



HOUSING BOARD HARYANA
PLOT NO.C-15, AWAS BHAWAN, SECTOR-6, PANCHKULA
E-mail: cahbhpk1@gmail.com Website: www.hbh.gov.in

No.HBH/CRO (PM) /2021/3866-74 Dated 13-5-2021

To

The Executive Engineer,
Housing Board Haryana,
Panchkula/ Karnal/ Rohtak/ Faridabad/Gurugram.

The Estate Manager,
Housing Board Haryana,
Panchkula/Kurukshetra/Panipat/Karnal/Hisar/Rohtak/
Rewari/Sonipat/Gurgaon and Faridabad.

Sub: Implementation of Composition Fee/Compounding fee in case where alteration in Building have been done by allottees before execution of Conveyance Deed.

Please refer to the above noted subject.

The matter for implementation of composition fee/compounding fee in case where alteration in building have been done by allottees before execution of conveyance deed was placed before the BOM in its 217th meeting vide agenda item No. 217.17 and the Board has approved the proposal subject to the followings:

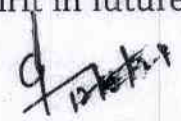
- i. The policy shall be applicable to all colonies falling under the jurisdiction of HBH, i.e., where allotment is made by HBH;
- ii. The allottee/architect shall submit structural drawings along with a structural stability certificate to be issued by a civil/ structural engineer. The system being adopted by HSVP, ULB & HSIIDC.
- iii. Provision be made to get these cases processed through software being adopted by HSVP, HSIIDC & Urban Local Bodies Department.

In order to streamline the system of alterations/violations in HBH colonies, it will be appropriate to introduce a system of Self-assessment in case of compoundable violations along-with an application (along-with a soft copy of all documents on a CD) for the purpose of regularisation of violations done by allottees before expiry of HPTA with the following measures:-

1. The Self Assessment form shall be filled in and signed by the Supervising Architect along-with the application of allottee to be submitted in Estate Manager, HBH office on the standard format to be provided by HBH (Which can be downloaded from HBH website i.e.hbh.gov.in)
2. The Architect shall refer the list of compoundable violations and rates adopted by HSVP/ Haryana Building Code 2017 (as amended from time to time) for the purpose of composition of violations. The compoundable violations and their measurement details (as present on site) shall be filled accordingly. He shall further calculate the amount of penalty at the specified rates.
3. The Self Assessment form shall be accompanied with a demand draft of the penalty amount. These shall be submitted while applying for the Conveyance Deed.

4. While submitting the Self Assessment form, a certificate shall be given by the Architect that the compoundable violations mentioned in the Self assessment form conform to the HSVP compounding policy and that there are no non-compoundable violations in the building work.
5. The concerned SDE/JEs will check the measurements and calculations shown in the self-assessment form by visiting the premises. They shall also make sure that the measurements shown tally with those on actual site.
6. (i) It may be possible that after the execution of Conveyance Deed, but before the end of HPTA period for the colony as a whole, such allottee who has already got the conveyance deed executed, may have made further alteration or may have constructed additional floor in the flat/house.
- (ii) To check this alteration, the concerned Estate Manager shall issue notice to all the allottees to submit their Self assessment regarding Compoundable & Non-Compoundable alteration, four months before the HPTA period of such Housing Board colony ends.
- (iii) Further procedure as detailed at Sr No 1 to 5 above shall be followed in all such cases for the purpose of composition of violations.
7. The Self Assessment form for the composition of violations of the properties located in Housing Board colonies, shall be submitted/ considered on the basis of the composition rates as finalized/ adopted by HSVP, and as amended/adopted by HSVP/ Haryana Building Code 2017 (as amended from time to time) in accordance with these instructions.
8. Any false information in the Self Assessment form may lead to charges of professional misconduct in which case the Board may refer the case of the Architect to the Council of Architecture for disciplinary action as provided in Regulation 85 (c) of the HUDA [Erection of Buildings] Regulations, 1979/ Haryana Building Code 2017 (as amended from time to time).

A copy of approved agenda containing fee structure is enclosed herewith.
The above decision may be complied with in letter and spirit in future.


CHIEF ADMINISTRATOR

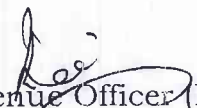
No. HBH/CRO (PM)/2021/3875-86

Dated : 13-5-2021

A copy of the above is forwarded to the following for information and necessary action:

1. The Chief Engineer/STP/CAO/Architect/DDA/CRO(PM)/CRO(E&A)/ Supdt (Admn.) HBH, Panchkula.
2. PS/Chairman, PS/Chief Administrator, PA/Secretary, Housing Board Haryana, Panchkula.
3. ☒ In-Charge IT Cell, HBH Panchkula to upload the same on website of HBH.

