

The Goa Housing Board (Registration, Allotment and Sale of Tenements) Regulations, 1982

GOA

India

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Rule

THE-GOA-HOUSING-BOARD-REGISTRATION-ALLOTMENT-AND-SALE of 1982

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The Goa Housing Board (Registration, Allotment and Sale of Tenements) Regulations, 1982(Regulations governing Registration, Allotment and Sale of Tenements constructed under any Housing Scheme)In exercise of the powers conferred by Section 129 of the Goa Housing Board Act, 1968 (Act 12 of 1968) and all other powers enabling it in this behalf, the Goa Housing Board with the previous approval of the Government and in supersession of all other regulations, in this regard thereby makes the following regulations, namely:-

1. Short title and commencement.

(1)These regulations may be called the Goa Housing Board (Registration, Allotment and Sale of Tenements) Regulations, 1982.(2)They shall apply to the registration of intending purchasers of houses, flats and bungalows constructed by Goa Housing Board under Low Income Group, Middle Income Group and Higher Income Group Schemes, Scheme for Economically Weaker Section of the Society or under any other Scheme approved by the Government for the purpose of these regulations in the State of Goa.(3)They shall come into force at once.

2. Definitions.

- In these regulations, unless the context otherwise requires:-(i)"Act" means the Goa Housing Board Act, 1968 (Act 12 of 1968);(ii)"Allotment Committee" means a Committee constituted under regulation 7 for the purpose of allotment of a tenement under sub-section (i) of Section 19 of the Act;(iii)"Allottee" means a person to whom allotment of a tenement is made;(iv)"Applicant" means a

person who has applied to the Board for allotment of a tenement under any of the Scheme specified in these regulations;(v)"Blind and Physically Handicapped" means those who are blind or those whose permanent physical disability/impairment of either upper or lower limbs is 50 % and above as certified by the competent authority of Goa Medical College;(vi)"Board" means the Goa Housing Board;(vii)"Economically Weaker Section of the Society" means such class of people whose monthly income does not exceed the limit fixed by the Board for each scheme or such norms as may be followed by HUDCO, from time to time;(viii)"Ex-servicemen" means the former members of the armed forces of the Union not being persons who have ceased to be members of the armed forces as a result of their being duly dismissed or discharged after a Court Martial or as a result of desertion or who have been arrested;(ix)"Family" in relation of applicant means the applicant and if married, wife or husband as the case may be dependent brothers, unmarried sisters actually dependent upon the applicant and widowed sister if dependent on applicant;(x)"Form" means a form appended to the regulations;(xi)"Freedom Fighter" means a person who has been recognised as such by the Government;(xii)"Government" means the Government of Goa;(xiii)"Higher Income Group" means such class of person whose monthly income exceeds Rs. 5,000/- and above or such amount or such norms as may be followed by HUDCO from time to time.(xiv)"Income" in relation to allottee or applicant means the total annual income regularly derived by him/her from occupation, trade, business, employment or any calling or source constituting normal means of livelihood during the preceding financial/calendar year.(xv)"Low Income Group" means such class of people whose monthly income does not exceed the limit fixed by the Board for the respective scheme or such norms as may be followed by HUDCO from time to time;(xvi)"Middle Income Group" means such class of people whose monthly income does not exceed the limit fixed by the Board for the respective scheme or such norms as may be followed by HUDCO from time to time;(xvii)"Other Backward Classes" are those communities which have been notified as such by the Government from time to time;(xviii)"Para-Military Forces" includes personnel of Border Security Forces, Indo- Tibetan Police Force, Assam Rifles, etc. who have been killed or disabled or declared missing in 1962, Sino-Indian Conflict and 1965 and 1971 Indo-Pak Conflict or any other combat thereafter and their families on production of a certificate from Defence or similar Authorities, as the case may be;(xix)"Scheduled Castes" are those classes which have been notified as such under the Constitution (Goa, Daman and Diu) Scheduled Castes Order, 1968.(xx)"Scheduled Tribes" are those classes which have been notified as such under the Constitution (Goa, Daman and Diu) Scheduled Tribes Order, 1968;(xxi)"Tenement" means a house, flat or bungalow built by the Board or by Agencies entrusted by the Board.

