

Pepsu Townships Development Board Disposal of Property Rules, 2003

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Rule

PEPSU-TOWNSHIPS-DEVELOPMENT-BOARD-DISPOSAL-OF-PROPERTY-RULES-2003

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Pepsu Townships Development Board Disposal of Property Rules, 2003Published vide Punjab Government Notification No. G.S.R. 27/Pep.2/54/Section 45/2003, dated 6.6.2003Government of Punjab Department of Revenue and Rehabilitation (Policy and Legal Branch)No.

G.S.R.27/Pep.2/54/Section 54/2003. - With reference to the Government of Punjab, Department of Revenue and Rehabilitation, Notification No. G.S.R.118/Pep.A.2/54/ Section 45/2001, dated the 18th December, 2001, and in exercise of the powers conferred by sub-section (1) and clause (g) of sub- section (2) of Section 45 of the Pepsu Townships Development Board Act, 1954 (Pepsu Act No. 2 of 1954), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules, namely :-

1. Short title and commencement.

(1)These rules may be called the Pepsu Township Development Board Disposal of Property Rules, 2003.(2)They shall come into force on and with effect from the date of their Publication in the Official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires :- (a)"Act" means the Pepsu Townships Development Board Act, 1954;(b)"Administrator" means the Administrator of the Board;(c)"Form" means a form appended to these rules;(d)"Dangerous or offensive trade" shall be deemed to be carried on in any site or a building, if the site or building is used for any purpose other than that, as

specified in the Punjab Municipal Act, 1911;(e)"Section" means a section of Act; and(f)"Transferee" means a person or his successor in whose name the property disposed of by the Board shall vest after disposal.

3. Mode of selling sites and buildings.

- Section 42(2)(g) - The sites and buildings shall be sold by the Board through the Administrator, by public auction or through allotment. For public auction, the reserve price shall be determined by the Board in consultation with State Government from time to time keeping in view the market price of the buildings or sites as the case may be.(2)Before holding an auction, the Administrator, shall give a notice of fifteen days in Form 'A' in the manner as specified in sub-rule 3 to inform general public regarding the sale of such a property.(3)The notice shall be published by affixing a copy thereof at the office of the Administrator at such conspicuous places in the locality, in which the property to be sold, is situated, as the Administrator may think fit. The notice shall also be published in two of the newspapers having circulation in that locality.(4)Bidding - Offer shall be received subject to a reserve price and to the right of the Board through any of its agents or the auctioneer to bid up to or beyond such reserve price. The Administrator shall have the right to reject any bid or withdraw any property from auction without notice and without assigning any reason.(5)The property may be put up for auction in one lot or in such lots, as the Administrator, may, decide with the approval of the Board.(6)In case of sale by auction, the final bid, which is accepted by the Administrator, shall be subject to the approval of the Chairman who will accord the same within a period of sixty days.(7)If any dispute arise at the time of auction, the Administrator may take a decision, subject to the approval of the same by the Chairman, keeping in view the circumstances under which such a dispute arose. However, if there is a dispute regarding the acceptance of a bid by the Chairman, the Chairman may take an appropriate decision and inform the highest bidder accordingly. The decision of the Chairman in this regard, shall be final.

4. Terms and conditions of auction.

- Section 45(2)(g) - The sales of sites or buildings put to auction, shall be subject to the provisions of the Act and the terms and conditions of these rules.

5. Acceptance of bid.

(1)The Administrator shall, after auction is approved by the Chairman, issue an order of acceptance in favour of the transferee.(2)The transfer shall executed a deed of conveyance within a period of six weeks from the date of payment of total due amount.

6. Payment of consideration money.

- Section 45(2)(g) - (1) Twenty-five per cent of the amount of bid, accepted by the Administrator, shall be paid on the spot by the bidder in cash or by means of demand draft payable to the Administrator drawn at any Scheduled Bank payable at Rajpura.(2)The balance of the sale price

shall be paid alongwith interest at the rates as may be determined by the Board in consultation with the State Government in six half-yearly instalments.(3)The first instalment shall be payable after a period of six months from the date of acceptance of the bid.(4)Interest shall accrue from the date of issue of order of acceptance of the bid. No interest shall be payable if, the balance is paid within a period of thirty days from the date of issue of order of acceptance of the bid and further a rebate of three per cent of the total price shall also be granted.(5)Each instalment shall be remitted by the transferee to the Administrator through a Bank draft to be drawn on any Scheduled Bank payable at Rajpura.

