

# **The Haryana State Agricultural Marketing Board (Sale of Immovable Property) Rules, 2000**

HARYANA

India

## **The Haryana State Agricultural Marketing Board (Sale of Immovable Property) Rules, 2000**

### **Rule**

### **THE-HARYANA-STATE-AGRICULTURAL-MARKETING-BOARD-SALE-OF 2000**

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The Haryana State Agricultural Marketing Board (Sale of Immovable Property) Rules, 2000 Published vide Haryana Government Notification No. No. 1074-Agri.S(2)-2000/4444, dated 10th March, 2000. Horticulture and Marketing Department No. 1074-Agri.S(2)-2000/4444. - In exercise of the powers conferred by sub-section (1) and clause (vi) of sub-section (2) of Section 43 read with Section 18 of the Punjab Agricultural produce Markets Act, 1961 (Act 23 of 1961), and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules regulating the sale and transfer of immovable property of the Haryana State Agricultural Marketing Board and Market Committees, namely :-

### **1. Short title, commencement and application.**

(1) These rules may be called the Haryana State Agricultural Marketing Board (Sale of Immovable Property) Rules, 2000. (2) They shall come into force on the date of their publication in the Official Gazette. (3) They shall apply to the Haryana State Agricultural Marketing Board and all the Market Committees in the State of Haryana.

### **2. Definitions.**

(1) In these rules, unless the context otherwise requires, - (a) "Act" means the Punjab Agricultural Produce Markets Act, 1961 (Act 23 of 1961); (b) "category (ii) licensee" means a person to whom a licence is granted for doing the business of kacha arhita under Section 10 of the Act; (c) "immovable property" means shop plot, booth plot or other commercial sites owned by the Board or a Market

Committee;(d)"open auction" means auction of immovable property without any reservation for any category or class of persons;(e)"reserve price " means reserve price determined by the Chief Administrator of the Board in respect of specific immovable property developed and owned by the Board or Market Committee;(f)"form" means a form appended to these rules;(g)"section" means section of the Act.(2)The words and expressions used in these rules, but not defined, shall have the same meaning as assigned to them respectively in the Punjab Agricultural Produce Markets Act, 1961.

### **3. Disposal of immovable property.**

[Sections 18, 43(1)(2)(vi)] - (1) All immovable properties in the markets developed by the Board or Market Committees shall be disposed of by way of allotment/transfer/open auction in accordance with the provisions of these rules. The shop plots will be allotted to the old licensees of category (ii) of old market which is to be denotified, resulting in displacement of such licensed dealers of category (ii), on free hold basis, for conducting the business of sale and purchase of agricultural produce in the new markets, on the following terms and conditions, namely,(i)in the markets where some auctions have already been held, the allotment shall be made on the basis of the average price of the last auction;(ii)[ in the markets where no auction has so far been held or where the last auction was conducted five years prior to the date of present allotment/transfer/auction, the price of the plot shall be fixed at thirty five per cent above the reserve price. The reserve price shall be worked out as per formula approved by the Board vide its resolution dated the 1st June, 1987 or any other formula to be approved by the Board from time to time;] [Substituted by Haryana Notification No. 2709-Agri.S(3)-2004/19372, dated the 11th November, 2004.](iii)[ only those category (ii) Licensees shall be eligible for allotment of plots who had valid licence of four years on the date fixed for inviting applications for draw of lots] [Substituted by Haryana Government Notification No. 1806-Agri. Section (3)-2009/5342, Date 1.9.2008.];(iv)Such licensees must have paid market fee of at least Rs. 5,000/- annually for the last two years :Provided that in the case of a category (ii) licensee who does not pay market fee himself, his annual turnover during the last two years should be at least rupees two lakh fifty thousand;(v)the licence of such category (ii) licensee should not have been revoked for a period of two months at a time for violation of any of the provisions of the Act or any rules made thereunder, or non-payment of market fee etc.:(vi)the category (ii) licensee must have an independent premises, either own or rented, in the old mandi to be denotified. In case there are more than one licensee in the same premises, the oldest firm or the one which is agreed upon in writing by all the firms occupying the same premises, shall be eligible;(vii)if the eligible licensee of category (ii) had already purchased a plot in open auction, either in his own name or in the name of the licensee firm, he shall not be allotted a plot on preferential basis as above;(viii)an allottee of a shop plot under these rules shall not be permitted to use the premises for any purpose other than the marketing of notified agricultural produce. In case of misuse of his premises, the allotment shall be cancelled and 10% of the value of the plot, interest and other dues payable, shall be forfeited and such an allottee shall be debarred from allotment of any other site under these rules;(ix)transfer of title of shop plot, so allotted, shall not be permitted before a period of five years from the date of allotment of such plot except under special circumstances and with the prior approval of the Chief Administrator of the Board and on payment of such fee as may be prescribed by the Board from time to time;(x)the allottee shall construct the building as per the approved

