

Simplification of the Procedure for Development of Colonies in the State of Punjab up to an Area of 10 Acres

PUNJAB

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Rule

SIMPLIFICATION-OF-THE-PROCEDURE-FOR-DEVELOPMENT-OF-COLONIES IN THE STATE OF PUNJAB UP TO AN AREA OF 10 ACRES, 2005

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Simplification of the Procedure for Development of Colonies in the State of Punjab up to an Area of 10 Acres Punjab Government Gazette (Extraordinary), Notification, dated 18th January, 2005 No. 2/3/92-5HG2/458. - Whereas the Governor of Punjab is of the opinion that the procedure to obtain the approval to develop of small colonies in the various parts of the State of Punjab needs to be simplified; And, whereas the Governor of Punjab is of the opinion that it would be in the interest of planned and organised Urban Development of the State and also in the interest of the prospective buyers to do so; And, whereas the Governor of Punjab is of the opinion that operation of the provisions of the Punjab Apartment and Property Regulation Act, 1995 (Punjab Act No. 14 of 1995) causes undue hardship in cases relating to small promoters and land-owners, which in turn leads to a lower availability of reasonably priced plots in well-planned and approved colonies. Now, therefore, in exercise of powers vested in him under Section 44(2) of the Punjab Apartment and Property Regulation Act, 1995 (Punjab Act No. 14 of 1995), the Governor of Punjab is pleased to exempt all the new proposed colonies, up to a gross area of 10 acres, from the provisions of the Punjab Apartment and Property Regulation Act, 1995 (Punjab Act No. 14 of 1995) (except Section 32) and the procedural requirements connected thereto, subject to strict compliance with procedure and terms and conditions given in the Schedule below :-

Schedule

Simplification of the Procedure for Development of Colonies in the State of Punjab up to an Area of

10 Acres.

1. Eligibility Conditions

:- Henceforth, it shall not be mandatory to obtain a formal licence from the Competent Authority under the Punjab Apartment and property Regulation Act, 1995 by any promoter/land owner before developing a colony, subject to the fulfilment of all of the following terms and conditions :- (a) The gross area of the colony being developed should not exceed 10 acres; (b) The title of the land shall be clear and unencumbered and should stand exclusively in the name of the applicant or, where there is more than one applicant, the joint applicants; (c) Application may also be submitted by the holder of the General Power of Attorney on behalf of the single or joint land owners, provided the attorney holder has been specifically authorised in this behalf; (d) The land-owner(s) should have been registered as a promoter under the provision of the Punjab Apartment and Property Regulation Act, 1995. However, where the applicant is the holder of a Power of Attorney, the attorney holder shall be required to be registered as a promoter and in this case it would not be necessary for the land-owners to be registered as such promoters; (e) There should be no default in respect of the payment of the instalments of External Development Charges (EDC), or any other sum payable under the Punjab Apartment and Property Regulation Act, 1995 and the rules framed thereunder in respect of any company of which the applicant or any of the land owners is a Director, or any partnership firm of which the applicant or any of the land owners is a partner; (f) The lay-out plan, including the services plan, shall be prepared, in case the proposed colony is upto five acres, by an Architect registered with the Council of Architects, whereas a Town Planner, registered with the Institute of Town Planners, may prepare any such plan for any colony; (g) However, the lay-out plan of the proposed colony can also be got prepared from the concerned Divisional Town Planner (DTP) of the Department of Town and Country Planning, Government of Punjab, after submitting an official fee of Rs. 10,000/- per gross acre, subject to a minimum of Rs. 50,000/-. The fee shall be exclusive of the cost of the survey, which shall have to be organised by the applicant at his own expense.

2. Procedure for Simple Application :- After the lay-out plan, including the services plan, has been prepared, it shall be submitted in triplicate to the concerned Divisional Town Planner (DTP) of Town and Country Planning Department having jurisdiction, along with the proof of the title of the land. However, where the Senior Town Planner (STP) is stationed in a particular district headquarter, these documents shall be submitted to such Senior Town Planner in respect of such district (and not the entire Zone). The application shall be submitted, along with a Demand Draft in favour of Senior Town Planner or the District Town Planner, as the case may be, at the same rate as prescribed as the licence application fee under the Punjab Apartment and Property Regulation Act, 1955 and the rules framed thereunder (i.e. Rs. 5,000/- per hectare).

2. The applicant shall furnish an irrevocable and unequivocal, written legal undertaking that he shall voluntarily pay all dues on account of the External Development Charges, in accordance with the same rate and the instalment schedule, as is normally being assessed under the Punjab Apartment & Property Regulation Act, 1995 and rules thereunder. He shall also undertake to develop the colony in accordance with the lay-out plan that might be finally approved and also undertake to execute to all the internal development works, in accordance with the standards and specifications that are finally approved. The undertaking shall also contain a recital that the applicant shall be responsible for all other statutory compliances and permissions including environmental clearances, if any, required. It shall also declare that no dues are outstanding on account of the External Development Charges (EDC) etc. in terms of paragraph 21(e).

