dated 20.3.2006.] Provided that the Director, having regard to the amenities which exist or are proposed to be provided in the locality, is of the opinion that it is not necessary or possible to provide one or more such amenities, may exempt the licensee from providing such amenities either wholly or in part; (b) refuse to grant a licence, by means of a speaking order, after affording the applicant an opportunity of being heard. (4) The licence so granted shall be valid for a period of [[five] [Substituted 'two years' by Haryana Act No. 5 of 2009, dated 18.3.2009.]], and will be renewable from time to time for a period of [five years] [Substituted 'two years' by Haryana Act No. 7 of 2019, dated 31.1.2019.], on payment of prescribed fee. (5) [Each colony may comprise of one or more licenses with contiguous land pockets.] [Substituted by Haryana Act No. 5 of 2009, dated 18.3.2009.] (6) [After the colonizer has laid out the colony in accordance with the approved layout plan and executed the internal development works in accordance with the approved design and specifications, he may apply to the Director for grant of completion or part-completion certificate. The Director may enquire into such matters, as he deems necessary before granting such certificate.] (7) After enquiry under sub-section (6), the Director may, by an order in writing, grant completion or part-completion certificate on such terms and conditions and after recovery of infrastructure augmentation charges, as may be prescribed: Provided that where in the agreement executed to set up a colony, a condition was incorporated for deposit of surplus amount beyond maximum net profit @ 15% of the total project cost and the colonizer has not taken the completion certificate of the said project, then notwithstanding the said condition in the agreement, the colonizer shall have the option either to deposit the infrastructure augmentation charges as applicable from time to time at any stage before the grant of such completion certificate and get the exemption of the restriction of net profit beyond 15% or deposit the amount as per the terms of the agreement.] [Added by Haryana Act No. 16 of 2010, dated 30.9.2010.]

3A. [Establishment of Fund. [Inserted vide Haryana Act No. 15 of 1984.]

(1) Any colonizer whom a license has been given under this Act shall deposit as [State Infrastructure Development Charges] a sum [at such rate as may be prescribed by the Government from time to time, per sq. metres. of the gross area and of the covered area of all the floors in case of flats proposed to be developed by him into a colony] [Substituted for the words 'at the rate of rupee one per square metre of the plotted area proposed to be developed by him as residential, commercial or industrial (excluding the areas used by the public for general purposes) into a colony' by Haryana Act 17 of 1996.] in two equal instalments. The first instalment shall be deposited within 60 days from the date of the grant of the license and the second instalment to be deposited within six months from the date of grant of the license. (2) The [local authorities, firms, undertakings of Government and other authorities involved in land development] [Substituted by Haryana Act No. 17 of 1996 for the words 'Haryana Urban Development Authority'.] shall also be liable to deposit the [State Infrastructure Development Charges] [Substituted 'infrastructure development charges' by Haryana Act No. 32 of 2019, dated 3.9.2019.] and shall be deemed to be a colonizer for this purpose only. The date of first inviting applications for sale of plots in any colony by it shall be deemed to be the date of granting of license under this Act for the purpose of deposit of service charges. (3) The [infrastructure development charges] [Substituted 'service charges' by Haryana Act No. 5 of 2007, dated 3.4.2007.] shall be deposited by the colonizer with such officer or person as may be appointed by the Government in this behalf. (4) The colonizer shall in turn be entitled to pass on the [State Infrastructure Development Charges] [Substituted 'infrastructure development charges' by Haryana Act No. 32 of 2019, dated 3.9.2019.] paid by him to the plot holder. (5) The amount of [State Infrastructure Development Charges] [Substituted 'infrastructure development charges' by Haryana Act No. 32 of 2019, dated 3.9.2019.] if not paid within the prescribed period shall be recoverable as arrears of land revenue. (6) [The amount of [State Infrastructure Development Charges] [Substituted by Haryana Act No. 5 of 2009, dated 18.3.2009.]] [and infrastructure augmentation charges] [Inserted by Haryana Act No. 16 of 2010, dated 30.9.2010.] so deposited by colonizer shall constitute a fund, called the fund for stimulating socio-economic growth and development of major infrastructure projects for the benefit of the State of Haryana (hereinafter referred to as the Fund). (7) [The Fund shall be collected and managed by the Director and passed on for the purpose of its further utilisation to the Board to be constituted by the Government for this purpose.] [Substituted by Haryana Act No. 5 of 2013, dated 5.4.2013.] (8) The amount of [State Infrastructure Development Charges] [Substituted 'infrastructure development charges' by Haryana Act No. 32 of 2019, dated 3.9.2019.] [and infrastructure augmentation charges] [Inserted by Haryana Act No. 16 of 2010, dated 30.9.2010.] deposited by the colonizers, loans and grants from the Central/State Government, or the local authority, or loans and grants from national/international financial institutions and any other money from such source as the State Government may decide, shall be credited to the Fund. (9) [The fund shall be utilized for stimulating socio-economic growth and development of major infrastructure projects for the benefit of the State of Haryana. The fund may also be utilized to meet the cost of administering the Fund.] [Substituted by Haryana Act No. 5 of 2009, dated 18.3.2009.] (10) [***.] [Omitted by Haryana Act No. 5 of 2013, dated 5.4.2013.]

