

Rules for the Allotment of Plots in the New Bilaspur Township

HIMACHAL PRADESH

India

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Rule

RULES-FOR-THE-ALLOTMENT-OF-PLOTS-IN-THE-NEW-BILASPUR-TOWNSHIP of 1800

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Rules for the Allotment of Plots in the New Bilaspur TownshipHimachal Pradesh

AdministrationRevenue DepartmentWhereas it is necessary to make rules for the allotment of plot/plots for the New Bilaspur Township. now, therefore, the Lieutenant Governor, Himachal Pradesh, is pleased to make and promulgate the following Rules for the said purpose:-

1.

Plot/Plots in the New Bilaspur Township will be available for allotment to all outstees desirous of acquiring the same.

2.

The allotment of plot/plots shall be made by the Deputy Commissioner in the following order of priority;- (i) Bilaspur town outstees whose houses or shops or both or shop-cum-residences are situated below R.L. 1550. (ii) Bilaspur town outstees other than those mentioned in (i). (iii) Outstees from village of Diara or Roura or Kosrian or from village in which land has been or may be acquired for the construction of the New Township of Bilaspur. (iv) Bhakra-Dam Reservoir outstees of Bilaspur district. Explanation: - "Oustee" for the purpose of these Rules means a person who has been deprived of his house or shop or both or of his shop-cum-residence on account of land acquisition proceedings in connection with the Bhakra-Dam Project and is entitled to compensation therefor, or a person who has been or may be deprived of his house or shop or both or of his shop-cum-residence on account of land acquisition proceedings taken or hereafter to be taken for the construction of the New Township of Bilaspur and who is or may be entitled to compensation therefor and who has not been or cannot be allotted land for construction of his new house or shop

or both for shop-cum-residence elsewhere. The terms, 'Administration' 'Deputy Commissioner' and 'Executive Engineer, for the purpose of these Rules, mean the Lieutenant Governor or Himachal Pradesh, the Deputy Commissioner, Bilaspur, and the Executive Engineer, Incharge, New Bilaspur Township, respectively.

3.

Plot/Plots available for allotment comprise of residential, shop and shop-cum-residence plots and these classifications appear in the site plans which are open for inspection in the office of the Deputy Commissioner.

4.

The site plan of the plots can be had on payment of Re. 1 Der set or 37 np. per plan from the Office of the Deputy Commissioner.

5.

Applications for allotment of plot/plots by the oustees must be submitted in the prescribed form, as per specimen attached (Annexure 'A') within 30 days from the date of inviting the applications. Due publicity in respect of inviting applications will be made in the areas where the oustees are living, by beat of drum and by affixing notice on conspicuous places. Owners of shops/houses in the Bilaspur Town will be intimated by registered post also.

6.

(i) Application form/forms must be accompanied by an earnest-money amounting to 10% of the premium for plot/plots, applied for, subject to a minimum of Rs. 10.00 calculated to the nearest higher rupee, Whichever is higher. (ii) Rate for premium for various sizes of residential and shop plots will, be as follows:-

| | |
|--------------------------|--------------|
| Residential plots: | Rs. |
| 800 sq. ft. | 70.00 |
| 950 sq. ft. | 85.00 |
| 1.800 sq. ft. | 168.75 |
| Extra for corner plots : | |
| 800 sq. ft. | 25.00 |
| 950 sq. ft. | 29.00 |
| 1.800 sq. ft. | 55.00 |
| Plots for shops : | |
| 450 sq. ft. | 200.00 |

Extra for corner plots of shops :

450 sq. ft. 68.00

Plots for shop-cum-residence :

900 sq. ft. 240.00

Extra for cornerplots :

900 sq.ft. : .. 83.00

7.

Where there is only one application for a particular plot, the same shall be allotted to him at the basic premium prescribed in rule 6. Such an applicant will be issued, by registered A.D. post, at the address given in his application, an ALLOTMENT ORDER in the prescribed form as per specimen enclosed (Annexure 'B'). Within 30 days of the receipt of the Allotment Order, the allottee shall deposit into treasury the balance making up the full premium for the plot.