3. Procedure Before the Senior Town Planner/District Town Planner :- After the receipt of the application, the Senior Town Planner/District Town Planner concerned shall conduct a summary fact-finding inquiry, as regards the title of the land and also as to whether the proposed lay-out plan fits into the general, proposed Urban Development of the area and, in doing so, he shall broadly be guided by the provisions of the Punjab Apartment and Property Regulation Act, 1995 (PAPRA) and the rules framed thereunder, including any Master Plan, including the non-statutory Master Plans, prepared or under preparation by the Department. A spot visit by the Senior Town Planner/Divisional Town Planner shall be mandatory. However, where any change of land use is involved, the case shall not be finalized at the level of the STP and DTP and a specific recommendation shall be made to the State Government, through the Chief Town Planner, regarding the change of land use required. Further action shall be taken up only after the State Government formally approves the change of land use.

After the aforesaid summary inquiry, has been completed, the Senior Town Planner/Divisional Town Planner concerned shall issue to the applicant- promoter a Letter of Intent (LOI) formally intimating his intent to approve the proposed colony and, in doing so, he shall also convey the assessment and schedule of payment of the External Development Charges assessed. Apart from any other reasonable conditions that may be imposed, the following conditions shall be incorporated :- (a) The applicant shall be responsible for all statutory clearances, including environmental clearances, if any, required from the Central Government or any of the agencies of the Central Government or from any other Department of the State Government or any of its agencies and this approval in itself shall not be construed as any approval beyond the provisions of the Punjab

Apartment and Property Regulation Act, 1995 (PAPRA) and the rules;(b)The applicant shall remain exclusively responsible for complying with the provisions of any other law for time being in force and in case of any breach or violation thereof, he (the applicant) shall exclusively be liable to face the penal action;(c)The construction on individual plots shall be commenced only after the approval of the building plan by the Municipal Authorities concerned, in case the colony is situated within the municipal limits. In other cases, the Punjab Urban Planning and Development Authority (PUDA) Building Rules, 1996/bye-laws shall be applicable, the construction shall be carried out only after getting the building plan approved by the Competent Authority, notified under the Punjab Regional and Town Planning and Development Act, 1995;(d)The communication shall, apart from intimating the assessment and schedule of the payment of the External Development Charges (EDC) instalments, shall also call upon the applicant to submit a Crossed, "account payee only" Demand Draft in favour of the "Competent Authority-cum-Chief Administrator, PUDA", payable at Chandigarh or SAS Nagar (Mohali), along with a consent letter that the applicant-promoter undertakes to abide by all the terms and conditions of this Notification as well as the Letter of Intent;(e)The Letter of Intent (LOI) shall also call upon the applicant to deposit entire amount in respect of the "Punjab Urban Development Fund", payable under Section 32 of the Punjab Apartment and Property Regulation Act, 1995 (at the rate of rupee one per square metre), in shape of a demand draft in favour of "Chief Administrator, PUDA", payable at Chandigarh/SAS Nagar (Mohali).(f)The Letter of Intent (LOI) shall also enjoin upon the applicant to pledge/hypothecate in favour of the State Government immovable property equivalent to Rs. 2.00 lakh per gross acre, in lieu of the Bank Guarantee that is normally required to be furnished under the Punjab Apartment and Property Regulation Act, 1995 and rules framed thereunder, by a regular promoter, as a security for execution of the Internal Development Works approved. The value of the said property shall be reckoned at the rates fixed by the District Collector for the purposes of registration of sale deeds or documents. The property may be situated within or outside the proposed colony. The property shall remain pledged till a Completion Certificate is finally issued by the STP/DTP, in accordance with the procedure laid down in PAPRA Act/rules.The applicant may instead of hypothecating property as aforesaid, choose to furnish a Bank Guarantee of equivalent amount in favour of "Chief Administrator, PUDA-cum-Competent Authority, PAPRA" as stipulated in the Apartment and Property Regulation Act, 1995.(g)The lay-out plan, shall including the Services plan, also be returned to the applicant, duly signed and approved by the Senior Town Planner/Division Town Planner, as the case may be.

4. Issue of Final Approval :- After the applicant-promoter has formally communicated his acceptance of terms and conditions laid down in the Letter of Intent (LOI) and also deposited the first instalment of the External Development Charges as assessed, the Letter of Intent (LOI) issued by STP/DTP shall be converted into a formal approval to develop the proposed colony.

The STP/DTP shall also endorse a copy of the final letter of approval to -(i)Chief Administrator, PUDA-cum-Competent Authority, PAPRA, and the Zonal Additional Chief Administrator, PUDA/Estate Officer, PUDA, concerned;(ii)Deputy Commissioner of the District;(iii)Commissioner

of the Municipal Corporation/Executive Officer of the Municipal Council/Nagar Panchayat concerned, in case of a colony situated within the Municipal Limits. The deposit of the subsequent instalments of External Development Charges (EDC) shall be effected and mentioned by the concerned Zonal Additional Chief Administrator of PUDA and in case of default, the approval granted under this Notification shall be liable to be cancelled by the Senior Town Planner/Divisional Town Planner concerned, on a report by the Zonal Additional Chief Administrator of PUDA concerned or otherwise, and the colony shall be declared to be an unauthorised. Other penal action may also be initiated in such cases by the Zonal Additional Chief Administrator of PUDA, after such cancellation.

