

The Orissa Housing Board Allotment Regulations, 1970

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THE-ORISSA-HOUSING-BOARD-ALLOTMENT-REGULATIONS-1970 of 1970

- Published on 28 December 1970
- Commenced on 28 December 1970
- [This is the version of this document from 28 December 1970.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Housing Board Allotment Regulations, 1970Published vide Notification No. 2369-2.R-2/69/S. H. B., dated 28-12-1970Notification No. 2369-II.R-2/69/S. H. B., dated 28-12-1970. - In exercise of the powers conferred by Section 63 of the Orissa Housing Board Act, 1968 (Orissa Act 11 of 1963), the Orissa Housing Board with the previous approval of the State Government hereby make the following Regulations, namely :

1. Title.

- These regulations may be called the Orissa Housing Board Allotment Regulations, 1970.

2. Definitions.

- In these regulations unless the context otherwise requires-(a)"Act" means the Orissa Housing Board Act of 1968 (Orissa Act No. 11 of 1968) ;(b)"allotment" means the sale of a house under these regulations;(c)"Allottee" means a person to whom an allotment is made under these regulations and includes the heirs of such allottees;(d)"Board" means the Orissa State Housing Board;(e)"houses" means tenements and premises constructed by the Board for being allotted to the persons belonging to the Low Income Group and Middle Income Group respectively;(f)"locality" means the name of the N.A.C./Municipality or the village where the Board had constructed houses and for which application is given for allotment alongwith the affidavit prescribed;(g)"Low Income Group" means the class of persons whose annual income does not exceed rupees seven thousand and two hundred;(h)"Middle Income Group" means the class of persons whose annual income exceeds rupees seven thousand and two hundred but does not exceed rupees eighteen thousand ;(i)"price" means the value of the house together with the value of the site on which it is built, as fixed by the

Board;(j)"State Government" means the Government of Orissa.

3. Officer of houses for allotment.

(1)Whenever the Board has constructed houses in pursuance of any scheme, the Board may offer all or any of the houses so constructed for allotment to persons eligible for allotment of houses under these regulations.(2)Due publicity shall be given in respect of the houses for allotment specifying their location, number of houses, the amount payable as earnest money, the last date for submission of application and such other particulars as the Board may consider necessary, by affixing a notice on the notice board of the office of the Board, and in any other office as the Board may decide from time to time and by publishing the same in not less than three daily newspapers having circulation in the area in which the houses are constructed by the Board, as may be decided from time to time.

4. Reservation of houses.

(1)The Board may reserve houses in any area for allotment to any specified class of persons and such class may consist of employees in any office or establishment in the town or other place in which the houses are constructed.(2)Where houses are reserved under Clause (1) the procedure to be followed for allotment shall be such as may be determined by the Board from time to time.(3)Out of the number of houses reserved under Clause (1) the Board may allot in preference to other applicants such number of houses as it determines from time to time to persons who pay the whole of the price in one lump sum immediately after the allotment is made.(4)The provisions of Rules 8 and 9, mutatis mutandis be applicable for allotment of houses reserved under Clause (1).

5. Allottee to be lessee.

- The allottee of a house offered under Regulation 3 shall be deemed to be lessee of the plot on which the house has been constructed until the lease is determined or is conveyed to the allottee. During the period of the lease, the allottee shall pay to the Board or to such authority as may be specified annually at the beginning of each year rent at Rs. 150 per acre of the said plot.

6. Applications.

(1)Applications for allotment of houses on lease-cum-sale basis by persons belonging to Middle Income Group shall be in the form for the time being approved by the Board, which may be obtained from the office of the Board on payment of a sum of rupees five which amount shall not be refunded, and shall be accompanied by-(a)a receipt of the Board/Bank draft for having deposited rupees one thousand and five hundred as earnest money;(b)an affidavit duly sworn before a Magistrate, First Class in regard to possession of house or plot of land in the locality either in the name of the applicant or his/her family members mentioned in such form as may be prescribed by the Board from time to time.(2)Application for allotment of houses on lease-cum-sale basis by persons and belonging to Low Income Group shall be in the form for the time being which may be approved by the Board and which may be obtained from the office of the Board on payment of a sum of rupees

five only which amount shall not be refunded and shall be accompanied by-(a)a receipt of the Board/Bank draft for having deposited rupees five hundred as earnest money;(b)an affidavit duly sworn before a Magistrate, First Class in regard to possession of house or plot of land in the locality either in the name of the applicant or his/her family members mentioned in the form prescribed by the Board from time to time.(3)Application for allotment of houses shall be presented in person or sent by the registered post so as to reach the, office of the Board before the date and time fixed for receipt of such application. Applications received after the date and time so fixed, either by post or in person shall be rejected.(4)Any application which is incomplete in any respect is liable to be rejected as invalid.

7. Earnest money.

(1)The earnest money shall be refunded to the applicant if no house is allotted to him.(2)The earnest money deposited by the applicant shall be non-interest bearing.(3)In the case of the applicant to whom the house has been allotted the earnest money deposited shall be adjusted against the dues of the Board from the applicant, as and when required by him subject to the provisions contained in Rule 15 (a) (iii) infra.