DA/As above


Revenue Officer (PM),
For Chief Administrator

Agenda item No. 217.17

To consider and approve the implementation of composition fee/compounding fee in case where alteration in Building have been done by allottees.

The main objective of Housing Board Haryana is to meet out the Housing demand of all sections in accordance with the guidelines issued by the State Government from time to time. Main emphasis of Housing Board Haryana is to construct houses for socially and economically weaker sections of the society. The Housing Board Haryana since its inception has constructed 95924 houses of different categories upto 31.03.2020, out of which 71999 houses are for BPL/EWS/LIG categories of the society.

2. After completion of project, Housing Board Haryana allots the flats/House to the allottees on the approved terms and conditions. As per condition No.6 of the allotment letter whereby it has been mentioned that *"the allottee shall not make alternation in the tenement without the previous approval of the Board and also of the local authority concerned. The allottee shall not make any unauthorized construction/encroachment and shall not use house other than for residence."* (Annexure-A). While executing conveyance deed by the Estate Manager concerned, it is mandatory to have an affidavit from the allottees to the effect that no encroachment/ alteration in the house/ flat has been made by him. Despite that, it has been noticed and the complaints are coming that the allottees are making alteration/ encroachment in the existing House/ flats as per their convenience without having any prior approval from the Housing Board Haryana & Local Authority.

3. In compliance to directions of Hon'ble High Court dated 21.07.2005 in CWP No. 96 of 1997, the Chief Secretary, Haryana held a meeting on 05.09.2005 with the Heads of HUDA, Housing Board Haryana, Municipal Corporation, Faridabad and Town and Country Planning Department to define the areas of jurisdiction of each of the authorities for taking action against unauthorized construction and misuse of residential properties/premises. In the aforesaid meeting, the following decisions were taken to define the areas of jurisdiction of various authorities.

- (i) **The Housing Board Colonies which exist in HUDA sectors and where Hire Purchase Tenancy Agreement (HPTA) is in operation and conveyance deed has not been executed, action against misuse of residential premises/ violations of zoning plans/ building bye-laws etc. will be taken by Housing Board Haryana.**
- (ii) Where Hire Purchase Tenancy Agreement (HPTA) has expired and conveyance deed has been executed, action against misuse of residential premises/ violations of zoning plans/ building bye laws etc. will be taken by HUDA in the Housing Board Colonies existing in HUDA sectors/ areas.
- (iii) Action regarding removal of encroachments in Housing Board Colonies in HUDA sectors/ areas on public lands like parks and roads berms etc. will be taken by HUDA.
- (iv) Municipal Commissioner, Faridabad will take action against misuse of residential premises/ violation of zoning plan/ building bye-laws/ removal of encroachment etc. in areas developed by HUDA & Housing Board but transferred to Municipal Council, Faridabad. **In case the Hire Purchase Tenancy Agreement (HPTA) is in operation Housing Board will take action against misuse of residential premises/ violation of zoning plan/ building bye-laws.**
- (v) The Local Authority is not excluded from taking action against the misuse of residential premises/violation of zoning plan/ encroachments etc. before 31.10.89.

4. Necessary directions were issued vide memo No. CVO-EO-2005/23614-27 dated 14.09.2005 (Annexure-B) to all concerned for taking action against

unauthorized construction and residential premises in compliance of Hon'ble High Court order dated 21.07.2005.

5. The HSVP(HUDA) has also framed a policy regarding composition Rates for compoundable violations in Plotted Residential Development applicable to T&CP Department and HUDA circulated vide Memo no. CTP (H)/DTP(N)-17370-414 dated 28.09.2006(Annexure-C) and further amended by CTP/DTP(N)/JS-6638-86 dated 17.07.2008(Annexure-D). The description of violations/composition rates and Amendments thereof as for above polices are reproduced as under:-