5. Residuary Provisions :- The Senior Town Planner as well as the Divisional Town Planner, acting under this Notification, shall be deemed to be Competent Authority within the meaning of the Punjab Apartment and Property Regulation Act, 1995 and the rules framed thereunder, for the purposes of this Notification and in case any adverse order is passed by the said officer(s), the applicant shall have a right of appeal, as provided under the Punjab Apartment and Property Regulation Act, 1995 and the Rules framed thereunder.

Nothing in this Notification shall preclude an applicant from applying for a regular licence to the Competent Authority, Punjab Apartment and Property Regulation Act, 1995. Extension of existing colonies of the same promoter when continuous can also be applied for under this notification, provided Completion Certificate to the previous colony has been issued. In case of any doubt in any quarter whatsoever, guidance shall be obtained from the provisions of the Punjab Apartment and Property Regulation Act, 1995 and the rules framed thereunder. In case any clarification regarding this scheme is required, the matter shall be forwarded to the State Government, in the Department of Housing and Urban Development, and the decision of the State Government shall be final and binding on all concerned. Notifications Department of Housing and Urban Development (Housing-1 Branch), Notification, dated the 24th August, 2005 No. 1/149/96-4HG/8298. - In partial modification of Punjab Government Notification No. 1/149/96-4HGI/550, dated 20th January, 2005, the Governor of Punjab is pleased to direct that the scope of the aforesaid Notification No. 1/149/96-4HGI/550, dated 20th January, 2005 shall be extended to cover all plots, irrespective of size, coming up in Colonies and Industrial Estates/Parks approved :- (i) under the provisions of the Punjab Apartment and Property Regulation Act, 1995 (Act No. 14 of 1995); or (ii) under the terms and conditions of the conditional exemption accorded under the Punjab Apartment and Property Regulation Act, 1995 (Act No. 142 of 1997); or (iii) and developed by any Punjab Government Board/Corporation or Undertaking, including the Punjab Small Industries and Export Corporation Limited (PSIEC) and the Punjab State Electronics Development Corporation Limited, within the area to which the said Notification, dated 20th January, 2005 applies.

2. Nothing in this Notification shall effect to the existing delegation of work and powers in respect of the Urban Estate developed by or otherwise under the management of the Punjab Urban Planning and Development Authority (PUDA) and the said work shall continue to be disposed of as before.

3. Nothing in this Notification shall alter the areas of the State to which the Notification dated 20th January, 2005 applies.

4. The other terms and conditions shall continue to be as embodied the said Notification dated 20th January, 2005.

5. This Notification shall come into force with immediate effect.

Department of Housing and Urban Development (Housing-II Branch), Notification, dated the 16th March, 2005 No. 17/1/2005-1HgII/2379. - Whereas the Industrial Policy-2003 (in particular its paragraph 10.4.3) provides that the Industrial Parks in the State would be exempted from the provision of the Punjab Apartment and Property Regulation Act, 1995 (Punjab Act No. 14 of 1995).

2. And, whereas M/s. Punjab Biotechnology Park Limited have already been granted approval for setting up a Bio Technology Park, in an area about 105 Bigha, 15 Biswa at village Behra, tehsil Derabassi, district Patiala.

3. And, whereas the requisite Eligibility Certificate dated 9th February, 2005 has been issued by the Department of Industries and Commerce and circulated, - vide Endorsement No. CC/JDP/PAPL/614, dated 9th February, 2005, consequent upon the decision taken in meeting of the Empowered Committee for Industrial Approvals held on 9th February, 2005 under the Chairmanship of Chief Secretary, Punjab.

4. And whereas the Governor of Punjab is of the opinion that circumstances exist which render it expedient to do so.

5. Now, therefore, in exercise of the powers vested in him under Section 44(2) of the Punjab Apartment and Property Regulation Act, 1995 (Punjab Act No. 14 of 1995) and all other powers enabling him to act in this behalf, the Governor of Punjab is pleased to exempt the aforesaid Bio Technology Park proposed at village Behra, tehsil Derabassi, district Patiala from all provisions of the Punjab Apartment and Property Regulation Act, 1995 (Punjab Act No. 14 of 1995), except Section 32, subject to the following terms

and conditions :-

The lay out plan shall be sanctioned by the Chief Town Planner, in keeping with such general guidelines as the Department of Industries and Commerce may issue in respect of such Parks from time to time. Department of Housing and Urban Development (Housing-II Branch), Notification, the dated 17th March, 2005 No. 2/3/92-5HG2/2429. - The Governor of Punjab is pleased to insert the following in the Schedule under eligibility conditions 1(c) in the procedure to obtain the approval to develop small colonies in the various parts of the State of Punjab, earlier notified, - vide Government of Punjab, Department of Housing and Urban Development Department Notification No. 2/3/92-5HG/2460, dated 18th January, 2005. OR "The promoter shall produce a letter of consent from the land owners as prescribed in the Punjab Apartment and Property Regulation Act, 1995 and the Statutory rules framed thereunder".