8.

In case the amount of premium is not paid within 30 days of the receipt by the applicant of the Allotment Order, the allotment shall stand cancelled, the earnest-money shall be forfeited to the Administration and the applicant shall have no claim for damages and the plot will be otherwise disposed of by the Deputy Commissioner, in accordance with these Rules.

9.

In case any applicant wants to withdraw his application, for a particular plot applied for, he can be allowed to do so before an allotment is made, in which case the earnest-money paid by him will be respect of which the application is withdrawn.

10.

(1) In case there are more than one application for a particular plot/plots by persons belonging to the same category of oustees, as mentioned in rule 1, the allotment of plot/plots shall be made by drawing a lot. The procedure to be followed after allotment shall be the same as prescribed in rule-7. (ii) Not more than one plot will ordinarily be allotted to an applicant. Explanation : (i) If an oustee owns one or more house, he shall be entitled to the allotment of one residential plot. (ii) If an oustee owns a house/houses and a shop/shops, he shall be entitled to either one shop-cum-residence plot or one house plot and one shop plot measuring 450 sq. ft. (iii) If an oustee owns a house but runs a which he has taken on rent, he will be entitled to either a shop-cum-residence plot measuring 900 sq. ft. or a house plot only. (iv) If an oustee owns and runs a shop but does not own a house, he shall be entitled to the allotment of a shop measuring 450 sq. ft. (iii) If an applicant desires to have more than one plot and if plots are available for allotment, the same shall be allotted on payment of full development charges unless his case is covered by explanation (ii) given in rule 10 (ii) above.

11.

The allottee shall have to execute a Deed of Conveyance in respect of plot/plots allotted to him and shall have to bear and pay all expenses in respect of execution and registration of the Deed of Conveyance including stamp duty and registration fee payable therefore.

12.

Construction the allotted plot/plots must begin within six months of the allotment and completed within one year from the date of allotment. In case the construction is not started or not completed within the scheduled time, the plot/plots will revert to the Administration and the premium/premium a paid will be forfeited, unless, for sufficient reasons, an extension has been obtained from the Deputy Commissioner for commencement or completion, as the case may be.

13.

The plot/plots shall only be used for the purpose for which they have been earmarked and no conversion of residential shop and shop-cum-residence sites, one into other, shall be allowed.

14.

No fragmentation of any plot will be permitted.

15.

The buildings(s) on the plot/plots allotted shall be constructed strictly in accordance with the bye-laws approved by the competent authority, to be designated by the Himachal Pradesh Administration.

16.

(1) No transfer by an oustee of his right, title or interest in the plot/plots allotted to him and/or of the shop/house/shop-cum-residence standing thereon shall be valid or effective or enforceable, unless previous sanction for such transfer has been obtained by him from the Deputy Commissioner. (ii) The Deputy Commissioner shall not give any sanction referred to in sub-rule (i) of this rule till after the expiry of one year from the date of allotment' and also the period of extension, if any, mentioned in rule 12. (iii) Whenever the Deputy Commissioner gives a sanction under sub-rule (i) of this rule the transferor, in the case of the first transfer, shall be liable to pay to the Administration the difference between the premium already paid by him and the full development cost of the plot/plots, as worked out by the Himachal Pradesh Administration, P.W.D. and the sanction shall not be effective until the difference has been so paid: Provided that this sub-rule shall have no application in the case of a transfer of plot/plots allotted to a person on payment of full development cost. (iv) The following kinds of transfers are exempted wholly from the operation of