design within a period of two years from the date of offer of possession of the plot, which may be extended further by the concerned Market Committee upto a maximum period of three years on payment of extension fee @ Rs. 10,000/-, Rs. 15,000/- and 20,000/- for the first, second and third year of extension, respectively. In the event of failure to do so, the plot shall be resumed by the Market Committee. In the event of such resumption, the Market Committee shall deduct 10% of the price of the plot and 15% interest on balance overdue instalments and interest;(xi)the allottee of shop/booth plots, whether by preferential allotment or through open auction, shall also pay the additional expenses such as enhanced land compensation with sixty days from the date of such demand by the Market Committee. In case of default, penal interest @ twenty-one percent per annum will be charged. The recovery of enhanced compensation shall be as per the formula approved by the Board;(xii)In case the number of available shop plots is less than the number of eligible applicants, the allotment shall be made to the eligible licensees in their order of seniority, which shall be determined on the basis of their period of licence of category (ii). The allotment of serial number of plots will be decided through draw of lots amongst the eligible allottees;(xiii)[ the allottees of shop/booth/plots, who intend to construct basement shall have to pay an additional amount equal to 10% of the allotment price of plot. Similarly, if an allottee of booth plot intends to construct upper storey upto first floor such allottee shall have to pay an additional amount equal to 10% of the allotment price of the plot. No second storey shall be allowed to be constructed on the booths; [Added by Haryana Government Notification No. 336-Agri. Section (3)-2009/5342, Date 17.4.2009.](xiv)Where basement in shop/booths and upper storey of booths have already been constructed by the allottees without taking approval, the same shall be regularized after composition of such violation by charging an amount equal to 15% of the total allotment price of their respective plot with the prior approval of the Chief Administrator. Thereafter, the completion certificate in respect of such shops/booths shall be issued by the concerned authority.](2)All booth plots, the balance shop plots and any other commercial site shall be disposed of through open auction. However, a site (including shop plot, booth plot or any other plot), subject to availability, may be allotted at thirty-five per cent above the reserve price to the following :-(i)post office, telephone exchange, water works;(ii)public sector undertakings, government agencies and cooperative marketing societies of Haryana State Cooperative Supply and Marketing Federation Limited, dealing in agricultural produce or inputs;(iii)nationalized/cooperative banks; and(iv)dharamshala/community centre in an area upto one thousand square meters to be set up by the registered association of the traders residing in the mandi.[-] [Clause (v) added by Notification No. 2122-Agri.S(2)-2000/14081, dated the 30th August, 2000. omitted by Haryana Notification No. 9006-Agri.S(2)-2001/12972, dated the 9th July, 2001. Clause read as '(v) free charitable hospital to be set up in an area up to one hundred square yards, by a registered society/trust/association.](2A)[ Subject to availability, a plot not exceeding one hundred square yards at a token price of one hundred rupees per square yard, may be allotted, for setting up a free charitable hospital by a registered society/trust/association, in a grain market.] [Added by Haryana Notification No. 9006-Agri.S(2)-2001/12972, dated the 9th July, 2001.](2B)[ Category (ii) licensee i.e. kacha Arhtiya shall be strictly prohibited to do the business of sale and purchase of agricultural produce in booth because there is no space in front of the booths to display the agricultural produce. In booths, only the business of fertilizer, seeds, pesticides, Karyana-general store, tea shop, spare parts, hardware, electrical works etc. can only be carried out. The trade of meat shop, wire shop, atta chakki, processing unit and other trade termed as offensive and dangerous under Section 128 of the

Haryana Municipal Act, 1973 (Act 24 of 1973), shall be prohibited. In violation of the above, the shop/booth along with amount deposited shall be resumed.] [Added by by Haryana Notification No. 2709- Agri.S(3)-2004/19372, dated the 11th November, 2004.](3) Where no denotification of the old mandi is involved, all the shop plots shall be sold through open auction, except allotment to identified public utilities as per sub-rule (2) of this rule.

