

HARYANA SHEHARI VIKAS PRADHIKARAN, SECTOR-6, PANCHKULA.

No.HSVP/CCF/Acctt-II/2019 88192-93

Dated: 15/5/19

To

1. The Administrator,
HSVP, Panchkula.
2. The Estate Officer,
HSVP, Panchkula.

Subject:- Calculation of additional price on account to enhanced compensation in respect of sector-24 to 28, Panchkula Urban Estate.

1. Please find enclosed copy of the Agenda Item No. P-117th (11) which has been approved by the Pradhikaran in its meeting held on 18.2.2019 as below:-

"Approved. It was also decided that the area falling under the open space Zone of Ghaggar River may also be planned and developed."

2. As required under Regulation 22 of Haryana Urban Development (Disposal of Land and Buildings) Regulations, 1978, the State Government has given its consent on 4.5.2019 for implementation of the agenda approved by Pradhikaran.

DA/As Above:

[Signature]
Accounts Officer,
for Chief Controller of Finance
HSVP, Panchkula

Endst.No.HSVP-CCF-Acctt-II-2019/-

88195

Dated: 15/5/19

A copy of the above is forwarded to the GM(IT), HSVP, Panchkula with the request to upload the above said instruction on HSVP Website.

[Signature]
Accounts Officer,
for Chief Controller of Finance
HSVP, Panchkula

Agenda item No.P-117th (11)

Calculation of additional price on account to Enhanced Compensation in respect of Sector-24 to 28, Panchkula Urban Estate.

A peculiar situation has emerged in respect of trans-Ghaggar Sectors-24 to 28 in Panchkula Urban Estate. These five sectors were built on the land acquired in 1992 vide LAO, Panchkula award No.5,6,7,&8 dated 17.06.1992 and issue of compensation is now settled as per final Apex Court orders dated 09.10.2017 qua this acquisition in SLP (c) No. 28906/2016. The cost of this acquisition and the enhancement (EC) demanded from the allotted of various plots, whether Residential/EWS/CGHS, is on much higher side on account of the vast open spaces left out because of flawed acquisition of private lands falling in the river action/river bed of the river Ghaggar. Of the over 1154 acres total land acquired, nearly 272 acres land is in Ghaggar river and is the open spaces and Right of Way (RoW) of this river.

Rule 12 of the Punjab Scheduled Roads and Controlled Areas (PSRCA) Restriction of Unregulated Development Rules, 1965 states that: -

"12. Percentage of area under roads and open spaces in the lay-out plans [Section 25 (2) (f)]. - *In the layout plan of the colony, the land reserved for roads, open spaces, schools, public and community building and other common uses shall not be less than forty-five per centum of the gross area of the land under the colony; provided that the Director may reduce this percentage to a figure not below thirty five where in his opinion the planning requirements and the size of the colony so justify."*

Rule 4 of the Urban Areas Rules, 1976 is also similarly worded.

Thus, clearly there is a min-max in terms of planned saleable area under the Town & Country Planning laws of the state. The total plotted area cannot be more than 55% in a sector and in very exceptional cases, with approval of Director, it can be 65%. Though, there is not legal minima or maxima for the open space(s) in a sector and it can legally be even 100%. In GMUC FDP-2031, 100% open space have been provided in sector-9B, 72A, 77, 78, 94 etc. in the interest of equity and affordability for the allottees. The planned saleable area is generally kept between 50-55% in a sector. However, as is clear from the table below, in these sectors it is only around 38% and it varies from a low of 15.85% (Sec.24) to 47.30% (Sec.25).

Sector No.	Including Ghaggar % of Plotable area	Excluding Ghaggar % of Plotable area
24	15.85	43.23
25	47.30	49.90
26	37.86	47.70
27	43.79	53.30
28	35.07	49.88
Total %age	37.98	49.67

The Regulation 4 of the HSVP Land Disposal Regulation, 1978 regulates the tentative pricing and qua these sectors 25 to 28, especially sector-24, the oversight of the Land Acquisition Authorities in 1992 has led to this piquant situation. These sectors, due to the language of the regulation 4 ibid, are being overly burdened by the 272 acre open space/Ghaggar land which shall be the green lungs/conservatory for the entire town ! It is clarified here that the open space /sectors of GMUC are a part of the EDC cost of the GMUC FDP-2031 A.D. and not directly burdened on one particular sector but paid by the entire DP area licences.

In the interest of fairness and equity qua the allottees of these 5 sectors, it is proposed that all of these sectors the area of River Ghaggar acquired as part of these awards may be taken out of these calculations by exercising the powers relaxation provided in Regulation-22 of the 1978 Regulations. After this area is excluded the position becomes:-

Areas in acres					
Sr. No.	Sector No.	Total area	Total area without Ghaggar	Saleable area	Common area without Ghaggar
1	2	3	4	5	6
1.	24	120.00	44.00	19.02	26.50
2.	25	218.30	206.92	103.25	103.64
3.	26	328.04	260.36	124.20	136.16
4.	27	238.62	196.01	104.48	91.53
5.	28	249.30	175.28	87.43	87.85
Total		1154.00	883.00	438.00	446.00

The saleable area shall become 49.6% which is close to the general average and also within the parameters of Rule-12 of 1965 Controlled Area Rules as well as Rule of the 1976 Urban Areas Rules.

The sector-wise position, after excluding the Ghaggar land, will be:

Sector No.	Excluded Ghaggar Land	
	% Plotted area	% open area
24	43.2	56.8
25	49.9	50.1
26	47.7	52.3
27	53.3	46.7
28	49.8	50.2
Total %age	49.6	50.4

Thus, all the sectors shall be within a broad band of 43.2% to 53.3% plotted area as well as comply with the mandate of rule 12 of 1965 Controlled Areas Rules and rule 4 of the 1976 Urban Areas Rules and also be in line with the general average obtained in Panchkula and other Urban Estate of HSVP.

The cost of this land can be either provided by the State Government through the "**Mangal Nagar VikasYojna**" or be directed to be absorbed by the HSVP from its own resources.

The Hon'ble CM, Haryana-cum-Chairman, HSVP vide order dated 15.02.2019 has approved the above proposal to be placed before the Pradhikaran for appropriate decision.

Matter is placed before the Pradhikaran for decision please