Sr. No.	Description of violation	Composition rates as per Memo no. CTP (H)/DTP(N)-17370-414 dated 28.09.2006	Amendments as per CTP/DTP(N)/JS-6638-86 dated 17.07.2008
1.	BUILDING WITHOUT PLAN		
a.	Construction raised without getting plan sanctioned and the construction so made conform to the building bye laws/ zoning.	Compoundable @ Rs. 400/- per sq. mts.	Building without Plan: - Presently the allottee has two options available with them regarding sanction of building plan. The allottee can either get the building plan sanctioned prior to starting construction or they can follow the self certification procedure. Therefore, the allottee should start construction only after sanction of plans as per the procedure prescribed in one of the above options. This will facilitate HUDA to know the exact date of starting construction. Therefore, it has been decided to amend clause 1 (a) of compounding policy mentioned under reference and the earlier provisions of the policy to compound the constructions raised without sanction of building plan has been discontinued.
b.	Constructed without building plans revalidated	Compoundable @ Rs. 100/- per sq. mts. on constructed area.	
2.	Covered area:		
a.	Covered area beyond zoning line but within permissible limits	Compoundable upto maximum limit of 10% of the setback to be compounded @ Rs. 10,800/- per sq. mts.	
b.	Excess covered area beyond permissible limit within zoned area.	Compoundable upto 10% of the total permissible FAR. Upto 5% @ Rs. 3300/- per sq. mts. and beyond 5% @ Rs. 6500/- per sq. mts.	
c.	Excess covered area beyond zoning line.	Compoundable upto maximum limit of 10% of the setback to be compounded @ Rs. 10,800/- per sq. mts. (This will be over and above the composition fee of excess covered area).	
3.	Height of the building		

a.	Increase in height upto (including parapet and mummy) beyond permissible limit where no frame control is applicable (i) Upto 50 cm. Above 50 cm. to 1.00 meter.	Compoundable Nil Rs. 2000/- per sqm. of covered area subject to the maximum of 12 sq. mts.	
4.	Light and ventilation		
a	Non provision of exhaust fan/flue in the kitchen	Compoundable @ Rs. 200/- each	
b	General light and ventilation including toilets	Variation upto 10% is compoundable @ Rs. 1100/- per sq. mts.	
5.	Height and size of habitable and other rooms.		
a.	Variation in height and size of habitable rooms, kitchen and toilets.	Reduction in height upto 10cm. and reduction in area upto 5% of the minimum required is compoundable @ Rs. 500/- each.	
6.	Height of boundary wall and type of gate		
a.	Change of design, height, size and location of the gate/wicket gate and boundary wall.	Compoundable @ Rs. 1000/- each per violation upto the maximum of 10% in size and height of gate/wicket gate and boundary wall.	
7.	Damp Proof Course (DPC)		
a.	Construction without obtaining DPC certificate but according to approved building plan.	Compoundable @ Rs. 5/- per sq. mts. of the permissible ground coverage.	
b.	Changing DPC after obtaining DPC certificate but confirming to building bye-laws/zoning.	Compoundable @ Rs. 10/- per sq. mts. of the permissible ground coverage.	
8.	Stair case		
a.	Steps outside the zoned area on ground floor	Steps shall not be counted towards covered area and compoundable @ Rs. 1000/- per step subject to the maximum of five steps and maximum width of 1.20 mts. having maximum tread of 30 cm. each.	
b.	Tread and riser not as per rules.	Variation upto 10% compoundable @ Rs. 100/- per step.	
c.	Provision of winder steps at landings only.	Compoundable @ Rs. 200/- each.	
d.	Width of staircase reduced from minimum width prescribed under the rules.	Reduction only upto 10 cm. is compoundable @ Rs. 500/- per stair case.	
e.	Head room height reduction from the minimum prescribed under the rules.	Upto 10 cm. is compoundable @ Rs. 500/- each Head room.	
9.	Cantilever projection		
a.	Sanctionable projection but not shown in the sanctioned building plan.	Compoundable @ Rs. 100/- per sq. mts.	Before formulation of uniform compounding policy in the year 2000,

				projections in frame control houses were allowed/compounded up to full width of the plot. In the uniform compounding policy of the year 2000, 1.0 mts projection was allowed in rear & front up to 2/3rd width of the plot @ Rs. 50/- per sq. ft. in frame controls houses of 6 Marla and 10 Marla. The policy further stipulated that beyond 2/3rd width, it should not be compounded. In the revised policy effective from 28.09.06, there is no mentioned of projection within frame control houses. Allottees have constructed projections in 2/3rd portion as well as in the balance 1/3rd portion on the basis of projection constructed in the houses adjoining their plots and now such cases are stuck up for completion. Allowing some projection in the 1/3rd portion is a necessity for the purpose of protection of door/windows from sun/rain. Therefore, it has been decided to allow the projection up to the frame line by compounding them @ Rs. 500/- per sq. mts. Further, increase in the projection beyond 1.0 mts due to cladding etc be compounded @ Rs. 11,000 per sq. mts up to a maximum of 2% of the plot width treating it as zoning violation.
b.	Non-sanctionable cantilever projection but within zoning line.		Compoundable @ Rs. 500/- per sq. mts.	
c.	Non-sanctionable cantilever projection outside zoning line.		Violation upto maximum limit of 10% of the set back line is Compoundable @ Rs. 11,000/- per sq.mt	
d.	Cantilever Cup Board/bay window		To be counted in covered area violation.	
e.	Projection on Govt. land		Compoundable to the limit of 30 cm. in width @ Rs. 1000/- per sq.mt at door/window level only.	
10.	Ventilation Shaft			
a.	Area of shaft is less than the permissible		Variation upto 10 is compounded @ Rs. 9,000/- per sq.mt	
b.	Shaft covered at 2.40 meters height		Compoundable @ Rs. 1000/-each provided light and ventilation parameters are being met with.	
11.	Miscellaneous			