3. Conditions of eligibility.

(1)The applicant must be a domicile of the State of Goa, with a residency period of not less than ten years or a person whose parents or grand-parents are of the origin of the Goa State. Further, the applicant should not own or possess a tenement or plot under the Housing Board Scheme anywhere in the State of Goa.(2)The applicant shall be entitled to fill in only one application form either in his or her own name or in the name of any other member of his or her family and to apply only in one category to which he or she may belong, namely, either as a member of the general public or in any of the reserved categories specified hereunder, and for the schemes to which he or she is entitled as per his or her declared income group.(3)The applicant shall have attained the age of majority at the

time of application.(4)No applicant shall be eligible for allotment of a tenement on the second occasion by the Board.

4. Reservation of Tenements.

(1)The reservation of tenements for the persons belonging to different categories shall be as under:-

(i) Scheduled Castes/Scheduled Tribes	2%
(ii) Other Backward Classes...	5%
(iii) Freedom Fighters...	1%
(iv) Ex-Servicemen including personnel of Para-military forces and widows of defence personnel killed in action, if any...	2%
(v) Blind and Physically Handicapped Persons...	3%

The minimum number of tenements for each of the above reserved categories shall be one, irrespective of the number of tenements in the scheme.(2)The Housing Board may place 10% of the tenements at the disposal of the Government, on payment, for allotment to dispose off 10% of the tenements reserved thereto within a period of six months then the Goa Housing Board may sell the unsold tenements subject to the provision of regulation 3.(3)The eligibility criteria for the disposal of the remaining tenements shall be the income of the applicants who shall be categorised as follows:-(i)economically weaker sections,(ii)low income groups,(iii)middle income groups,(iv)higher income groups.(4)The percentage of allotment amongst the aforesaid categories may be decided by the Board.(a)Where there are no applicants from any particular reserved category, the quota earmarked for such category shall be added to the general category;(b)The following income certificates may be considered admissible:-

(i) Higher income	Income certificates group and middle from employer/copy incomegroup of income-tax return/ tax assessment order.
(ii) Low income group/ economically weaker sections	Income certificates from the employer or from any Revenue Authority prescribed to issue such certificate under the Rules in force.

5. Notice of Registration.

- (i) The Board shall issue an advertisement in the form of a notice in the local newspapers with circulation inviting applications for registration of tenements by such date which shall not be less than 15 days from the date of issue of the advertisement.(ii)The notice shall include the reserved percentage for scheduled caste/scheduled tribe, other backward classes, Freedom Fighters, ex-servicemen and blind and physically handicapped and shall also specify the location, size, cost, eligibility, etc. of tenements available for allotment both for general and reserved categories as specified in regulation 4 and of the amount of initial deposit, subsequent amount payable etc. and the particulars of the Co-operative Banks/Commercial Banks where application form, pamphlets and other relevant information may be obtained and where such application form with chalan are to be handed over. All applications alongwith one copy of the chalan in token of the necessary deposit made in bank and so received by registered post acknowledgement due shall be entertained

by the Board. After receipt of such application each applicant shall receive a post card indicating a serial number allocated to his/her application. All applications from persons belonging to the reserved categories shall be superscribed as "Reserved" indicating the category on the cover and on the top of applications.

6. Applications for Registration.

(1)The application for registration of a tenement in pursuance of a notice issued under regulation 5 above shall be in Form 'I' and shall be subject to fulfilling the conditions of eligibility specified in regulation 3.(2)The deposit payable shall be Rs. 8,000/- for Low Income Group, Rs. 10,000/- for Middle Income Group, Rs. 15,000/- for Higher Income Group and Rs. 800/- for Economically Weaker Sections of Community provided that in case of schemes financed with the assistance of HUDCO, the said deposit will be Rs. 500/- if the applicant belongs to the Middle Income Group, Rs. 250/- for Low Income Group, and Rs. 100/- for Economically Weaker Sections of community or as may be specified by HUDCO from time to time.Explanation. - "HUDCO" means the Housing and Urban Development Corporation of India Ltd.