7. Service of notice.

- Section 45(2)(g) - In case an instalment is not paid by the transferee by the tenth day of the month in which it falls due, a notice in Form 'B' shall be served on the transferee calling upon him to pay the instalment within a period of a month together with a penalty, which may be extended up to ten per cent of the instalment payable. If the payment is not made within the said period, or such extended period, as may be allowed by the Administrator, the Administrator may, without prejudice to any other remedy available under the Act or these rules, proceed to have the same recovered as arrear of land revenue.

8. Manner of Service of notice.

- Section 45(2)(g) - The notice in Form 'B' shall be served to the person concerned by registered post. In addition it may also be served either personally or by fixation on a prominent part of the site or building or by beat of drum.

9. Sale by allotment.

- Section 45(2)(g) - All properties to be sold by allotment, shall be offered to the buyers by draw of lots in the presence of such applicants, as may be present at the time of draw of lots.

10. Notice of sale by allotment and draw of lots.

- Section 45(2)(g) - (1) The Administrator shall issue a public notice in at least two newspaper in circulation in the area where a property to be sold by allotment is situated, at least fifteen days before the last date of receipt of applications for this purpose. The Administrator shall also issue a notice, at least a week before the date of draw of lots indicating the venue and time to facilitate the applicants to witness the draw of lots.(2)The Administrator shall receive applications for allotment in the Form as may be specified by the Board alongwith initial deposit from the applicants desirous of purchasing the property.(3)All sales made by allotment shall be priced by the Board in consultation with the State Government keeping in view the market value of the property, development charges and the price of latest auction, held the area.(4)The Administrator shall scrutinise or cause the application to be scrutinised to determine eligibility of an applicant to be considered for allotment . He may reject ineligible applications or may demand additional

information from any application to satisfy himself regarding his eligibility.(5)An applicant, whose application is rejected by the Administrator, shall be informed through ordinary post on the address given in the application and a list of rejected applicants shall be displayed on the Notice Board in the office of the Administrator.(6)Any applicant, whose application has been rejected by the Administrator on scrutiny, may represent his case before the Chairman within fifteen days of issue of rejection letter or display of list of rejected applicants, whichever is later. The Chairman shall take up such representation individually or collectively depending upon the nature of each representation and then decide finally if an application is to be rejected or accepted. The Chairman may adopt such method as he deems expedient to arrive at the decision of acceptance of the representation of an applicant.(7)The allotment of properties shall be made by a method, given in the notice, inviting applications, based on the resolution adopted by the Board for disposal of such property. The Administrator shall issue an allotment letter to each purchaser, whose application is accepted for allotment. The allotment letter shall define the nature, extent, distinction of property and shall also lay down the total price of the property, mode of payment, effect of non-payment and penalties.

11. Disposal of property other than by auction or allotment.

- Section 45(2)(g) - (1) Under exceptional circumstances, the Board may allot a property or give it on lease to achieve a specific purpose in public interest, in which in the opinion of the Board, warrants special consideration.(2)Decision to dispose of such a property shall be approved unanimously in the meeting by vote of all the members of the Board present and voting.(3)No property of the Board shall be transferred under sub-rule (2) to an individual.(4)The mode of payment, transfer and other conditions for transferring property under sub-rule (2) shall be adopted by the Board in a meeting by a specific resolution by the members of the Board.

12. Completion of sale.

- Section 45(2)(g) - A sale by any of the modes would be deemed to be completed only when all the amounts due to be paid by the applicant, are deposited and a No Objection Certificate is obtained from the office of the Administrator by the transferee and a conveyance deed is executed within a period of six weeks after the payment of full due amount.

13. The form and the manner in which appeals and applications under the Act may be filed and the Court fee thereof.

- Section 45(2)(g) - (1) The appeal against any order of Administrator shall lie with the Concerned Commissioner of the Division of the State of Punjab within a period of thirty days from the date of passing of such an order.(2)Any revision against the order of Appellate Authority shall lie with the Financial Commissioner (Revenue), Punjab or any other officer appointed in this behalf by the State Government within a period of sixty days from the date of passing of such an order.(3)The memorandum of appeal shall be made on a Non-judicial stamp paper of Rupees Two Hundred and an application for revision shall be made on a Non-judicial stamp paper of Rupees Three

Hundred.(4)An application for obtaining a certified copy of conveyance deed shall be made to the Administrator on a plain paper with a fee of Rupees One Hundred. Such fee shall be paid by the applicant through a demand draft in favour of Administrator of the Board payable at Rajpura.