sub-rule (iii) of this rule, namely:-(1)A gift by an oustee of his right, title or interest in the plot/plots allotted to him and/or of the shop/house/shop-cum-residence standing thereon and made in favour of his father, mother, father's mother, father's father, paternal uncle, paternal uncle's wife son, grand-son, great grand-son son's widow, grand-son's widow, daughter, daughter's son, daughter, brother, brother's son, brother's son's son, son's daughter, son's daughter's son, son's daughter's daughter, sister, sister's son, sister's-son's son, daughter's husband, sister's husband, paternal uncle's son, paternal uncle s son's son, brother's son's son.(2)A gift by an oustee of his right, title or interest in the plot/plots allotted to him and/or of the shop/house/shop-cum-residence standing thereon and made purely for religious and/or charitable purposes.(3)A sub-lease made by an oustee of his right, title or interest in the plot/plots allotted to him and/or of the shop/house/shop-cum-residence standing thereon and made in consideration of pament of periodical rent by the sub-lessee to the sub-lessor.(4)An exchange by an oustee of his right, title or interest in the plot/plots allotted to him and/or of the shop/house/shop-cum-residence standing thereon and made in favour of another oustee in respect of that other oustee's right, title or interest in the plot/plots allotted to him and/or of the shop/house/shop-cum-residence standing thereon.(5)A simple or usufructuary mortgage made by an oustee in respect of his right, title or interest in the plot/plots allotted to him and/or of the shop/house/shop-cum-residence standing thereon.Provided that whenever the right, title or interest of the mortgagor-oustee is completely extinguished by sale or otherwise, the provisions contained in sub-rule (iii) of this rule shall be come operative.(v)All other kinds of transfer, not covered by sub-rule (iv) of this rule, will be deemed to be convered by sub-rule (iii) of this rule.Explanation 1.- Notwithstanding anything contained in clause (3) of sub-rule (iv) of this rule, a sublease in perpetuity will be deemed to be covered by sub-rule (iii) of this rule.Explanation 2.- The terms "sale", "mortgage", "simple mortgage", "usufructuary mortgage", "gift", "exchange", "lease", shall have the same meanings as have been assigned to them under the Transfer of Property Act, 1882.(iv)When the sanction referred to in sub-rule (i) of this rule has been granted and the oustee has transferred his right, title or interest in the plot/plots allotted to him and/or of shop/house/ shop-cum-residence standing thereon to the transferee, the transferor shall give notice in writing to the Deputy Commissioner about :(a)The name/names of the transferor/transferors, and his/their address/addresses,(b)the name/names of the transferee/transferees, and his/their address, addresses.(c)the date of execution of the Deed of Tranfer, and in case of registered deed, number, and place of registration,(d)the nature and kind of transfer made and the consideration paid or received for the same, and furnish a copy of the Deed of Transfer, in the case of an unregistered deed, to the Deputy Commissioner,

17.

Allotment of plot/plots to persons other than oustees may be made only in respect of such plot/plots as are left unallotted to the oustees but on payment of full development charges.

18.

In case the conditions laid down in rules 12, 13, 14, 15 and 16 are not complied with, the plot/ plots, the earnest-money, premium and other charges already paid, shall be forfeited to the Administration.

19.

The Government Grants Act, 1895, shall apply to all transfers of plots in the New Township. The plots will be leased for a period of 999 years, but the Administration reserves the right to revise the rent at intervals of 40 years. The rent payable shall be fixed by the Administration.

20.

The terms and conditions of allotment mentioned in rules 11 to 16 form the essence of allotment and shall have to be incorporated by the allottee in the Deed of Conveyance and the allotment shall not be operative, unless the deed is executed.

21.

In addition to the terms and conditions mentioned in rules 11 to 16 of these Rules, the ousteee/ allottee shall also have to incorporate an arbitration agreement clause in the Lease Deed which he is required to execute. The arbitration agreement clause shall be as follows :

1. If any question of difference whatsoever shall at any time hereafter arise between the lessor and the lessee in any way touching or concerning this lease, or the construction, meaning, operation, or effect thereof or of any clause therein contained or as to the rights or duties or liabilities of either party under or by virtue of this lease, or touching the subject-matter of the lease, or arising out of or in relation thereto, then the matter in difference shall be referred to the arbitration of the Judicial Secretary, Himachal Pradesh Administration, who shall have power to decide any matter so referred, including the following question

(a)Whether the lease should be terminated and what are or will be the rights and obligation of the parties as a result of such termination ?(b)Whether a transfer gives a right of recovery of full development costs or not ?