7. Allotment Committee.

- The Allotment Committee shall consist of the following:-

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| 1) Housing Board Chairman or in his absence any one member of the Board present | Chairman |
| 2) The Collector of the concerned District or his subordinate Officer who is not lower in rank than Deputy Collector | Member |
| 3) Secretary of the Housing Board or in his absence the Housing Engineer of the Board. | Member |
| The Allotment Committee may co-opt any one member from the Board | |

8. Drawal of lots of the purpose of Allotment.

(1)Every application on receipt shall be given a serial number and shall be entered in the register alongwith the name of the applicant, address, income and occupational status. This serial number shall be communicated by post card to the applicant by the Board within 7 days of receipt of the applications.(2)Within 10 days after the expiry of the last date for the receipt of the application, a draw shall be held, wherein the serial numbers given to the applications shall be fed in a draw/lottery machine.(3)The 1st draw of serial numbers shall be equal to the number of tenements to the allotted minus the percentage/numbers which is covered by reservation for Scheduled Castes/Scheduled Tribes, Other Backward Classes, Freedom Fighters, Blind and Physically Handicapped persons, Ex-Servicemen including Para-Military Personnel and widows of Defence Personnel killed in action, if any. This shall form the first or main list.(4)To cover the possibility of some applications in the first list being rejected on scrutiny, an equal number of serial numbers, i.e. applications shall be drawn and this shall comprise of the second or standby list;(5)All applications received from the reserved percentage of persons, shall be kept separate category-wise. Separate lots shall be drawn category-wise if sufficient applications shall be considered for allotment, after scrutiny. The percentage quota under any category not applied for and hence not considered for

allotment shall be added to the general pool.(6)Thereafter, the Allotment Committee would scrutinize the applications from the first list and for every application that is rejected, take up the top-most serial number/application from the second list as a substitute and scrutinize the same till the first list and corresponding total number of tenements is exhausted. That is to say, if 10 applications in the first list were rejected, these 10 shall be substituted by the first 10 or more serial numbers/applications in the second list after the scrutiny. Thereafter, the Allotment Committee shall scrutinise and keep ready (in the serial order of lots picked up) 10 to 15 or more applications from the standby list to adjust against an allotment in the event of some applicant from the main list, withdrawing from the scheme.(7)The scrutiny shall as far as possible be held immediately after lots are drawn on the basis of two lists. While the draw of lots for allotment may be a public function, the scrutiny by the Allotment Committee which is to follow immediately thereafter is to be in strict seclusion. Soon after the scrutiny, the eligible serial numbers (from the applications received and picked in the draw accordingly) shall be announced by display on the notice board at the venue where lots were drawn and on the premises of the Housing Board. Provided that if any allottee after scrutiny is found to be ineligible as per the regulations, the number of the said allottee shall be cancelled and he shall not be eligible for the second drawal of lots as laid down under regulation 8(8).(8)On the working day following the day of announcement of eligible serial numbers, these eligible serial numbers inclusive of those of the reserved categories as per (5) above shall be written on small bits of paper and rolled up/crushed and put in a small drum or a container. Any applicant or a child may start picking these paper bits from the container and the first serial number so picked up shall be allotted tenement No. 1 in that order till the entire allotment is complete.(9)The reserved categories shall not maintain a separate identity in the final allotment of tenements and that these serial numbers shall be merged with the rest. This final allotment indicating serial number of application and tenement number so allotted is to be published on notice board and by announcement in the press. Within 30 days of publication of this final result, it will be separately announced that present scheme is closed and all applicants who did not get a tenement may withdraw their deposit and that no waiting list, etc. shall be maintained to accommodate them in future.

9. Allotment of tenements.

(1)After publication of allotment indicating serial number of the application and tenement number allotted to the applicant, an offer of allotment shall be issued to him or her within a period of 8 days in Form "II".(2)On receipt of the offer of allotment, the allottee shall within a period of 8 days convey his or her acceptance of the tenement in Form "III".(3)The order of allotment of tenement shall be issued in Form "IV" as and when the tenement is ready for allotment.(4)Failure to convey the acceptance within the period stipulated in clause (2) above, the allotment made shall be cancelled and 5% of the money deposited by the applicant shall be forfeited to the Board and the balance shall be refunded without any interest.(5)The decision of the Chairman in the matter of allotment of tenements shall be final and binding on the allottees.(6)If an applicant withdraws from the scheme after depositing the initial deposit money, 5% of the money deposited by the applicant shall be forfeited to the Board and the Balance amount shall be refunded without any interest.