3AA. [Establishment and constitution of Board. [Inserted by Haryana Act No. 5 of 2013, dated 5.4.2013.]

(1)The State Government shall, by notification in the Official Gazette, establish a Board consisting of the following members, namely:-

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| (i) | The Chief Minister of Haryana. | Chairman |
| (ii) | The Chief Secretary to Government of Haryana | Vice-Chairman |
| (iii) | The Principal Secretary to Government of Haryana, Finance Department | Member |
| (iv) | The Principal Secretary to Government of Haryana, Irrigation Department | Member |
| (v) | The Principal Secretary to Government of Haryana, Power Department | Member |
| (vi) | The Principal Secretary to Government of Haryana, PWD (B&R) Department | Member |
| (vii) | The Principal Secretary to Government of Haryana, Town & Country Planning Department | Member |
| (viii) | The Principal Secretary to Government of Haryana, Transport Department | Member |
| (ix) | The Director General, Town & Country Planning Department, Haryana. | Member |
| (x) | The Chief Administrator, Haryana Infrastructure Development Board | Member Secretary |
| (xi) | Any other person(s) to be nominated by the Government | Special Invitee |

(2)The Board shall have perpetual succession and a common seal with power to acquire, hold and dispose off property and to contract, and may by the said name sue or be sued.(3)The Board may constitute an executive committee consisting of following members to aid and to assist it in the discharge of its functions, namely:-

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| (i) | The Chief Secretary to Government of Haryana | Chairman |
| (ii) | The Principal Secretary to Government of Haryana, Finance Department | Member |
| (iii) | The Principal Secretary to Government of Haryana, Town & Country Planning Department | Member |
| (iv) | The Director General, Town & Country Planning Department, Haryana. | Member |
| (v) | The Chief Administrator, Haryana Infrastructure Development Board | Member Secretary-cum-Convener |
| (vi) | The Administrative Secretary of the concerned Department | Special Invitee |
| (vii) | Any other person to be nominated by the Board | |

(4)The Board shall meet at such time and place and shall observe such procedure to transact its business, as may be specified by the bye-laws.

3AB. Officers and Employees of the Board.

(1)The Board shall have a Chief Administrator to be appointed by the Government to assist in its day to day functioning and shall be the overall in-charge of the officers and employees of the Board.(2)The Board may, with the approval of the Government, create such other posts and appoint such officers and other employees thereon, as it may consider necessary for the efficient discharge of its functions.(3)The conditions of service of officers and other employees referred to in sub-section (2) and their functions and duties shall be such, as may be specified in the bye-laws.(4)All contracts with prior sanction of the Executive Committee shall be signed by the Chief Administrator and in his absence, by an officer authorised by the Executive Committee.

3AC. Functions and Powers of Board.

(1)The Board shall be the apex body for overall planning and development of infrastructure sector and infrastructure projects for the benefit of State of Haryana, subject to the limitations specified in sub-section (3).(2)The Board shall-(i)act as a nodal agency to co-ordinate all efforts of the Government regarding the development and implementation of infrastructure sectors and infrastructure projects for the benefit of State of Haryana, involving private participation and funding from sources other than those provided by State budget and shall,-(a)identify infrastructure projects for private participation;(b)promote competitiveness and progressively involve private participation while ensuring fair deal to the end-users;(c)identify and promote technology initiatives in urban development and infrastructure development sector for improving efficiency in the system;(d)identify bottlenecks in the infrastructure sectors and recommend to the Government policy initiatives to rectify the same;(e)select, prioritise and determine sequencing of infrastructure projects;(f)formulate clear and transparent policies related to the infrastructure sectors so as to ensure that project risks are clearly identified and allocated between the stakeholders; and(g)identify the sectoral concessions to be offered to concessionaires to attract private participation and secure availability of viable infrastructure facilities to the consumers;Provided that where participation is sought by any person by participating in disinvestment process, the provisions of this Act shall not apply:Provided further that any authority or body, constituted to implement such disinvestment, may seek assistance from the Board.(ii)prepare internally or through external consultants or service providers engaged for the purpose, all necessary documents including the bid or tender documents, draft contracts including the various contractual arrangements and incentives to be offered by the Government;(iii)assist public infrastructure agencies and concessionaires in obtaining statutory and other approvals;(iv)recommend the grant of concessions to a public infrastructure agency in accordance with the provisions of this Act, the rules and the bye-laws made there under;(v)assist in determining the level and structuring of investments of the Government and public bodies into infrastructure projects with private participation including holding the investment or part thereof;(vi)create a special purpose vehicle for implementation of any infrastructure project in co-ordination with the Government or public infrastructure agencies; and(vii)administer the Fund and projects under this Act.(3)The Board shall not play any role in the infrastructure projects undertaken by the Government exclusively through its budgetary provisions.(4)In order to carry out its functions consistent with the provisions of this Act, the Board shall have the powers to do all or any of the following, namely:-(i)acquire, hold,