a.	Unauthorized occupation	Compoundable @ Rs. 50/- per sq. mts. of the permissible ground coverage.	
b.	Pipe shaft beyond zoning line	To be counted in covered area violation	
c.	Non load bearing architectural pillars.	Compoundable @ Rs. 1000/- each provided it is less than 30 cm. in dia not touching roof or projection and maximum up to 4 pillars.	
d.	Minor changes like shifting of internal wall, door, window, ventilator, loft over door and other changes in elevations	Compoundable @ Rs. 100/- each.	
e.	Store converted into kitchen, provided it meets with the provisions of rules.	Compoundable @ Rs. 1500/-	

NOTE:- All the violations not covered by the composition rates listed above are non compoundable except minor variation in Public Health Services such as construction of underground water tank etc. which are to be ignored.

6. In addition to above, separate rates for composition of violations in other uses, viz. commercial etc also stand issued. Further, HSVP vide its Memo no SA/HUDA/09/2186 dated 08.06.2009 has circulated Guidelines for Self Assessment Performa to be submitted by allottees of HSVP along-with application of Occupation Certificate (**Annexure-E**), so that system is streamlined and delay occurred in checking/assessment of violations can be avoided. The guidelines issued by HSVP are reproduced as under:-

1. That the completed Self Assessment form shall be submitted by the applicant along-with form BR IV A/B, when he applies for Occupation Certificate.
2. That the Self Assessment form shall be filled in and signed by the Supervising Architect on the standard format to be provided by HUDA. (Which can be downloaded from HUDA's website i.e.huda.gov.in)
3. That the Architect shall refer the list of compoundable violations and rates circulated by HUDA from time to time. The compoundable violations and their measurement details (as present on site) shall be filled accordingly. He shall further calculate the amount of penalty at the specified rates.
4. That the Self Assessment form shall be accompanied with a demand draft of the penalty amount. These shall be submitted while applying for the Occupation Certificate.
5. That while submitting the Self Assessment form, a certificate shall be given by the Architect that the compoundable violations mentioned in the self assessment form conform to the HUDA compounding policy and that there are no non compoundable violations in the building work
6. That any false information in the Self Assessment form may lead to charges of professional misconduct in which case the Authority may refer the case of the Architect to the Council of Architecture for disciplinary action as provided in Regulation 85 (c) of the HUDA [Erection of Buildings] Regulations, 1979.
7. That the J.Es will check the measurements and calculations shown in the self assessment form by visiting the premises as per present practice. They shall also make sure that the measurements shown tally with those on actual site. SDEs will test check at-least 10% of the applications on monthly basis.
8. That the Administrators should arrange at-least two training sessions of the Private Architects within their Zones during June and July' 09 so that doubts regarding the self assessment policy are cleared and implementation is smooth. For this purpose, the S.D.E. (Buildings) or other technical officers may be asked to hold training sessions but these shall be presided over by the Administrators themselves.
9. The format of the Self Assessment form is enclosed along-with these instructions, which has been E mailed separately also.
10. It has been decided to enforce these provisions with effect from 1st July, 2009.

7. **PROPOSAL:** In view of the above it is clear that detailed guidelines already stand formulated by HSVP in this regard, which is proposed to be adopted by HBH, along with amendments, if any, made/ adopted by HSVP/ Haryana Building Code 2017 (as amended from time to time) in future. Accordingly, in order to streamline the system of composition of offences in HBH colonies, it is proposed to introduce a system of Self-assessment in case of compoundable violations along-with an application (along-with a soft copy of all documents on a CD) for the purpose of regularisation of violations done by allottees before expiry of HPTA with the following measures:-

1. That the Self Assessment form shall be filled in and signed by the Supervising Architect along-with the application of allottee to be submitted in Estate Manager, HBH office on the standard format to be provided by HBH (Which can be downloaded from HBH website i.e.hbh.gov.in)
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 - (ii) To check this alteration, the concerned Estate Manager shall issue notice to all the allottees to submit their Self assessment regarding Compoundable & Non-Compoundable alteration, four months before the HPTA period of such Housing Board colony ends.
 - (iii) Further procedure as detailed at Sr No 1 to 5 above shall be followed in all such cases for the purpose of composition of violations.
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The proposed Agenda is placed before the Board of Members for consideration and approval please.