

New External Development Charges Policy (In short New EDC Policy), 2004

PUNJAB

India

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Rule

NEW-EXTERNAL-DEVELOPMENT-CHARGES-POLICY-IN-SHORT-NEW of 2004

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New External Development Charges Policy (In short New EDC Policy), 2004Published vide Punjab Government Notification No. 17/17/01-5HGII/6930, dated 23rd June/6th July, 2005Department of Housing and Urban Development (Housing-II Branch)No. 17/17/01-5HGII/6930. - In exercise of powers conferred by Section 34 of the Punjab Apartment and Property Regulations Act, 1995 (Punjab Act No. 4 of 1995), the Governor of Punjab is pleased to revise policy on External Development charges with regard to payment of External Development Charges by the promoters in licenced colonies as under :-

1.

This policy shall be called New External Development Charges Policy (In short New EDC Policy), 2004.

2.

This shall be deemed to have come into force on and with effect from 23rd day of February, 2004.

3.

The basic rates of EDC as applicable to various Cities/Towns/Other areas shall be :-

- (i) For Corporation Towns (and within 15 Kms. of its periphery)

| | |
|---|--------------------------------|
| | Rs. 3,50,000/- per gross acre |
| (ii) 'A' class Municipal Towns (and within 5 Kms. of its periphery) | Rs. 2,50,000/- per gross acre |
| (iii) Other cities/towns and other areas (and within 5 Kms. of its periphery) | Rs. 1,50,000/- per gross acre |
| (iv) Commercial/Group Housing/Complexes | Rs. 5,00,000/- per gross acres |

In case a colony falls within the periphery of Municipal Corporation and Municipal Council as mentioned above, the Higher of the two rates shall be applicable.

4.

EDS arrears as per earlier one time settlement policy dated 7th December, 2001 are capitalized from 1st March, 2002 to 29th February, 2004 @ 15% interest per annum which further capitalized @ 1.5% incremental interest till 31st May, 2004. The interest liability for the period from 1st April, 2004 to 31st May, 2004 will be calculated/intimated separately and will be recovered along with last installment of the 80% amount while working out the recoverable amount the amount outstanding against the promoter as on 28th February, 2002 as per terms and conditions of licence will be taken as the base line.

5.

The 20% of the capitalized amount, which required to be deposited by the promoter by 30th June, 2004 with an undertaking that he will withdraw all appeals, revisions and writ petitions, if any, and will not challenge, this policy in any Court of Law, the basis EDC rates and methodology of calculation, except the arithmetical calculations (Specimen of undertaking can be obtained from the office of Chief Administrator).

6.

The balance 80% shall be deposited in five half yearly instalments with 12% interest per annum.

7.

Where letter of intent was issued before 7th December, 2001, the previous higher rate of Rs. 7,07,250/- per acre etc. shall stand revived, if the promoter fails to deposit at least 20% of the capitalized amount of EDC arrears within the stipulated time-frame i.e. upto 30th June, 2004.

8.

In other cases, failure to meet the deadline to deposit 20% of the capitalised amount shall result in

penal rate of 18% per annum being charged to calculate the capitalised amount and the subsequent instalments of accumulated EDC, arrears shall attract interest @ 15% per annum instead of 12% per annum, in addition the penal action against the promoters under provision of Punjab Apartment and Property Regulation Act, 1995 and statutory rules, framed thereunder shall be initiated.

9.

Since it is a special one-time concession being offered to the promoters liquidate the old pending arrears, so it is required to voluntarily furnish a written, irrecoverable and legal undertaking in the specified format to the effect that the revised basic rates (except the calculation part) and the schedule of the payment shall not be challenged, in any Court or Tribunal or Commission or Appellate/Reversionary Forum whatsoever including the invocation of Writ Jurisdiction of the Courts.

10.

All the old cases which may have filed before any judicial/quasi judicial authority regard to EDC shall be withdrawn.

11.

In case any promoter fail to deposit the amount as per the above schedule and furnish the required undertaking by due date, it will be presumed that he do not accept this offer and in that event, the old rates of EDC will stand revised in respect of old licences and penal under Punjab Apartment and Property Regulation Act, 1995 and rules framed thereunder will be initiated against him.

12.

Any previous communication by the Competent Authority adopting a different rates/schedule/terms and conditions in respect of EDC assessment shall deemed to have been set aside and/or withdrawn but shall be simultaneously deemed to have been substituted by the new communication to be issued by the Competent Authority in accordance with the directions contained in the statutory orders passed on 23rd February, 2004. However, for clarification it is again retreated that if the promoter fails to deposit the amount as per schedule of this policy and furnish the required undertaking the old rates of EDC of the year 1998 shall be charged by the Competent Authority.

13.

The Appellate Authority shall dispose of the pending appeals in accordance with this policy and remand the case back to the Competent Authority for action in accordance with this policy. However, where the question in appeal relates to matters other than the EDC rate, the same shall be continued to be heard and decided on merits.

14.

This policy has already become operational w.e.f. 23rd February, 2004.