10. Cost, calculation, etc. of tenement.

(1)The cost of the tenement allotted shall be provisional in the first instance and shall be subject to variation after settlement of the account of the work.(2)The allottee shall make payment within a period of 25 days of receipt of the order of allotment under the foregoing regulations. Delayed payment shall be subject to penal interest at such rate as may be decided by the Board.(3)The mode of payment of tenement allotted shall be either on outright purchase basis or on hire purchase basis, as the case may be, depending upon the option exercised in the application form - Provided that it shall be open for the allottee who opted for hire purchase to pay the cost earlier than due otherwise, but would not be allowed to change the option from outright to hire purchase under any circumstances.(3a)The Board shall determine the number of tenements which may be allotted on outright purchase basis or on hire purchase basis, and shall also determine the method of incentives for purchase on outright basis which may include preferential cost calculation and also the house numbers in every scheme that may be set apart.(4)Allotment of tenement on hire purchase basis shall be subject to execution of an agreement agreeing to buy the tenement on hire purchase basis, within a period of 8 days from the date of payment of 30% of the provisional cost after receipt of the order of allotment under the foregoing regulations.(5)The tenement offered on hire purchase basis shall be subject to execution of hire purchase agreement on finalisation of the cost of the tenement. It shall also subject to payment of difference if any in the 30% of the cost and payment of compound interest at such rate as may be fixed by the Board from time to time. The amount of equated monthly instalments will be worked out on the basis of the rate of interest so fixed.(6)The allottee under hire purchase category shall punctually pay to the Board the whole of the equated monthly instalments on or before 10th of every month. Failure to pay by the due date, a penal interest at 10% shall be charged on the unpaid amount till it is paid. The minimum amount of penal interest collected shall not be less than a month's interest notwithstanding the period of default being less than a month.(7)The hire purchaser shall not be entitled to subject either the whole or any part of the tenement whatsoever.

11. Penalty for misrepresentation/suppression of facts or for breach of contravention of any of the conditions of the regulations.

- If it is found at any stage that the applicant has given false information or has suppressed any material fact or has committed breach or contravened any of the conditions of these Regulations, the application shall be rejected and the allotment of tenement if already made shall be liable for cancellation and the amount deposited or paid by the applicant towards registration, allotment or purchase of tenement shall be liable for forfeiture to the Board without prejudice to the right of the Board to take any other action under the law in force.

12. Other conditions.

(a)The powers to relax or to amend any of the provisions of these Regulations shall rest with the Government.(b)The Board shall have the right to impose any terms and conditions not specifically covered by the aforesaid regulations, as may be decided in this behalf from time to time after

obtaining prior concurrence of the Government.(c)Board may devise a special scheme for allotment of tenements to the officers and other employees of the Board, Members of the Board, Journalists, who are accredited to the Government and such other classes of a persons as may be decided from time to time, after obtaining prior concurrence of the Government.

13. Savings.

- The supersession of any earlier regulation shall not affect:-(1)The operation of any of the schemes actually taken up under the earlier regulations or anything duly done or suffered thereunder; or(2)Any right, privilege, obligation or liabilities actually acquired, accrued or incurred under any earlier regulations; or(3)Any penalty, forfeiture or punishment actually declared in respect of any offence committed against any regulations; or(4)Any investigation, prosecution, legal proceedings or remedy in respect of any such rights, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.And any such investigation, prosecution, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as of this regulation had not been made:Provided that anything done or any action taken including assessments or transfer made, orders, notices, warrants of proclamation issued or other records framed or confirmed, right acquired, liabilities incurred shall in so far as it is not inconsistent with provisions of this Regulation be deemed to have been done or taken under the corresponding provisions of this Regulation and shall continue to be done accordingly unless and until superseded by anything done or action taken under this Regulation.Form IForm of application for Registration of Tenement[See Regulation 9(1)]

1. Applicant's full name (IN BLOCK LETTERS)

2. Address: (a) Permanent.

(b)Present.