#### **4. Application for allotment.**

[Sections 18 and 43(1)(2)(vi)] - (1) In case of sale by allotment, the intending eligible licensee of category (ii) shall make an application in form A to the Executive Officer-cum-Secretary of the concerned Market Committee within thirty days of the notice of inviting such applications.(2)The eligibility of licensees of category (ii) for the allotment of shop plots shall be determined by the Allotment Committee comprising the concerned Executive Officer-cum-Secretary and the District Marketing Enforcement Officer under the chairmanship of the Chairman/Administrator of the Market Committee.(3)After scrutiny of the applications received under sub-rule (1) of this rule by the allotment Committee, the eligible applicant shall be issued a letter of intent requiring him to pay twenty-five per cent of the allotment price within one month in the form of a demand draft in favour of the Market Committee concerned.(4)After the price referred in sub-rule (3) of this rule has been paid, the Executive Officer-cum-Secretary, Market Committee shall submit the case to the Chief Administrator of the Board for seeking approval under Section 18 supported with a resolution of the Market Committee. After the approval is accorded by the Chief Administrator of the Board, the Executive Officer-cum-Secretary, Market Committee will issue the allotment letter to the eligible applicant/licensee of category (ii).(5)The balance seventy-five per cent of the price of plot may either be deposited without interest within thirty days from the date of issue of allotment letter or in six half yearly instalments, with fifteen per cent interest, or at such rate of interest as may be specified by the Board from time to time. The first such instalment shall fall due after six months from the date of allotment letter.(6)In case of failure of the allottee to deposit the instalment in time, penal interest at the rate of four per cent per annum to be compounded half yearly shall be charged in addition to the normal interest. In case of default of two successive instalments, the plot and the building, if constructed shall be resumed by the Market Committee after giving an opportunity of being heard to the concerned allottee.(7)Apart from the resumption referred to in sub-rule (6) of this rule, an amount equivalent to ten per cent of the total cost of the plot shall be forfeited, along with interest and other dues, if any, payable by the allottee, from the amount already deposited by him.

#### **5. Delivery of possession.**

[Sections 18 and 43(1)(2)(vi)] - The possession of the plot shall be offered to the allottee by the Executive Officer-cum-Secretary, Market Committee within thirty days from the date of issue of allotment letter.

**5A. [ Surrender of plot, Section 18. [Added by Haryana Notification No. 2709-Agri.S(3)-2004/19372, dated the 11th November, 2004.]**

- If any plot holder wishes to surrender the plot, the Market Committee shall accept the surrender of plot and will refund the deposited amount after deducting ten per cent of the cost of the plot and due payable interest. For the purpose of calculation of interest, the date of application of surrender shall be deemed to be the date of surrender.]

**6. Conveyance-deed in the case of sale by allotment or by open auction.**

[Sections 18 and 43(1)(2)(vi)] - In case of sale of plot by allotment or by open auction, as the case may be, the allottee shall execute the deed of conveyance, in the form prescribed by the Board, after making payment of full price of the plot.

**7. Sale by open auction.**

[Sections 18 and 43(1)(2)(vi)] - (1) Any person, except minor, may participate in open auction. In case he desires to bid on behalf of any other person, he will have to produce a valid power of attorney.(2)[ The intending bidders shall be required to deposit earnest money of Rs. 25,000/- in respect of booths/booth plots and Rs. 50,000/- for shops/shop plots before participating in the auction on the spot with the Market Committee concerned. Anyone intending to bid for more than one category shall be required to deposit the earnest money separately for each category before the auction] [Substituted by Haryana Government Notification No. 2450-Agri. Section (3)-2008/25765. Date. 12.12.2008.].(3)The successful bidder shall pay twenty five per cent of the bid cost on the spot. The remaining seventy five per cent bid cost can either be paid in lump-sum without interest within thirty days of issue of allotment letter or in instalments as provided in sub-rule (5) of Rule (4).(4)If the successful bidder fails to deposit twenty five per cent of the bid cost, his earnest money shall be forfeited.(5)The Auction Committee shall have the right to reject any bid on the spot or withdraw any plot from auction.

**8. Registration and stamp duty.**

[Sections 18 and 43(1)(2)(vi)] - The allottee shall bear and pay all expenses in respect of execution and registration of the deed of conveyance including the stamp duty and registration fee payable thereof.

**9. Other terms and conditions.**

- The other terms and conditions governing allotment, transfer and auction of all types of immovable properties shall be as determined by the Board from time to time.

## 10. Fragmentation.

[Sections 18 and 43(1)(2)(vi)] - No fragmentation of any plot, or building constructed thereon, shall be permitted.

## 11. Appeal.

[Sections 18 and 43(1)(2)(vi)] - (1) An appeal against an order of the Market Committee or Auction Committee of the Market Committee under these rules shall be preferred to the Chief Administrator of the Board, either by the appellant or through his agent, within thirty days of the order appealed against. (2) The memorandum of appeal shall be signed by the appellant or his agent and shall be affixed with a court-fee of rupees fifty. (3) The order passed by the Chief Administrator of the Board or by the officer of the Board authorised by him in this behalf, shall be final and binding.

