

From

The Chief Administrator,
Haryana Urban Development Authority, Panchkula.

To

1. All the Zonal Administrators, HUDA.
2. All the Estate Officers, HUDA.

Memo No.U.B.-A-6-2013/7934-57 Dated. 18.02.2013

Subject: Policy relating to exchange of plots – revised policy.

This is in supersession of this office memo No. A-1/2004/23855 dated 25.06.2004, CVO/AU/-1/2007/43162-84 dated 10.12.2007 & UB-A-3/09/786-94 dated 06.01.2010 on the subject cited above.

The policy for allotment of alternative plots was last amended vide letter No. UB-A-3/09/786-94 dated 06.01.2010. In the policy dated 06.01.2010 it was mentioned that the instructions already issued vide memo No. A-1/2004/23855 dated 25.06.2004, memo No. CVO/AU/-1/2007/43162-84 dated 10.12.2007 shall continue to remain in force. Later on need was felt to issue a comprehensive policy relating to allotment of alternative plots. In the meantime the Hon'ble Punjab & Haryana High Court in CWP no. 21726 of 2012 has ordered to include certain additional provisions relating to allotment of alternative plots. In view of this it has been decided to issue a comprehensive policy which shall also include the provisions as ordered by the Punjab & Haryana High Court in the above said writ petition:-

The revised policy is as under:-

a) Conditions to be fulfilled for preventing allotment of a disputed plot:

1. A Committee consisting of concerned Administrator, Superintending Engineer, Estate Officer, District Town Planner and Executive Engineer, HUDA will verify at site the availability of plots provided in the approved layout/demarcation plan. Only thereafter, the available plots shall be floated for inviting applications.
2. If it comes to the notice of concerned Estate Officer before issuance of Allotment Letter that a plot is under litigation, the said plot shall not be allotted at all.

b) Conditions under which allotment of alternative plot shall be considered:

1. Where HUDA could not deliver the possession of plots due to litigation pending in the court by the original land owners.
2. Where the plot is not actually available on the ground as per layout plan.
3. Where dimension of the plot are not uniform and it is not feasible to regularize the shape of the plot as of a regular sized plot provided that:
 - a) The dimension of front/rear/of the two sides of the plots differ atleast by 20%.
 - b) The actual area of the plot is increased or decreased more than 20% of the allotted area.

c) Terms and Conditions of allotment of alternative plot:-

1. The alternative plot should be given in the same sector out of the balance available vacant plots. In case unallotted plots of required category/size are not available in the same sector, then plots shall be carved out in any unplanned pocket or plots shall be carved out by re-planning of available unsold plots of smaller/ bigger sizes and category, if found technically feasible. The alternative plots so carved out shall be allotted on the same terms and conditions on which original plot was allotted.
2. In case it is not possible to make available the plot of same size and category within the sector by adopting measures as aforesaid in (1) above, following option shall be available to allottee:
 - a. The allottee may wait till area falling under his plot, becomes available for allotment.
 - b. The allottee may seek refund of the amount deposited by him towards cost of plot. The amount shall be

refunded along with simple interest @ 9% per annum or interest rate, as decided by the Authority from time to time.

- c. The allottee may be offered an alternative plot in the adjoining sectors out of the available plots of the category or by carving out additional plots in the vacant pockets of land. If that is not possible, then an alternative plot may be offered to him in the next sector to be floated. In both the eventualities, the alternative plots shall be allotted on the same terms and conditions on which original plot was allotted. The amount deposited by the allottee against earlier allotted but disputed plot, shall be adjusted towards the cost of alternative plot along with simple interest @ 9% per annum. The interest shall be calculated on deposited amount after 3 years of the original allotment or from the date on which other allottees of that sector were offered possession, whichever is later.
3. The specific plot number of alternative plot to be allotted in lieu of disputed plot shall be determined by draw of lots.
4. The plot size, category of the plot will not be changed in any case. However, in case of P, GP and SP plots the alternative plot of P, GP and SP category shall be considered if available and in case such plots are not available then ordinary plot will be considered for allotment and additional amount of special category plots charged shall be refunded.
5. In case the allottee accepts allotment of alternative plot and the original plot of the allottee becomes available, after finalization of litigation or after the removal of encroachment, the same shall be allotted by HUDA through auction or on the updated price of that sector.
- d. **Power to sanction allotment of alternative plot.**
 1. The Chief Administrator, HUDA shall be Competent Authority to allot alternative plot in the same sector.
 2. In case of allotment of alternative plots in sectors other than the sector in which original plot was allotted, approval of Chairman HUDA shall be required.

This has been issued with the approval of Hon'ble C.M.-cum- Chairman HUDA.

-sd/-

Administrator (HQ)

For Chief Administrator, HUDA, Panchkula.

Endst. No.A-6-UB/2013/7958-93 Dated. 18.02.2013

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

1. The Chief Controller of Finance, HUDA, Panchkula.
2. The Chief Engineer, HUDA, Panchkula.
3. The Chief Town Planner HUDA, Panchkula.
4. All The Superintending Engineers, HUDA.
5. The District Attorney, HUDA, Panchkula.
6. The General Manager (IT) HUDA, Panchkul
7. All The District Town Planners.
8. Dy. ESA, HUDA, Panchkula.

-sd/-

Administrator (HQ)

For Chief Administrator, HUDA, Panchkula