develop or construct such property, both movable and immovable, as the Board may deem necessary for the performance of any of its activities related to the development of infrastructure sectors or infrastructure projects;(ii)advise or recommend to the Government acquisition of land under the Land Acquisition Act, 1894 for the purposes of infrastructure projects;(iii)lease, sell, exchange, or otherwise make allotments of the property referred to in clause (i) to concessionaire and to modify or rescind allotments, including the right and power to evict the allottees concerned on breach of any of the terms or conditions of such allotment;(iv)borrow and raise money in such manner as the Board may think fit and to secure the repayment of any money borrowed, raised or owing by mortgage, charge, standard security, lien or other security upon the whole or any part of the Board's property or assets (whether present or future), and also by a similar mortgage, charge, standard security, lien or security to secure and guarantee the performance by the Board of any obligation or liability, it may have undertaken or which may become binding on it;(v)constitute a professional multi-disciplinary Project Management Team and one or more Advisory Committee or Committees or Sectoral Sub-Committee or Project Implementation Sub-Committee, or engage suitable service providers or advisors or consultants to advise the Board for the efficient discharge of its functions;(vi)enter into and perform all such contracts as it may think necessary or expedient for performing any of its functions; and(vii)do such other things and perform such other acts as it may think necessary or expedient for the proper conduct of its functions and for carrying into effect the purposes of creation of the Board, as contained in this Act.

3AD. Power to make Bye laws for efficient administration of Board.

- The Board shall, with prior approval from the Government, make bye-laws for proper performance of its functions under this Act, which without prejudice to the generality of powers may provide for the following matters, namely:-(a)constitution, functioning and powers of Sectoral Sub-committee, Project Implementation Sub-committee;(b)duties of officers and employees of the Board and conditions of service;(c)conduct of the meetings of the Board, the time and place at which such meetings shall be held, the procedure to be followed in the transaction of business; and(d)any other matters in relation to which bye-laws are required to be or may be made.

3AE. Power to issue directions.

- The Government may, from time to time issue such directions to the Board on matters concerning the infrastructure sectors and the infrastructure projects in the State, as it may deem fit, for the purpose of carrying out the provisions of this Act and the Board shall be bound by such directions.]

3B. [Erection or re-erection of buildings in a licensed colony. [Inserted by Haryana Act No. 11 of 2003.]

- No person shall erect or re-erect buildings in a colony save in accordance with the approved plans and subject to such restrictions and conditions as are contained in the license or as may be specified by the Government or the Director.]

4. Maintenance of registers.

- The Director shall maintain such registers as may be prescribed showing sufficient particulars of all cases in which licence is granted or refused by him and the said registers shall be available for inspection without charges by all interested persons and such persons shall be entitled to have extract therefrom.

5. Cost of development works.

(1)The colonizer shall deposit fifty per centum of the amount realised, from time to time, by him, from the plot- holders within a period of ten days of its realisation in a separate account to be maintained in a scheduled bank. This amount shall only be utilised by him towards meeting the cost of internal development works in the colony. After the internal development works of the colony has been completed to the satisfaction of the Director, the coloniser shall be at liberty to withdraw the balance amount. The [remaining seventy per centum] [Substituted 'remaining fifty per centum' by Haryana Act No. 11 of 2003.] of the said amount shall be deemed to have been retained by the coloniser, inter alia, to meet the cost of land and external development works.(2)The colonizer shall maintain accounts of the amount kept in the scheduled bank, in such manner as may be prescribed.[Provided that where the license under section 3 is granted for setting up a colony for cyber city or cyber park purposes, the provisions of sub-sections (1) and (2) shall not be applicable.] [Added by Haryana Act No. 11 of 2003.]