## 12. Repeal and savings.

- The Haryana State Agricultural Marketing Board (Sale of Immovable Property) Rules, 1997, are hereby repealed : Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules. Form [See rule 4(1)] Application Form for The Allotment of Plot in New Grain/vegetable/fodder Market \_\_\_\_\_ District \_\_\_\_\_

- 1 Name of the Applicant/Firm :
  - 2 Number of licence under the Punjab Agricultural Produce Markets Act, 1961 (Act 23 of (1961) :
  - 3 Date on which the licence was issued. :
  - 4 Dates on which the licence was renewed. :
  - 5 Date upto which licence is valid. :
  - 6 Period for which the licence remained suspended during the last two years. :
  - 7 Details of market fee deposited/turnover during the last two years. :  
Financial year Amount  
1  
2
  - 8 Business premises i.e. shop No./boundaries along with size.  
(a) Whether applicant/firm is owner of the plot (attach proof) i.e. sale deed, allotment letter or any other title deed.  
(b) If on rent, the rent per month and name of the owner (attach proof) i.e. rent/lease deed or certificate from the local authority.
  - 9 Name of persons/firms doing business or residing in the same premises.
  - 10 Description of any other plot owned by the applicant in the new market.
- Please allot a shop plot for Arhat shop in the New Grain/Vegetable/Fodder Market \_\_\_\_\_ on usual terms and conditions of the allotment. I clearly understand that breach

of any conditions of the allotment will render the plot liable to be resumed forthwith and the money deposited by the applicant will be forfeited as per the Haryana State Agricultural Marketing Board (Sale of Immovable Property) Rules, , 2000. Applicant Verification I \_\_\_\_\_ S/o

\_\_\_\_\_ resident of \_\_\_\_\_ Tehsi \_\_\_\_\_ District \_\_\_\_\_

Partner/sole proprietor of the firm \_\_\_\_\_ hereby verify that the facts stated above in the application form are true and correct and nothing has been concealed therein. Applicant Documents enclosed :

- |   |   |            |
|---|---|------------|
| 1 | Licence and market fee/turnover certificate   | Annexure A |
| 2 | Suspension of licence certificate   | Annexure B |
| 3 | Premises Certificate  | Annexure C |
| 4 | Legal heirs certificate   | Annexure D |
| 5 | Attested copy of licence with its renewals  |            |
| 6 | Proof regarding onwership/rent i.e. Sale Deed/Allotment letter/Rent/Lease Deed or certificate from local authority. |            |
| 7 | Partnership Deed.   |            |
| 8 | Registration Certificate of the firm.   |            |

Annexure A(See Form A)Certified that M/S\_\_\_\_\_ have been a licensee of category (ii) in old Grain/Vegetable/Fodder Market\_\_\_\_\_ for the last \_\_\_\_\_ years as on \_\_\_\_\_. The market fee deposited/turnover by this firm for the last two years is as under :-

Financial year Fee/Turnover

1

2

Executive Officer-Cum-Secretary,Market

Committee,\_\_\_\_\_ Annexure B(See Form A)Certified that licence of M/S \_\_\_\_\_ has not been suspended/revoked for a period exceeding two months at a time during the last two years as on \_\_\_\_\_ for violation of the Act or any rules made thereunder or non payment of Market Fee etc. Executive Officer-Cum-Secretary,Market

Committee,\_\_\_\_\_ Annexure C(See Form A)Certified that M/s. \_\_\_\_\_ who is a licensee of Category (ii) in the old Grain/Vegetable/Fodder Market \_\_\_\_\_ have an independent premises in the old mandi and he owns this premises/is on rent in this premises which is owned by \_\_\_\_\_. Executive Officer-Cum-Secretary,Market

Committee,\_\_\_\_\_ Annexure D(See Form A)Certified that Shri \_\_\_\_\_ S/o \_\_\_\_\_ is a legal heir of Shri \_\_\_\_\_ who was licensee of Category (ii) in old Grain/Vegetable/Fodder Market \_\_\_\_\_ under Licence

No. \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ and was sole proprietor/partner of M/s. \_\_\_\_\_ (under Licence No. \_\_\_\_\_) and is continuing the business after the death of his father in the same premises in the old Grain/Vegetable/Fodder Market \_\_\_\_\_ under a fresh licence bearing No. \_\_\_\_\_ since \_\_\_\_\_. Executive Officer-Cum-Secretary,Market

Committee, \_\_\_\_\_