14. Delivery of possession.

- Section 45(2)(g) - The possession of the site or building as the case may be, sold under these rule, shall be handed over to the transferee within a period of thirty days after the date of issuance of acceptance letter.

15. Use of site.

- Section 45(2)(g) - The transferee shall not use the site for a purpose other than for which it has been sold to him and shall keep the property in good condition.

16. Levelling uneven land.

- Section 45(2)(g) - The board shall not be responsible for levelling uneven land.

17. Payment of taxes, cesses etc.

- Section 45(2)(g) - The transferee shall pay all taxes and cesses leviable on the site of building, as the case may be from the date of their disposal.

18. Time for construction or utilisation of site.

- Section 45(2)(g) - The transferee shall complete the building on the site within a period of three years from the date of the issue of acceptance letter in accordance with the conditions specified by the Board in this behalf. This time limit may be extended by the Chairman for a period not exceeding six months if, he is satisfied that the failure to complete the building is due to the circumstances beyond his control. Beyond that, extension may be given by the board for a period not exceeding one year.

19. Bar on obnoxious trade.

- Section 45(2)(g) - No dangerous or offensive trade shall be carried in or on any site on building erected on a site transferred by the board to a transferee.

20. Fragmentation.

- No fragmentation on any site on building as the may be, shall be allowed.

21. Cancellation of sale or allotment.

- Section 45(2)(g) - If at any stage, it comes to the notice of the Board that the transferee was not eligible to get the property of the Board transferred in his name or he got the allotment of the property by giving false facts or for any reason, which in the opinion of the Board was not in accordance with the terms and conditions of the Board for disposal of the property, the Administrator may recommend to the Board for cancellation of allotment of such a property. In such case, the Board may forfeit the initial amount deposited by the transferee.

22. Resumption of property.

- Section 45(2)(g) - In case, the transferee fails to make payments due to the Board in the manner as specified in these rules or violates any provision of the Act or these rules, such property may be resumed by the Board. The Board shall refund the amount, which may have been made by the transferee after forfeiting initial deposit and recovering a penalty at the rate of fifteen per cent per annum on defaulted amount. If for any reason the amount deposited by the transferee falls short, the same shall be recovered from the transferee as arrears of land revenue.

23. Transfer of property.

- Section 45(2)(g) - The Board shall not transfer the property to the transferee till the time he pays all the amounts due to the Board including interests and penalty, if any, and obtains a No Objection Certificate from the office of the Administrator. The Board may impose levy of transfer fee as may be decided by the Board from time to time.

24. Interpretation of rules.

- Section 45(2)(g) - If any question arises as to the interpretation of these rules, the same shall be decided by the State Government. Form 'A' (See rule 3) (Form of notice of sale by public auction of building sites/buildings in the Rajpura Township/Tripuri Patiala) Notice Sale of

_____ Notice is hereby given that the undersigned invites offers of public auction for the purchase of _____ being the property of the PEPSU Townships Development Board. (Here should be inserted the brief description of the property to be auctioned also showing its location). The auction will be held in accordance with the provisions of the PEPSU Townships Development Board Act and the rules made thereunder at _____ (insert here venue of auction) on the _____ (date) at _____ (time) by the _____ (Name of the authority holding the auction). Plans showing full details of the property to be sold will be open to inspection on any working day during office hours in the office of the Administrator, PEPSU Townships Development Board, Rajpura wherefrom further information can also be obtained and the plans can be obtained on payment. Administrator, Pepsu Townships Development Board, Rajpura. Form 'B' (See rules 7 and 8) Notice of default of payment Date

:No. _____ To _____ Where

the property described below

:- _____

was auctioned/allotted to you by allotment letter _____ on _____ and wherein it was mentioned that you would pay all the dues to the PEPSU Townships Development Board as per terms and conditions of auction/allotment, however, it has been brought to my notice that you have defaulted in making payments amounting to Rs. _____ which include instalment/instalments due and an interest @ _____ % per annum on the defaulted amount. I hereby call upon you to make all the payments mentioned in this notice by _____ failing which it shall be presumed that the recovery of the dues payable by you cannot be recovered save by recovery being affected as arrears of land revenue. In case you have deposited the said amounts or part thereof and wish to contest the claim of the Board in recovering said amount as arrears of land revenue, then you may personally appear before the Administrator, Pepsu Townships Development Board, Rajpura on _____ at _____ with relevant proof with a written representation. The said Administrator shall consider your case and convey to you his decision on the spot. In case no merit is found in your contention, then the Board shall effect the recovery of amount due from you by way of arrears of land revenue.