6. Auditing of accounts.

(1)The Director, or any other officer authorised by him in this behalf, shall be completed to inspect the accounts maintained by the colonizer who shall produce before him all the relevant records required for this purpose.(2)The coloniser shall get his accounts audited, after the close of every financial year, by a chartered accountant and shall produce a statement of accounts, duly certified and signed by such chartered accountant, in the manner prescribed.

6A. [Grant of Transferable Development Rights (TDR) Certificate. [Inserted by Haryana Act No. 8 of 2016, dated 20.4.2016]

(1)If the owner whose land is eligible for issuance of TDR Certificate within the urbanisable limits of any development plan, subject to such terms and conditions, as may be prescribed, makes an application on the prescribed format, for handing over the possession of such land, to vest with the Government through the Director, for all intents and purposes, free from all encumbrances, shall, notwithstanding anything contained in this Act or rules framed thereunder, be entitled to be granted TDR Certificate upon payment of such fee and charges, as may be prescribed.(2)On receipt of the application under sub-section (1), the Director, shall undertake scrutiny of such application to - (a)verify the extent, situation and title of the land;(b)ascertain conformity of the application to the prescribed parameters; and(c)initiate and examine the claims and objections in such manner, as may be prescribed.(3)After the scrutiny under sub-section (2), the Director may issue a TDR

Certificate specifying the notional land, to be calculated after factorizing with the prescribed index, on which development rights may be availed subject to such terms and conditions, as may be prescribed or may reject it, citing reasons thereof: Provided that no such application shall be rejected without giving an opportunity of hearing to the owner. (4) The entitlement of development rights shall be calculated on the basis of the area of the land and its location, which on account of issuance of TDR Certificate shall vest with the Government, free from all encumbrances and without claiming compensation under any law for the time being in force: Provided that the Government may either transfer such land that has vested with it to any person or institution including a local authority for such purpose, on such terms and conditions, as it may deem fit, or enter into an exchange of the land with any other person or institution to ensure better planning, before its transfer and utilization. (5) The development rights shall only be utilizable after due approval from the Director at the time of approval of building plans and shall not be allowed to be utilized unless an entry to such effect is made in the TDR Certificate and the register/database maintained by the Director. (6) The utilization of development rights shall be subject to such limitations, as may be prescribed. (7) The Director shall maintain and periodically publish a register/database including entries of issue, transfer or utilization of development rights granted under this section in such manner, as may be prescribed.

6B. Grant of Purchasable Development Rights Certificate (PDR Certificate).

(1) A colonizer intending to obtain a PDR Certificate shall make an application on the prescribed format, along with an undertaking to deposit such fee, as may be prescribed, upon demand, shall be entitled to be granted PDR Certificate under this section upon fulfillment of such terms and conditions and on payment of such fee, as may be prescribed. (2) On receipt of the application under sub-section (1) and upon scrutiny of the application, the Director, if satisfied, may issue PDR Certificate specifying its utilization or may reject it, citing reasons thereof: Provided that no such application shall be rejected without giving an opportunity of hearing to the colonizer. (3) The utilization of development rights against any PDR Certificate issued against a specific colony shall be non-transferable and fee deposited against it shall be non-refundable.]

7. Prohibition to advertise and transfer plots.

- Save as provided in Section 9, [no person including a property dealer shall] [Inserted by Haryana Act No. 11 of 2003]-(i) without obtaining a licence under Section 3, transfer or agree to transfer in any manner plots in a colony to transfer in any manner plots in a colony or make an advertisement or receive any amount in respect thereof; (ii) erect or re-erect any building in any colony in respect of which a licence under Section 3 has not been granted. (iii) erect or re-erect any building other than for purposes of agriculture on the land sub-divided for agriculture as defined in clause (aa) of Section 2 of this Act;

7A. [Registration of certain documents. [Substituted by Haryana Act No. 11 of 2017 dated 3.4.2017]