2. The decision of the Arbitrator shall be final and binding and when any matter so referred to arbitration involves a claim for the award of a sum of money or any other payment or recovery of money, only the amount decided by the Arbitrator shall be recoverable in respect of the disputes so referred."

22.

For the purposes of these Rules, the words used in the masculine gender include the feminine gender, where the context so require or unless-the context requires otherwise. Annexure

"A" Application Form for Allotment of Plot/plots in New Bilaspur Township

1. Name (in block Letters).

2. Parentage, caste and address.

3. Particulars of the House/Shop or shop-cum-residence acquired for the Bhakra Oam-

(i) Distinctive No. as given by the Evaluation Department. (ii) Plinth Area. (iii) Whether one storeyed or otherwise? (iv) Whether living accommodation and business premises are combined? (v) Whether held jointly or severally? (In the case of former please give names with whom held jointly).

4. Particulars of plot applied for-

(a) Whether in Diara, Roura or Kosrian etc., etc. (b) No. of the plot on the map. (c) No./Nos. of alternative plot/plots in Diara/Roura/Kosrian etc. if plot indicated at (a) (b) above is not allotted.

5. Amount of earnest-money deposited Rs.

(Original) [Treasury challan must be enclosed with this application in support.] Signatures of the Applicant. Date I hereby solemnly affirm and declare that the particulars given above are true to the best of my knowledge and belief and that I have made myself fully conversant with the rules and regulations for the allotment of plots in New Bilaspur Township which conditions I accept. Signature of the Applicant. Date I certify that the rules and conditions of allotment have been explained to the applicant and I am satisfied that he fully understands the implication of the allotment and that the declaration by the applicant was made and signed in my presence. Signature of the Magistrate. Note. - The declaration of solemn affirmation by the applicant shall be made before any Magistrate. Annexure "B" Registered R.D. Office of the Deputy Commissioner, Bilaspur (Himachal Pradesh) Dated, Bilaspur (H.P.), the 195..... To Subject: - Allotment of Plots at New Bilaspur Township. Memorandum. Reference your application dated the 195, for a plot No. Plot/Plots as detailed below has/have been allotted to you :-

| Diara, Roura or Kosrian | Plot No. | Approx, area in sq. ft. | Price of Plot | Name of the allottee |
|-------------------------|----------|-------------------------|---------------|----------------------|
|-------------------------|----------|-------------------------|---------------|----------------------|

The sum of Rs. remitted by you as earnest-money with your application will be adjusted against the premium of the plot. You should remit the sum of Rs. due on allotment within 30 days of the receipt of this allotment letter by crediting the same in the local Treasury in favour of the Deputy Commissioner, Bilaspur (Himachal Pradesh), under head In case the allotment is not acceptable to you, an intimation to this effect should be sent by registered post so as to reach this office within 15 days of the receipt by you of

allotment letter, or 20 days from the date of issue of this letter, whichever is earlier. The Deed of Conveyance can be executed by you personally or through your authenticated attorney recognizable under section 33 of the Indian Registration Act. In both the cases it will not be necessary for the executant to be present personally before the Deputy Commissioner. The deed can be executed at Bilaspur. The authority letter of possession will issue on receipt of the amount due on allotment. Possession can be taken by you personally or through an authorised representative. Your attention is further invited to rules 11 to 16, and 20 of the Rules for the allotment of plots in the New Bilaspur Township and to your affirmation at the time of the presentation of the application for allotment of plot/plots to the Magistrate whereby it is clear that rules 11 to 16 form the essence of allotment and shall have to be incorporated by you in the Deed of Conveyance and the allotment shall not be operative unless the deed is executed and in the manner laid down in the Rules. Deputy Commissioner, Bilaspur (Himachal Pradesh)