3. Occupation: (a) Name of Establishment/Office

(b)Nature of job on which employed, if any

4. (a) Present pay including allowances:

(b)Total annual income of the applicant for the last financial/calendar year (certificate to be enclosed).

5. Income Group to which the applicant belongs: (whether LIG, MIG, HIG, or EWS):

6. Category for which applied (whether Reserved or General, if reserved certificate in proof to be enclosed):

7. Amount of deposit made by Challan No.:

8. Mode of payment of tenement is allotted (whether outright or hire purchase, shall be as fixed by the Board.

9. Locality to which application relates:

10. Period of residence in the State of Goa (Certificate to be attached):

I solemnly, affirm and state that:(a)I have satisfied myself that I fulfil the conditions laid down in regulation 3 of the Goa Housing Board (Registration, Allotment and Sale of Tenements, Regulations, 1982, and as amended by Regulation, 1993.(b)The statements made are true to the best of my knowledge and beliefDate:(Applicant's signature)Form IIOffer of Allotment[See Regulation 9(1)]In pursuance of Regulation 9(1) of the Goa Housing Board (Regulation, Allotment and Sales of Tenements) Regulations, 1982, Shri/Smt./Kum. resident of is hereby offered Tenement No. in Scheme at on basis under General/Reserved Category of..... at the provisional cost of Rs. (Rupees only) as per calculation sheet attached.The offer shall be subject to the following conditions:-(1)The provisional cost of the tenement will be subject to revision after settlement of account of the work.(2)A sum of Rs. is deposited with the Board within period of 25 days of receipt of the order of allotment of the tenements as per calculation sheet.(3)In case the tenement is allotted on hire purchase basis, 30%, of the cost after deducting the initial deposit made plus the interest accrued thereon together with first instalment of Rs. shall be payable as per details furnished in the calculation sheet.In terms of Regulation 9(1) of the aforesaid Regulation Shri/Smt./Kum. should convey his or her acceptance within a period of 8 days of receipt hereof failing which the offer shall stand cancelled and 5% of the money deposited shall be forfeited to the Board and the balance refunded without any interest as provided in Clause (4) of Regulation 9 of the Regulations, 1982.Yours faithfully,Secretary/Managing DirectorForm IIIIntimation of acceptance of offer of allotment[As prescribed in Regulation 9(2)]To,TheGoa Housing Board,.....Sir/Madam,With reference to your offer of allotment made under No. dateI hereby convey my acceptance of the tenement unequivocally and without any reservation or any complaint on my part in respect of the said tenement.I hereby agree to abide by the Goa Housing Board (Registration, Allotment and the Sale of Tenements) Regulations, 1982, and the terms and conditions stipulated thereunder.Yours faithfully,Form IVOrder of Allotment[See Regulation 9(3)]In exercise of the powers conferred by Regulation 9(3) of the Goa Housing Board (Registration, Allotment and Sale of Tenements) Regulations, 1982, Shri/Smt./Kum. hereby allotted Tenement No. in Scheme at on basis under General/Reserved Category ofShri/Smt./Kum. should remit the cost of the tenement within 25 days of receipt of this order, as per calculation sheet appended to the offer of allotment made.The allottee

should report to this office for taking possession of the tenement and for completion of other formalities after remission of the cost. Secretary/Managing Director Form V Affidavit (Note:- To be executed before a Competent Magistrate on a non-judicial stamp paper of Rs. 2/-). I, Shri/Smt./Kum. son/daughter of do hereby solemnly affirm and state as under:- (a) That I have applied for allotment of a tenement in Scheme of the Goa Housing Board at on basis under General/Reserved Category of (b) That neither myself nor any other member of my family owns a residential house or plot or tenement under the Housing Board Scheme anywhere in the State of Goa. I, further affirm that what is stated hereinbefore is true to my knowledge and belief, I know that to make a false affidavit is an offence. Deponent