- Notwithstanding anything contained in any other State law for the time being in force, where any document is required to be registered under the provisions of section 17 of the Registration Act, 1908 (Central Act 16 of 1908), purporting to transfer by way of sale or lease any agricultural land having an area of less than two kanals in an urban area, as may be notified specifically by the Government, from time to time for the purposes of this section, no Registration Officer appointed under the above said Act shall register any such document unless the transferor produces before such Registration Officer a no objection certificate issued by the Director or an officer authorized by him in writing in this behalf to the effect that the said transfer does not contravene any of the provisions of this Act and the rules made thereunder and such no objection certificate shall be issued to the concerned Registering Authority within thirty days from the date of receipt of the application for the same: Provided that - (a) there shall be no requirement to obtain a no objection certificate from the Director, where - (i) the land is situated in a colony for which a license has been issued under section 3 of this Act and the copy of the layout plan of colony is submitted with the application for registration of land; or (ii) the proposed transfer is as a result of family partition, inheritance, succession or partition of joint holdings not with the motive of earning profit; or (iii) the proposed transfer is in furtherance of any scheme sanctioned under any law; or (iv) the land is being consolidated by way of sale or transfer of complete share of the different land owners and such land is contiguous to the land of the purchaser; (b) if the above said application for grant of no objection certificate submitted to the Director or an officer authorized by him in writing in this behalf is not disposed of through an order in writing within a period of thirty days, the no-objection certificate shall be deemed to have been granted; (c) all applications for grant of no-objection certificate shall be accompanied by the following documents, namely: - (i) title of land; (ii) draft copy of registration deed; and (iii) copy of Aadhaar Card. Explanation: - "agricultural land" includes the land recorded as Nehri, Chahi, Barani or by any other term in the revenue record.]

7B. [Time limit for completion of a specific category of colony. [Inserted by Haryana Act No. 27 of 2013, dated 15.10.2013.]

(1) Notwithstanding anything contained in this Act, the Government may, by notification, specify a time limit for completion of a specific category of colony. If the coloniser fails to complete the laying out of any such specific category of colony in accordance with the approved lay out plans or to execute internal development works as per the approved design and specifications or to apply for grant of completion certificate under sub-section (6) of section 3 within the specified time limit, the Director shall not entertain any application for renewal of the licence and shall issue a show cause notice as to why the licence granted may not be treated as lapsed. The coloniser shall reply to the show cause notice within a period of thirty days from the receipt of such a notice. (2) On receipt of the reply to the show cause notice issued under sub-section (1), the Director shall give an opportunity of hearing and after making such enquiry, as deemed necessary and for reasons to be recorded in writing, - (i) if satisfied, that the delay in execution of development work was for reasons beyond the control of the colonizer, renew the licence for a maximum period of twenty-four months, or part thereof, on deposit of fee at double the rate of fee prescribed for grant of the licence: Provided that in case the renewal of the licence is allowed for a period less than twenty-four months, then proportionate renewal fee shall be deposited against such period; (ii) if not satisfied, order that the licence has lapsed, and thereafter, within one month, shall cause a public notice to be published

about the lapse of the licence in atleast two newspapers, one each in Hindi and English, having circulation in such locality.]

8. [Cancellation of licence. [Substituted by Haryana Act No. 7 of 2019, dated 31.1.2019.]

(1)A license granted under this Act, shall be liable to be cancelled by the Director if the colonizer contravenes any of the conditions of the license or the provisions of the Act or the rules made thereunder:Provided that before such cancellation the coloniser shall be given an opportunity of being heard:Provided further that upon issuance of such cancellation of licence the land and buildings involved in such licence, shall be deemed to vest with the Government, unless specifically relieved of this obligation by the Government.(2)Upon cancellation of the licence, all necessary action shall be taken by the Director, either himself or through a third party agency identified by him, to secure the assets of the colony as well as to ascertain the claims and liabilities against the licensee.(3)After securing the assets of the colony under sub-section (2) and without prejudice to the provisions contained in any other State law for the time being in force, the Director may, for the purposes of recovery of dues or for getting the balance development works completed for the purpose of granting completion certificate or otherwise, adopt all such measures, including alienation of the licence, or part thereof, alongwith the associated land to any third party after obtaining prior concurrence of the Government and adopting such procedure, as may be prescribed.(4)Notwithstanding any of the provisions as above, any excess amount received from its allottees by the colonizer, shall be recovered by the Director. The Director shall recover any excess amount from the colonizer received from its allottees and in case all attempts to recover the same directly from the colonizer fail, such recovery shall be made as arrears of land revenue from all the assets under the ownership of the colonizer.]

8A. [Online receipt and approval. [Inserted by Haryana Act No. 8 of 2016, dated 20.4.2016]

(1)All functions performed under this Act may also be performed through electronic form and internet.(2)Without prejudice to the generality of sub-section (1), the functions may include all or any of the followings: -(a)receipt or acknowledgement of applications and payments;(b)issue of approvals, orders or directions;(c)scrutiny, enquiry or correspondence for grant of license, its renewal, transfer or grant of occupation certificates, part or completion certificate etc.:(d)approval of plans, estimates, occupation certificates etc.:(e)filing of documents;(f)issue of notices for recoveries;(g)maintenance of registers and records;(h)any other function that the Director may deem fit in public interest.]