8. Eligibility for allotment.

- No person shall be eligible for allotment who himself or whose husband/wife/minor children/father/mother owns or has been allotted a house in the locality by the Board or by any other authority:Provided that the Board may in its discretion relax this condition in cases where the house owned is found inadequate having regard to requirements of persons applying for allotment of a house :Provided further that no person who is a separated son or a married daughter shall be deprived of allotment for the reason that his or her father and/ or mother owns or has been allotted a house in the locality by the Board or by any other authority.

9. Principles for Selection of applicants for allotment of house.

(1)The Board shall consider the case of each applicant on its own merits and shall have due regard to the following principles while making allotments:(a)Applicants whose house have been acquired under the provisions of any law by any Trust Boards or other public authority ;(b)Applicants who are married and have many dependents to be looked after;(c)Applicants whose income is within the limits prescribed and who pay the purchase money immediately;(d)Applicants whose needs are proved to the satisfaction of the Board to be too acute.(2)In order to ensure that there is an equitable distribution of houses among the different classes of persons, houses may be reserved and allotted as far as possible as indicated thereunder :(a)Not more than fifty per cent of the available houses may be allotted to the employees of the State Government, Central Government, local authorities or Corporations, owned or controlled by the Central Government or the State Government;(b)The remaining houses may be allotted to the general public;(c)Houses that remain surplus under Clause (a) above may also be allotted to the general public.

10. Formation of committees and selection of applicants.

- The Board may from a committee to select applicants and on receipt of their recommendation and after making such further enquiry as it may consider necessary may allot houses to the person so selected.

11. Manner of allotment.

- The Board may allow any particular house to any particular applicant in its discretion.

12. Revocation of proposal for allotment of houses.

- The Board may at any time revoke any proposal to dispose of any house under these regulations, if in its opinion, which shall be recorded in writing, it is necessary to do so :Provided that when a revocation is made, as aforesaid the applicant concerned shall be given the option to apply for other houses and any application made accordingly shall be considered alongwith other applications for houses :Provided further that the earnest money may be refunded to the applicant, if he so elects.

13. Decision of the Board.

- The Board shall have the right to reject the application for all or any of the houses applied for by an applicant without assigning any reasons. The decision of the Board shall be final and binding on every applicant.

14. Enhancement of price.

- Notwithstanding anything contained in the notice inviting applications or in the agreement executed by the allottee, where the Board on receipt of final bills of the construction of houses or for payment of interest on the amount of subsidies or loans taken for the construction of the house or for the expenses incurred for supervision considers it necessary to enhance the price already specified in the notice or in the agreement it may do so and determine the price payable on allotment and all persons concerned shall be bound by such determination.

15. Further conditions to be satisfied by allottees.

(1)The allotment of a house under these regulations shall be subject to the following conditions namely ;(a)The allottee shall within a period of one month from the date of receipt of the notice of allotment pay to the Board -(i)in the case of allotment to the Middle Income Group twenty per cent of the price up to Rs. 31,250 and where such price exceeds Rs. 31,250 all such sums in excess of Rs. 31,250 in addition;(ii)in case of allotment to the Low Income Group twenty per cent of the price and where the price of the house exceeds Rs. 15,600 all such sums in excess of Rs. 15,600 in addition;(iii)and if no such payment is made within the time stipulated the allottee shall lose his right to claim the allotment and shall be forfeited twenty-five per cent of the earnest money

deposited. The Chairman may however extend the time by not more than 15 days provided the allottee pays an additional sum 25 per cent of the earnest money deposit equivalent to the amount forfeited by way of penalty. No part payment of the sums shall be accepted.(b)The balance of the price of the house shall be paid with interest at nine per cent per annum or at such higher rate as the Boa/d may from time to time, fix in 25 equal annual instalments :Provided that the allottee may at any time within that period pay the balance of the price together with interest as above till the date of payment :Provided further that interest at the rate of 7 per cent per annum or such higher rate of interest, not exceeding the original rate of interest, will be accepted in the case of timely payment of instalment dues.(c)If the allottee commits default in the payment of any instalment, it shall be open to the Board to cancel the allotment, and to take possession of the house under the Act. In the event of such cancellation the amount of loss to be sustained by the Board due to resale or revaluation of the house shall be deducted from the amount paid by the applicant and the balance be refunded.(d)The Board shall have the right to cancel the allotment and take possession of the house if at any time it is found that the allottee has made any misrepresentation or false statement in his application. In the event of such cancellation the amount of loss sustained by the Board due to resale and revaluation of the house shall be deducted from the amount of earnest money and other moneys paid by the applicant and the balance be refunded.(2)The allottee shall comply with all the conditions stipulated in the agreement executed by him and the provisions of the Act, rules and regulations of the Board for the time being in force.(3)Without prior permission of the Board no house can be alienated by the allottee till the entire price thereof together with interest is paid or till the deed of sale is executed in his favour by the Board.(4)No sale deed shall be executed in favour of any allottee, in respect of a house allotted to him until the entire price of the house and the interest thereon has been paid.(5)The allottee shall ordinarily himself reside in and make use of the house allotted to him till the entire price thereof together with interest is paid or till the deed of sale is executed in his favour by the Board.(6)With effect from the date of taking possession of the house, the allottee or his heirs and successors shall be liable to pay the taxes, fees and ceases payable in respect of the house.