8B. [Surrender of licence. [Inserted by Haryana Act No. 32 of 2019, dated 3.9.2019.]

(1)A colonizer intending to surrender a licence or part of licence may apply for surrender of licence along with such documents, as may be prescribed.(2)On receipt of an application under sub-section

(1), the Director shall undertake scrutiny of such application to ascertain that over the licenced area, or part of it, for which licence is proposed to be surrendered, -(a)no third party rights exists;(b)no internal development works exist at site and the site stands restored to its original state as it was before the grant of licence;(c)the area norms for the part of licenced area being retained, if any, fulfils the applicable area norms for grant of such licence; and(d)any other condition as may be prescribed.(3)After scrutiny of application, the Director may, by an order in writing, either allow surrender of licence on such terms and conditions along with forfeiture of such fee and charges, as may be prescribed or reject it, citing reasons thereof.]

9. Exemption from obtaining licence in certain cases.

(1)The Director shall grant exemption to a person from obtaining the licence if he is satisfied that -(a)the land -(i)had been divided into plots and more than twenty per centum of the plots according to layout plan had been sold or agreed to be sold prior to the 16th day of November, 1971;(ii)is in a compact block; and(iii)is not situated within the controlled area; or(b)(i)the land does not exceed 4,000 square metres and is situated within the limits of a municipal area, a notified area or the Faridabad complex;(ii)the amenities similar to the one existing in the locality exist or such person undertakes to provide such amenities; and(iii)the size of the plots divided or proposed to be divided is in conformity with the general layout of the plots in the locality :Provided that the Director may, by an order in writing giving reasons, refuse to grant the exemption if he, after hearing the applicant, is of the opinion that the application has been made with a view to evade the provisions of this Act.(2)The application for obtaining exemption shall be in such form and manner as may be prescribed.(3)If, within a period of three months of the date when an application under sub-section (2) has been made to the Director, no order in writing has been passed by the Director, the exemption shall be deemed to have been granted.Explanation. - The expression "controlled area" shall have the meaning assigned to it in the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, [1963, and the Faridabad Complex (Regulation and Development) Act, 1971] [Substituted vide Haryana Act No. 9 of 1977].

9A. [Control by Government. [Inserted by Haryana Act No. 16 of 2010, dated 30.9.2010.]

- The Director shall carry out such directions, as may be issued to him, from time to time, by the Government for efficient administration of this Act.]

10. [Penalties. [Substituted by Haryana Act No. 11 of 1989.]

(1)Any person who contravenes any of the provisions of this Act or the rules made thereunder or any of the conditions of a licence granted under Section 3 shall be punishable with imprisonment of either inscription for a term which may extend to three years and shall also be liable to fine :Provided that where any of the provisions of Section 9 are contravened the punishment of imprisonment shall not exceed six months.(2)Without prejudice to the provisions of sub-section (1), the Director or any other officer authorised in writing by him in this behalf, may by notice, call upon

any person who has committed a breach of the provision referred to in the said sub-section to stop further construction and to appear and show cause why he should not be ordered to restore to its original state or to bring it in conformity with the provisions of the Act or the rules, as the case may be, any building or land in respect of which a contravention such as is described in the said sub-section has been committed, and if such person fails to show cause to the satisfaction of the Director or any officer authorised in writing by him in this behalf, within a period of fifteen days the Director or any officer authorised by him in this behalf, may serve thirty days notice requiring him to restore such land or building to its original state or to bring it in conformity with the provisions of the Act or the rules, as the case may be.(3)If the order made under sub-section (2) is not carried out, the Director or any other officer authorised in writing by him in this behalf, may serve 24 hours' notice on that person to comply and if such a person fails to do so, the Director or any other officer authorised in writing by him in this behalf, may himself, at the expiry of the period of this notice, take such measures including demolition of any structure, as may appear necessary to give effect to the order and the cost of such measures shall, if not paid on demand being made to him, be recoverable from such person as arrears of land revenue :Provided that even before the expiry of the 30 days period mentioned in the notice under sub-section (2), if the Director or any other officer authorised in writing by him in this behalf, is satisfied that instead of complying the aforesaid notice the person continues with the contravention, the Director or any other officer authorised in writing by him in this behalf may serve him with 24 hours' notice to carry out the order made under sub-section (2) and if such a person fails to do so, the Director or any person authorised in writing by him may himself take such measures including demolition of any structure, as may appear necessary, to give effect to the order and the cost of such measures, shall, if not paid on demand being made to him, be recovered from such person as arrears of land revenue.]

10A. [Recovery of dues. [Substituted by Haryana Act No. 7 of 2019, dated 31.1.2019.]

(1)All dues payable to the Director under the provisions of this Act may be recovered as follows, namely: -(i)as arrears of land revenue upon a certificate of the amount due sent by the Director or an officer duly authorized by him in this regard to the Collector; or(ii)direct the bank holding the bank account of the person, company or other agency from whom the amount is due to the Director to freeze such account to the extent of the money due:Provided that the Director shall initiate or continue any one of the two modes specified in clause (i) or clause (ii) for recovery:Provided further that where the money on account of external development charges is due from the person, company or other agency granted a licence under this Act, the Director shall write to the Sub-Registrar having jurisdiction, to refuse, in exercise of the powers available under section 71 of the Registration Act, 1908 (Central Act 16 of 1908) to register any document for sale, exchange, gift, mortgage or lease of any immovable property located in the colony for which such licence was granted:Provided further that the Director or any other officer duly authorized by him in this regard shall, in case the mode of recovery under clause (ii) is initiated, provide an opportunity of being heard to the person, company or other agency from whom the money is due, not later than three days, from the date on which direction is given to the bank:Provided further that the defaulter shall continue to be liable for action, including criminal action, for such default under any other law for the time being in force.]

11. [Prosecution. [Substituted by Haryana Act No. 11 of 1989.]

- No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Director or any officer authorised in writing by him in his behalf.]

11A. Duty of police officers.

- It shall be the duty of every police officer -(i)to communicate without delay to the Director or any other officer authorised in writing by him in his behalf, any information which he receives of a design to commit or of the commission of any offence against this Act or any rule or regulation made thereunder; and(ii)[to assist the Director or any other officer authorised in writing by him in this behalf, in the lawful exercise of any power vested in the Director or any other officer authorised in writing by him in this behalf under this Act or any rule or regulation made thereunder.] [Added by Haryana Act No. 11 of 1989.]

11B. [Power to arrest. [Added by Haryana Act No. 11 of 1989.]

(1)A police officer not below the rank of sub- inspector, shall arrest any person who commits in his view any offence against this Act or any rule made thereunder, if the name and address of such person, be unknown to him and if such person, on demand declines to give his name and address, or gives such name or address which such officer has reason to believe to be false.(2)The person so arrested shall, without unavoidable delay, be produced before the Magistrate authorised to try the offence for which the arrest has been made and no person so arrested, shall be detained in custody for a period exceeding twenty-four hours without an order from the above mentioned Magistrate.]

12. Offences by companies.

(1)Where an offence under this Act has been committed by a Company, the Company as well as every person incharge of, or responsible to, the company for the conduct of its business at the time of the commission of the offence, shall be liable to be proceeded against and punished accordingly:Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.(2)Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of,or that the commission of the offence is attributable to any neglect on the part of a Director, Manager, Secretary or other officer of the company, such Director, Manager, Secretary or other officer shall also be proceeded against and punished accordingly.Explanation. - For the purpose of this section -(a)"Company" means any body corporate and includes a firm or other association of individuals; and(b)"Director" in relation to a firm means a partner in the firm.

13. Composition of offences.

(1)The Director may, either before or after the institution of the proceedings for prosecution, compound any offence punishable by or under this Act.(2)Where an offence has been compounded, the offender, if in custody, shall be released and no further proceedings shall be taken against him in respect of the offence compounded.

14. Indemnity.

(1)No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder :-(2)No suit or other legal proceedings shall lie against the Government for any damage caused by anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

15. Bar of jurisdiction of civil Court.

- No civil Court shall have any jurisdiction to entertain or decide any question relating to matters falling under this Act or the rules made thereunder.

16. Effect of other laws.

- Notwithstanding anything contained in this Act, any permission already granted to set up a colony under the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, and the rules made thereunder, shall remain valid and be governed by the terms and conditions contained therein. No person shall be required to obtain a licence if he had obtained permission under the said Act and the same still subsists.

17. Restrictions in controlled area.

- Any person who has sold or transferred or has agreed to sell or transfer any plot for any purpose in a colony, in an area in which the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, was applicable, and has not obtained permission as required by the said Act, but has realised any money before the commencement of this Act from the plot-holders, shall obtain a licence under the provisions of this Act within a period of three months from the date of publication of this Act in the Official Gazette of the State or such further period as may be allowed by the Director.

18. Savings.

- Nothing in this Act shall affect the power of the Government, Improvement Trust, Housing Board, Haryana [any local authority or other authority constituted under any law for the time being in force by the State Government for carrying out development of urban area] [Substituted by Haryana Act

No. 9 of 1977.] to develop land or impose restrictions upon the use and development of any area under any other law for the time being in force [but such power except the power exercisable by the Government, shall be exercised on payment of such sum as may be decided by the Government from time to time] [Words inserted by Haryana Act No. 17 of 1996.].

19. Appeal.

- Any person aggrieved by any order of the Director under this Act may, within a period of thirty days of the date of communication of the order to him, prefer an appeal to the Government in such form and manner as may be prescribed: Provided that the appeal may be entertained after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

20. Revision.

- The Government may call for the record of any case pending before, or disposed of by, any subordinate authority, for the purpose of satisfying itself as to the legality or propriety of any proceedings or of any order made therein and may pass such order in relation thereto as it may think fit.

21. Review.

- The Director may, either of his own motion or on an application of any party interested, review, and on so reviewing modify, reverse or confirm any order passed by himself or by any of his predecessors in office : Provided that -(a) When the Director proposes to review any order passed by his predecessor in office, he shall first obtain the sanction of the Government; (b) no application for review of an order shall be entertained unless it is made within a period of ninety days from the date of passing of the order, or unless the applicant satisfies the Director that he had sufficient cause for not making the application within that period; (c) no order shall be modified or reversed unless the parties concerned have been afforded a reasonable opportunity of being heard; (d) no order against which an appeal has been preferred shall be reviewed.

22. Delegation.

- The Government may, by notification, direct that the powers exercisable by it under this Act shall, in such circumstances and under such conditions as may be specified therein, be exercisable also by an officer subordinate to it.

23. Power to exempt.

- If the Government is of the opinion that the operation of any of the provisions of this Act causes undue hardship or circumstances exist which render it expedient so to do, it may, subject to such terms and conditions as it may impose, by a general or special order, exempt any class of persons or

areas from all or any of the provisions of this Act.

23A. [Power to issue directions. [Inserted by Haryana Act No. 4 of 2012, dated 3.4.2012.]

- The Director, with the approval of the Government, may, from time to time and/or under the directions issued under section 9A by the Government, shall, issue directions as are necessary or expedient for carrying out the purposes of this Act.]

24. Power to make rules.

- [(1) The Government may, by notification in the Official Gazette, subject to the condition of previous publication, make rules for carrying out the purposes of this Act and may give them prospective or retrospective effect.] [Substituted by Haryana Act No. 15 of 2006, dated 20.3.2006.](2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-(a)fee, form and manner of making an application for obtaining licence under sub-section (1) of Section 3;(b)form of licence and agreement under sub-section (3) of Section 3;(c)fee for grant or renewal of licence under sub-section (4) of Section 3;(d)form of registers to be maintained under Section 4;(e)form of accounts to be maintained under sub-section (2) of Section 5;(f)manner of getting the accounts audited under sub-section (2) of Section 6;(g)manner in which preference is to be given to the plot-holders under sub-section (3) of Section 8;(h)form and manner of making application under sub-section (2) of Section 9.(i)[any other matter in connection with preparation, submission and approval of plans;] [Added by Haryana Act No. 11 of 2003.](j)[any other matter which has to be or may be prescribed.] [Added by Haryana Act No. 8 of 2016, dated 20.4.2016.](2A)[In particular and without prejudice to the generality of the foregoing power and the matters specifically provided for in this Act, the Government may, by notification in the Official Gazette, make rules for efficient administration of the Board. Such rules may provide for all or any of the following matters, namely:-(i)prescribing the procedure to be adopted for project identification, prioritization, public hearing, finalisation of scope, funding and structuring of infrastructure projects, conducting feasibility analysis, public bidding of the project, concessionaire selection, negotiation of contract, formation of Special Purpose Vehicles, execution of concession agreement, implementation and completion of project as well as its monitoring, maintenance and impact assessment i.e. covering the complete spectrum of project cycle;(ii)prescribing the procedure for project implementation including determination of tariff, assignment of assets, assessing feasibility and viability of finalised infrastructure projects, termination of concession agreement etc. for successful implementation of project and its termination in case of violation of provisions of agreement;(iii)prescribing the form and manner in which finance, accounts and audit of the Board is maintained, conducted and submitted along with the form and manner in which the annual report of the Board is prepared and placed and returns are submitted;(iv)prescribing the form and manner of furnishing returns, statements and other particulars as may be decided;](3)[Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session.] [Substituted by Haryana Act No. 15 of 2006, dated 20.3.2006.]

25. Repeal.

- The Haryana Restrictions on (Development and Regulation of) Colonies Act, 1971 (Haryana Act No. 39 of 1971), is hereby repealed.[Inserted by Haryana Act No. 5 of 2013, dated 5.4.2013.]